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1960 AND 1961

CONSTITUTION OF 1879 AS AMENDED
MEASURES SUBMITTED TO VOTE OF ELECTORS,
SPECIAL ELECTION, JUNE 7, 1960
GENERAL ELECTION, NOVEMBER 8, 1960

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

PASSED AT

THE 1960 REGULAR SESSION OF
THE LEGISLATURE

THE 1960 FIRST AND SECOND EXTRAORDINARY
SESSIONS OF THE LEGISLATURE

AND

THE 1961 REGULAR SESSION OF THE LEGISLATURE



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101—L-1555

CHAPTER 1247

An act to add Section 483 to the Streets and Highways Code, relating to state highways.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 483 is added to the Streets and Highways Code, to read:

483. Route 183 is from Route 83 near Canyon Dam to Route 29 near Westwood.

CHAPTER 1248

An act to amend Sections 5655, 5665, 5680, and 5681 of, and to add Sections 5680.1 and 5680.2 to, the Business and Professions Code, relating to landscape architects.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5655 of the Business and Professions Code is amended to read:

Certificates

5655. Certificates to practice landscape architecture shall remain in full force until revoked or suspended for cause, or until they expire, as provided in this chapter.

SEC. 2. Section 5665 of said code is amended to read:

Suspended certificate: Expiration, renewal, etc.

5665. A suspended certificate is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the holder of the certificate, while it remains suspended and until it is reinstated, to engage in the activity to which the certificate relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

Revoked certificate

A revoked certificate is subject to expiration as provided in this chapter, but it may not be renewed. If it is reinstated after its expiration, the holder of the certificate, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 3. Section 5680 of said code is amended to read:

Expiration date

5680. Certificates issued under this chapter expire at 12 p.m. on January 31 of each even-numbered year, if not renewed. To renew an unexpired certificate, the certificate

holder shall, on or before January 31 of each even-numbered year, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

SEC. 4. Section 5680.1 is added to said code, to read:

Renewal of certificate

5680.1. Except as otherwise provided in this chapter, a certificate which has expired may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate is renewed more than 30 days after its expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the certificate shall continue in effect through the date provided in Section 5680 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

Certificate not renewed

A certificate which was not renewed at the time and in the manner provided under the law in effect before October 1, 1961, shall, for the purposes of this article, be considered to have expired on the date that the renewal fee became delinquent.

SEC. 5. Section 5680.2 is added to said code, to read:

Application for new certificate

5680.2. A certificate which is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter, but the holder of the certificate may apply for and obtain a new certificate if:

(a) He is of good moral character,

(b) No fact, circumstance, or condition exists which, if the certificate were issued, would justify its revocation or suspension,

(c) He pays all of the fees which would be required of him if he were then applying for the certificate for the first time, and

(d) He takes and passes the examination which would be required of him if he were then applying for the certificate for the first time, or otherwise establishes to the satisfaction of the board that he is qualified to practice landscape architecture.

The board may, by regulation, authorize the waiver or refund of all or any part of the examination fee in those cases in which a certificate is issued without an examination under this section.

SEC. 6. Section 5681 of said code is amended to read:

Fees

5681. The amount of fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for examination is twenty dollars ($20).

(b) The fee for an original certificate is as follows:

(1) For certificates issued before February 1, 1962, the fee is ten dollars ($10).

(2) For certificates issued after January 31, 1962, the fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate is issued less than one year before the date on which it will expire, then the fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The fee for a temporary certificate is twenty-five dollars ($25).

(d) The fee for a duplicate certificate is ten dollars ($10).

(e) The renewal fee is fifty dollars ($50), but the board may reduce the fee to not less than ten dollars ($10).

(f) The penalty for failure to notify the board of a change of address is five dollars ($5).

(g) The delinquency fee is three dollars ($3).

SEC. 7. This act shall become operative on October 1, 1961. Operative date

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CHAPTER 1249

An act to amend Sections 7725 and 7729 of, to amend and renumber Section 7726 of, and to add Sections 7725.1, 7725.2, 7725.3, 7725.4, and 7725.5 to, the Business and Professions Code, relating to funeral directors and embalmers.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 7725 of the Business and Professions Code is amended to read:

7725. Licenses and certificates issued under this chapter shall expire at 12 p.m. on January 31 of each odd-numbered year if not renewed. To renew an unexpired license or certificate, the holder thereof shall, on or before January 31 of each odd-numbered year, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter. Licenses and certificates: Expiration, renewal, etc.

The board shall mail on or before the 10th day of December of each even-numbered year to each licensed funeral director, each licensed embalmer and each registered apprentice, addressed to him at his last known address a notice that a renewal fee is due and payable.

SEC. 2. Section 7725.1 is added to said code, to read:

7725.1. Every person to whom a license or certificate is Initial license fee

issued after January 31, 1963, shall, as a condition precedent to its issuance, pay the initial license fee prescribed by this chapter.

SEC. 3. Section 7725.2 is added to said code, to read:

Renewal after expiration

7725.2. Except as otherwise provided in this article, a license or certificate which has expired may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last preceding regular renewal date. If the license or certificate is not renewed within thirty days after its expiration the license or certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license or certificate shall continue in effect through the date provided in Section 7725 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

If a license or certificate is not renewed within one year following its expiration, the board may require as a condition of renewal that the holder of the license or certificate pass an examination on the appropriate subjects provided by this chapter.

Applicability of provisions

The provisions of this article as amended by the Legislature at its 1961 Regular Session govern the renewal, after January 31, 1962, and the fees payable therefor, of licenses which expired before February 1, 1962, as well as licenses which expire thereafter.

SEC. 4. Section 7725.3 is added to said code, to read:

Renewal: Suspended license, certificate

7725.3. A suspended license or certificate is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the holder of the license or certificate, while it remains suspended and until it is reinstated, to engage in the activity to which the license or certificate relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

SEC. 5. Section 7725.4 is added to said code, to read:

Revoked license, certificate

7725.4. A revoked license or certificate is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the holder of the license or certificate, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 6. Section 7725.5 is added to said code, to read:

New license

7725.5. A license which is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter. The holder of the expired license may obtain a new license only if he pays all of the fees, and meets

all of the requirements, other than requirements relating to education, set forth in this chapter for obtaining an original license, except that the board may issue a new license to him without an examination if he establishes to its satisfaction that, with due regard for the public interest, he is qualified to engage in the activity in which he again seeks to be licensed. The board may, by appropriate regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a license is issued without an examination under this section.

The provisions of this section do not apply to certificates of apprenticeship

SEC. 7. Section 7726 of said code is amended and renumbered to read:

Reinstatement proceedings

7711. When a funeral director or embalmer has had his or its license suspended, canceled, or revoked by the board, the board, upon written application by the licensee affected, upon not less than 10 days' notice to all parties of record in the particular case, and after hearing all evidence offered in support of and in opposition to such application, may, in its discretion, and upon such terms as it may deem just, reinstate the applicant.

SEC. 8. Section 7729 of said code is amended to read:

Fees

7729. The amount of the fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for a funeral director's license is thirty-five dollars ($35).

(b) The fee for change of location is twenty dollars ($20).

(c) The fee for permission to assign a funeral director's license is fifteen dollars ($15).

(d) The application fee for an embalmer's license is twenty-five dollars ($25).

(e) The application fee for a certificate of registration as an apprentice is one dollar ($1).

(f) The renewal fee payable by a licensed funeral director shall be fixed by the board at not more than seventy dollars ($70), nor less than thirty dollars ($30).

(g) The renewal fee payable by a licensed embalmer shall be fixed by the board at not more than twenty dollars ($20) nor less than ten dollars ($10).

(h) The renewal fee payable by a registered apprentice is two dollars ($2).

(i) The delinquency fee for failure to pay a funeral director's renewal fee is ten dollars ($10).

(j) The delinquency fee for failure to pay an embalmer's renewal fee is ten dollars ($10).

(k) The delinquency fee for failure to pay an apprentice's renewal fee is five dollars ($5).

(*l*) The fee for permission to change the name appearing on the license is ten dollars ($10).

(m) The fee for a duplicate funeral director's license is five dollars ($5).

(n) The fee for a duplicate embalmer's license is five dollars ($5).

(o) The fee for a duplicate certificate of registration is one dollar ($1).

(p) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license or certificate is issued, except that if the license or certificate will expire within one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license or certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license or certificate is issued less than 45 days before the date on which it will expire.

Operative date

SEC. 9. This act shall become operative on February 1, 1962.

CHAPTER 1250

An act to amend Sections 4512, 4540, 4543, 4544, 4545, and 4548 of, and to add Sections 4545.1, 4545.2, and 4545.3 to, the Business and Professions Code, relating to psychiatric technicians.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 4512 of the Business and Professions Code is amended to read:

Certificate

4512. An applicant for a psychiatric technician's certificate shall, upon the filing of his application, pay to the board the application fee prescribed by this chapter.

SEC. 2. Section 4540 of said code is amended to read:

Unlawful use of title, etc.

4540. It is unlawful for any person to use any title or letters which imply that he is a certified psychiatric technician unless at the time of so doing he holds a valid, unexpired, and unrevoked certificate issued under this chapter.

SEC. 3. Section 4543 of said code is amended to read:

Initial certificate fee

4543. Every person to whom a certificate is issued under this chapter after February 15, 1962, shall, as a condition precedent to its issuance, and in addition to any other fee which may be payable, pay the initial certificate fee prescribed by this chapter.

SEC. 4. Section 4544 of said code is amended to read:

Expiration

4544. Certificates issued under this chapter before February 16, 1962, expire on February 15, 1962, if not renewed. Certificates renewed on or after February 15, 1962, and before January 1, 1964, and certificates issued after February 15, 1962, and before January 1, 1964, expire on December 31,

1963, if not renewed. Thereafter, all certificates expire on December 31 of each odd-numbered year, if not renewed.

To renew an unexpired certificate, the holder thereof shall, on or before each of the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

SEC. 5. Section 4545 of said code is amended to read:

Renewal of expired certificate

4545. Except as provided in Section 4545.2, a certificate which has expired may be renewed at any time within five years after its expiration on filing application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate is renewed more than 30 days after its expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the certificate shall continue in effect through the date provided in Section 4544 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

A certificate which was forfeited for failure to renew under the law in effect before October 1, 1961, shall, for the purposes of this article, be considered to have expired on the date that it became forfeited.

SEC. 6. Section 4545.1 is added to said code, to read:

Expiration of suspended certificate

4545.1. A suspended certificate is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the holder of the certificate, while it remains suspended and until it is reinstated, to engage in the activity to which the certificate relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

SEC. 7. Section 4545.2 is added to said code, to read:

Expiration of revoked certificate

4545.2. A revoked certificate is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the holder of the certificate shall, as a condition precedent to its reinstatement, pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 8. Section 4545.3 is added to said code, to read:

Application for new certificate

4545.3. A certificate which is not renewed within five years after its expiration may not be renewed, restored, reinstated, or reissued thereafter, but the holder of the certificate may apply for and obtain a new certificate if:

(a) No fact, circumstance, or condition exists which, if the certificate were issued, would justify its revocation or suspension,

(b) He pays all of the fees which would be required of him if he were then applying for a certificate for the first time, and

(c) He takes and passes the examination, if any, which would be required of him if he were then applying for the certificate for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he is qualified to perform the services described in Section 4502.

The board may, by appropriate regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a certificate is issued without an examination under this section.

SEC. 9. Section 4548 of said code is amended to read:

Schedule of fees

4548. The amounts of the fees payable pursuant to this chapter shall be fixed by the board according to the following schedule:

(a) The application fee at no more than ten dollars ($10) nor less than five dollars ($5).

(b) The renewal fee at no more than ten dollars ($10) nor less than two dollars ($2).

(c) The delinquency fee at five dollars ($5).

(d) The initial certificate fee at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, with respect to certificates which will expire less than one year after issuance, the fee shall be fixed at an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the wavier or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

Operative date

SEC. 10. This act shall become operative on October 1, 1961.

CHAPTER 1251

An act to amend Sections 7551, 7565, 7566, and 7580 of, to add Sections 7567, 7568, and 7569 to, and to repeal Section 7582 of, the Business and Professions Code, relating to private investigators and adjusters.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 7551 of said code is amended to read:

Revocation of license-Grounds

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

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

(b) Violated any provisions of this chapter.

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

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

(e) Impersonated, or permitted or aided and abetted an employee to impersonate a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof.

(f) Committed or permitted any employee to commit any act, while the license was expired which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license.

(g) Willfully failed or refused to render to a client services or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties.

(h) Committed assault, battery, or kidnapping, or used force or violence on any person, without proper justification.

(i) Knowingly violated, or advised, encouraged, or assisted the violation of any court order or injunction in the course of business as a licensee.

(j) Acted as a runner or capper for any attorney.

(k) Been convicted of a violation of Section 148 of the Penal Code.

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

SEC. 2. Section 7565 of said code is amended to read:

Expiration of license

7565. Licenses issued under this chapter, and the pocket cards issued pursuant thereto, shall expire at 12 p.m. on June 30, 1962, and thereafter at 12 p.m. on May 31 of each succeed-

ing even-numbered year if not, in each instance, renewed. To renew an unexpired license, the licensee shall, on or before the date on which it would otherwise expire, apply for renewal on a form prescribed by the director, and pay the renewal fee prescribed by this chapter. On renewal, a renewal license and renewal pocket cards for the persons mentioned in Section 7533 shall be issued to the licensee.

SEC. 3. Section 7566 of said code is amended to read:

Renewal of license

7566. Except as otherwise provided in this article, an expired license may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the director, and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 7565 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

Renewal of a license shall not prohibit the bringing of disciplinary proceedings for an act committed before the effective date of the renewal.

SEC. 4. Section 7567 is added to said code, to read:

Same: Suspended license

7567. A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

SEC. 5. Section 7568 is added to said code, to read:

Same: Revoked license

7568. A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 6. Section 7569 is added to said code, to read:

Renewal, etc., barred

7569. A license which is not renewed within five years after its expiration may not be renewed, restored, reinstated, or reissued thereafter; and a license which expired before October 1, 1958, and was not reinstated before October 1, 1961, may not be renewed, restored, reinstated or reissued.

The holder of the license may obtain a new license only on compliance with all of the provisions of this chapter relating to the issuance of an original license.

SEC. 7. Section 7580 of said code is amended to read:

Fees

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

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

(b) The fee for an original license issued before July 1, 1962, shall be fixed by the director as follows:

(1) For a license as an insurance adjuster, repossessor, private investigator, or private investigator and private patrol operator, not more than fifty dollars ($50), nor less than ten dollars ($10);

(2) For a license as a private patrol operator, not more than twenty-five dollars ($25), nor less than five dollars ($5).

The fee for an original license issued after June 30, 1962, is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license will expire less than one year after its issuance, then the fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The director may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(c) The renewal fee shall be fixed by the director as follows:

(1) For a license as an insurance adjuster, repossessor, private investigator, or private investigator and private patrol operator, not more than one hundred dollars ($100) nor less than twenty dollars ($20).

(2) For a license as a private patrol operator, not more than fifty dollars ($50) nor less than ten dollars ($10).

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

(e) The delinquency fee for a license which expired on or before June 30, 1961, is an amount equal to fifty percent (50%) of the renewal fee in effect on the date of expiration; the delinquency fee for a license which expires after June 30, 1961, is an amount equal to twenty-five percent (25%) of the renewal fee in effect on the date of expiration.

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

(g) The fee for re-examination of an applicant or his manager is ten dollars ($10).

SEC. 8. Section 7582 of said code is repealed. Repeal

SEC. 9. This act shall become operative on October 1, 1961. Operative date

CHAPTER 1252

An act to amend Sections 6715, 6795, 6796, and 6799 of, and to add Sections 6796.1, 6796.2, and 6796.3 to, the Business and Professions Code, relating to professional engineers.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 6715 of the Business and Professions Code is amended to read:

Record of applications

6715. The secretary shall keep a complete record of all applications for registration and the board's action thereon and, between July 1 and December 1 in each even-numbered year, shall prepare a roster showing the names and addresses of all registered professional engineers. Between July 1 and December 1 in each odd-numbered year he shall prepare a supplemental roster showing changes in and additions to the roster.

Rosters

A copy of the roster and the supplemental roster shall be filed with the Secretary of State and with the clerk of each county in the State, and a copy of each shall be furnished to each professional engineer registered under the provisions of this chapter. Copies of each shall be available on application to the secretary, at such price per copy as may be fixed by the board.

All records shall be public records.

SEC. 2. Section 6795 of said code is amended to read:

Expiration of certificates

6795. Certificates of registration as a professional engineer, and certificates of authority to use the title "structural engineer" expire at 12 p.m. on June 30 of each even-numbered year, if not renewed. To renew an unexpired certificate, the certificate holder shall, on or before June 30 of each even-numbered year, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

SEC. 3. Section 6796 of said code is amended to read:

Renewal of certificates

6796. Except as otherwise provided in this article, certificates of registration as a professional engineer, and certificates of authority to use the title "structural engineer" may be renewed at any time within five years after expiration on filing of application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate is renewed more than 30 days after its expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the certificate shall continue in effect

through the date provided in Section 6795 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

A certificate of the type described in this section which expired on or before June 30, 1960, and was not renewed before July 1, 1961, may not be renewed, restored, reinstated, or reissued, but the holder of the certificate may apply for a new certificate of the same class as the expired certificate under the provisions of Section 6796 3.

SEC. 4. Section 6796.1 is added to said code, to read:

Expiration: Suspended certificate

6796.1. A suspended certificate is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the holder of the certificate, while it remains suspended and until it is reinstated, to engage in the activity to which the certificate relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended

SEC. 5. Section 6796 2 is added to said code, to read:

Same Revoked certificate

6796.2. A revoked certificate is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the holder of the certificate, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 6. Section 6796 3 is added to said code, to read:

New certificates

6796.3 Certificates of registration as a professional engineer, and certificates of authority to use the title "structural engineer" which are not renewed within five years after expiration may not be renewed, restored, reinstated, or reissued thereafter. The holder of such certificate may apply for and obtain a new certificate, however, if:

(a) He is of good moral character and temperate habits,

(b) No fact, circumstance, or condition exists which, if the certificate were issued, would justify its revocation or suspension,

(c) He takes and passes the examination, if any, which would be required of him if he were then applying for the certificate for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he is qualified to practice the branch of engineering in which he again seeks to be certified, and

(d) He pays all of the fees that would be required of him if he were then applying for the certificate for the first time.

The board may, by regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a certificate is issued without an examination pursuant to the provisions of this section.

SEC. 7. Section 6799 of said code is amended to read:

Fees

6799. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for registration as a professional engineer at not less than twenty-five dollars ($25) and not more than forty dollars ($40), for authority to use the title "structural engineer" at not less than thirty dollars ($30) and not more than fifty dollars ($50), and for each application for certification as engineer-in-training at not less than fifteen dollars ($15) and not more than twenty-five dollars ($25).

(b) The registration fee for professional engineer shall be fixed as follows:

(1) For certificates issued before July 1, 1962, at not less than ten dollars ($10), nor more than fifteen dollars ($15) for each certificate issued;

(2) For certificates issued after June 30, 1962, at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, with respect to certificates which will expire less than one year after issuance, the fee shall be fixed at an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The duplicate certificate fee at not less than one dollar ($1) and not more than three dollars ($3).

(d) The temporary registration fee for professional engineer at not less than ten dollars ($10) and not more than fifteen dollars ($15).

(e) The structural engineer's certificate of authority fee shall be fixed as follows:

(1) For certificates issued before July 1, 1962, at not less than ten dollars ($10), nor more than fifteen dollars ($15) for each certificate issued;

(2) For certificates issued after June 30, 1962, at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, with respect to certificates which will expire less than one year after issuance, the fee shall be fixed at an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

Renewal

(f) The renewal fee for professional engineer shall be fixed by the board at not more than sixteen dollars ($16) and not less than eight dollars ($8) for each branch of professional engineering in which registration is held; and the renewal fee

for authority to use the title "structural engineer" at not less than six dollars ($6) and not more than sixteen dollars ($16).

(g) The delinquency fee for a certificate which expired on June 30, 1961, is an amount equal to the renewal fee then in effect; the delinquency fee for a certificate which expires after June 30, 1961, is an amount equal to fifty percent (50%) of the renewal fee in effect on the date of its expiration. Delinquency

Applicants wishing to be examined in more than one branch of engineering shall be required to pay the additional fee for each examination after the first.

SEC. 8. This act shall become operative on October 1, 1961. Operative date

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CHAPTER 1253

An act to amend Section 114 of, and to add Section 124 to, the Business and Professions Code, relating to business and professions.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.] In effect September 15, 1961

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

SECTION 1. Section 114 of the Business and Professions Code is amended to read:

114. (a) Notwithstanding any other provision of this code, any licensee or registrant of any board, commission, or bureau within the department, who permitted his license or registration to expire while serving in any branch of the armed services of the United States during a period of war as defined in Section 114.5 of this code may, upon application, reinstate his license or registration without examination or penalty; provided, Expiration of license, etc., while in service

(1) His license or registration was valid at the time he entered the armed services.

(2) That application for reinstatement is made while serving in the armed services, or not later than one year from the date of discharge from active service or return to inactive military status.

(3) The application for reinstatement is accompanied by an affidavit showing the date of entrance into the service, whether still in the service, or date of discharge, and the renewal fee for the current renewal period in which the application is filed is paid.

(b) If application for reinstatement is filed more than one year after discharge or return to inactive status, the applicant, in the discretion of the licensing agency, may be required to pass an examination.

(c) Unless otherwise specifically provided in this code, any licensee or registrant who, either part time or full time, practices in this State the profession or vocation for which he is licensed or registered shall be required to maintain his license in good standing even though he is in military service.

For the purposes in this section, time spent by a licensee in receiving treatment or hospitalization in any veterans' facility during which he is prevented from practicing his profession or vocation shall be excluded from said period of one year.

Notice

SEC. 2. Section 124 is added to said code, to read:

124. Whenever written notice is required to be given by any board in the department, the notice may be given by regular mail addressed to the last known address of the addressee or by personal service, at the option of the board.

CHAPTER 1254

An act to amend Sections 5070, 5105, and 5134 of, to amend and renumber Section 5131 of, and to add Sections 5070.6, 5070.7, and 5070.8 to, the Business and Professions Code, relating to accountants.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 5070 of the Business and Professions Code is amended to read:

Permits to engage in public accountancy

5070. Permits to engage in the practice of public accountancy in this State shall be issued by the board only to holders of the certificate of certified public accountant issued under this chapter and to such persons and partnerships who, upon application approved by the board, are registered with the board under this article. All applicants for registration shall furnish satisfactory evidence that the applicant is entitled to registration and shall pay the fee as provided in Article 8 (commencing at Section 5130). Every person or partnership to whom a permit is issued after December 31, 1962, shall, in addition to any other fee which may be payable, pay the initial permit fee provided in Article 8 (commencing at Section 5130).

Each person and partnership issued a permit by the board to practice as a certified public accountant or as a public accountant shall be furnished with a suitable certificate evidencing such registration.

SEC. 2. Section 5131 of said code is amended and renumbered to read:

Same Expiration

5070.5. Permits issued under this chapter expire at 12 p.m. on December 31 of each even-numbered year if not renewed. To renew an unexpired permit, a certificate holder or registrant shall, before the time at which the permit would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter. Renewal of an unexpired permit shall continue the permit in effect for the two-year period ending at 12 p.m. on December 31 of the next even-numbered year, when it shall expire if it is not again renewed.

SEC. 3. Section 5070.6 is added to said code, to read:

Renewal of expired permit

5070.6. Except as otherwise provided in this chapter, an expired permit may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board and payment of all accrued and unpaid renewal fees. If the permit is renewed more than 30 days after its expiration, its holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the accrued renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs If so renewed, the permit shall continue in effect through the date provided in Section 5070 5 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

The provisions of this chapter as amended by the Legislature at its 1961 Regular Session govern the renewal after January 1, 1962, and the fees payable therefor, of permits which expired before such amendments became operative, as well as permits which expire thereafter.

SEC. 4 Section 5070.7 is added to said code, to read:

Cancellation after five years

5070.7. A permit which is not renewed within five years following its expiration may not be renewed, restored, or reinstated thereafter, and the certificate of the holder of the permit shall be canceled immediately upon expiration of the five-year period.

Same: Partnership

A partnership whose certificate has been canceled by operation of this section may obtain a new certificate and permit only if it again meets the requirements set forth in this chapter relating to registration and pays the registration fee and initial permit fee.

Application

A certified public accountant whose certificate is canceled by operation of this section may apply for and obtain a new certificate and permit if:

(a) He is of good moral character, and no fact, circumstance, or condition exists which, if the certificate and permit were issued, would justify their revocation or suspension,

(b) He pays all of the fees that would be required of him if he were then applying for the certificate and permit for the first time, and

(c) He takes and passes the examination which would be required of him if he were then applying for the certificate for the first time. The examination may be waived in any case in which the applicant establishes to the satisfaction of the board that, with due regard for the public interest, he is qualified to engage in practice as a certified public accountant.

The board may, by appropriate regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a certificate is issued without an examination under this section.

SEC. 5. Section 5070.8 is added to said code, to read:

Renewal of suspended permit

5070.8. A permit which has been suspended is subject to expiration, and shall be renewed as provided in this article, but such renewal does not entitle the holder of the permit, while it remains suspended, and until it is reinstated, to engage in the practice of accountancy, or in any other activity or conduct in violation of the order or judgment by which the permit was suspended.

Revoked permit

A permit which has been revoked is subject to expiration, but it may not be renewed. If it is reinstated after its expiration, the holder of the permit, as a condition precedent to its reinstatement, shall pay a reinstatement fee which shall be in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 6. Section 5105 of said code is amended to read:

Delinquent payment of renewal fee

5105. Any certified public accountant or public accountant who is delinquent in the payment of his renewal fee shall upon request of the board relinquish his certificate and permit; provided, however, the board shall reissue any certificate and permit which has been relinquished for nonpayment of renewal fees if the permit is renewed as provided in Section 5070.6.

SEC. 7. Section 5134 of said code is amended to read:

Fees

5134. The amount of fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for the certificate of certified public accountants shall be fixed by the board at not less than twenty-five dollars ($25) nor more than thirty-five dollars ($35). Should the applicant fail to pass the required examination, re-examination at subsequent examinations will be given the same applicant for an additional fee fixed by the board at not less than five dollars ($5) nor more than seven dollars and fifty cents ($7.50) for each subject in which the applicant is re-examined, except that in no case shall the fee for re-examination be less than ten dollars ($10).

(b) The preliminary examination fee is ten dollars ($10).

(c) The registration fee is ten dollars ($10).

(d) The renewal fee shall be set by the board at a sum not less than six dollars ($6) nor more than fifteen dollars ($15).

(e) The delinquency fee is five dollars ($5).

(f) The initial permit fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the permit is issued, except that, if the permit is issued less than one year before it will expire, then the initial permit fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the permit is issued. The board may, by regulation, provide for the waiver or refund of the initial permit fee where the permit is issued less than 45 days before the date on which it will expire.

Operative date

SEC. 8. This act shall become operative on January 1, 1962.

CHAPTER 1255

An act to amend Sections 19049, 19051, 19052, 19053, 19054, 19055, 19056, 19057, 19058, 19059, 19059.5, 19170, 19171, 19171.5, and 19172 of, to add Section 19170.5 to, and to repeal Sections 19005 and 19173 of, the Business and Professions Code, relating to the licensing and regulation of the furniture and bedding industries.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 19005 of the Business and Professions Code is repealed:

SEC. 2. Section 19049 of said code is amended to read:

19049. It shall be unlawful for any person to engage in a business regulated by this chapter unless, at the time of so doing, he holds a valid, unexpired license to engage in such business, in compliance with the provisions of this chapter.

Valid, unexpired license required

SEC. 3. Section 19051 of said code is amended to read:

19051. Every upholstered furniture retailer, unless he holds a furniture manufacturer's license, a wholesale furniture dealer's license or a furniture repairer's license, shall hold a retail furniture dealer's license.

Retail furniture dealer's license

SEC. 4. Section 19052 of said code is amended to read:

19052. Every upholstered furniture repairer, unless he holds a furniture manufacturer's license, shall hold a furniture repairer's license bearing a registry number assigned by the bureau.

Furniture repairer's license

SEC. 5. Section 19053 of said code is amended to read:

19053. Every upholstered furniture wholesaler, unless he holds a furniture manufacturer's license, shall hold a wholesale furniture dealer's license.

Wholesale furniture dealer's license

SEC. 6. Section 19054 of said code is amended to read:

19054. Every upholstered furniture manufacturer shall hold a furniture manufacturer's license, bearing a registry number assigned or approved by the bureau.

Furniture manufacturer's license

SEC. 7. Section 19055 of said code is amended to read:

19055. Every bedding retailer, unless he holds a bedding manufacturer's license, a wholesale bedding dealer's license or a bedding renovator's license shall hold a retail bedding dealer's license.

Retail bedding dealer's license

SEC. 8. Section 19056 of said code is amended to read:

19056. Every bedding renovator, unless he holds a bedding manufacturer's license, shall hold a bedding renovator's license, bearing a registry number assigned by the bureau.

Bedding renovator's license

SEC. 9. Section 19057 of said code is amended to read:

19057. Every bedding wholesaler, unless he holds a bedding manufacturer's license, shall hold a wholesale bedding dealer's license.

Wholesale bedding dealer's license

SEC. 10. Section 19058 of said code is amended to read:

Bedding manufacturer's license

19058. Every bedding manufacturer shall hold a bedding manufacturer's license, bearing a registry number assigned or approved by the bureau.

SEC. 11. Section 19059 of said code is amended to read:

Supply dealer's license

19059. Every supply dealer, unless he holds an upholstered furniture manufacturer's license or a bedding manufacturer's license, shall hold a supply dealer's license bearing a registry number assigned or approved by the bureau.

SEC. 12. Section 19059.5 of said code is amended to read:

Sterilizer's license

19059.5. Every sterilizer shall hold a sterilizer's license bearing a registry number assigned by the bureau.

SEC. 13. Section 19170 of said code is amended to read:

Fees

19170. (a) The fee imposed for the issuance and for the renewal of each license granted under this chapter shall be set by the chief, with the approval of the director, at a sum not more nor less than that shown in the following table:

	Maximum fee	Minimum fee
Furniture manufacturer's license	$120	$40
Wholesale furniture dealer's license	120	40
Bedding manufacturer's license	120	40
Wholesale bedding dealer's license	120	40
Supply dealer's license	120	40
Furniture repairer's license	80	20
Bedding renovator's license	80	20
Sterilizer's license	80	20
Retail furniture dealer's license	20	4
Retail bedding dealer's license	20	4

(b) A person who has paid the required fee and who is duly licensed as a furniture manufacturer, a furniture repairer, a bedding manufacturer or a bedding renovator under this chapter shall not be required to pay, in addition, the fee prescribed herein for a sterilizer's license.

SEC. 14. Section 19170.5 is added to said code, to read:

Expiration of license

19170.5. Licenses issued under this chapter expire at 12 p.m. on August 31, 1962, and thereafter, at 12 p.m. on August 31 of each even-numbered year, if not, in each instance renewed. To renew his license, a licensee shall, on or before the

Renewal application

date on which it would otherwise expire, apply for renewal on a form prescribed by the chief, and pay the fee prescribed by Section 19170. If the licensee fails to renew his license before its expiration, a delinquency fee of twenty percent (20%) shall be added to the renewal fee. If the renewal fee and delinquency fee are not paid within 30 days after expiration of the license, the licensee shall be subject to such penalties as are provided elsewhere in this chapter.

SEC. 15. Section 19171 of said code is amended to read:

Prorated license fees

19171. Prorated license fees shall be on a quarterly basis beginning as of September 1st, December 1st, March 1st and June 1st.

SEC. 16. Section 19171.5 of said code is amended to read:

19171.5. A person who applies for a license before September 1, 1962, and who did not hold such license during the last preceding license period may obtain the license on a prorated basis by payment of an amount equal to one fourth of the license fee in effect on July 1, 1961 for each quarter, or fraction thereof, remaining in the license period in which he applies.

A person who applies for a license after August 31, 1962, and who did not hold such license during the last preceding license period may obtain the license on a prorated basis by payment of an amount equal to one-eighth of the license fee in effect on the last preceding regular renewal date before the date on which he applies for each quarter, or fraction thereof, remaining in the license period in which he applies.

SEC. 17. Section 19172 of said code is amended to read:

19172. A person may not obtain a new license of the same class as a license held by him during the last preceding license period, but may renew the license previously held by him on payment of the renewal fee and delinquency fee in effect on the last regular renewal date before the date on which he applies for renewal. Delinqency fee

SEC. 18. Section 19173 of said code is repealed: Repeal

SEC. 19. This act shall become operative on October 1, 1961. Operative date

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CHAPTER 1256

An act to amend Sections 9542, 9544.1, 9545, 9553, 9580, 9581, and 9594.7 of, to add Article 5 (commencing with Section 9560) to Chapter 18 of Division 3 of, and to add Sections 9582, 9583, and 9584 to, the Business and Professions Code, relating to cleaning, dyeing, and pressing.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.] In effect September 15, 1961

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

SECTION 1. Section 9542 of the Business and Professions Code is amended to read:

9542. No person shall establish or operate any clothes cleaning and/or dyeing plant, spotting and pressing shop or store, press shop or store, dry cleaning agency, hat renovating establishment, fur renovating establishment, or private school or college therefor, without having a valid, unexpired, and unrevoked license so to do under this chapter. Valid, unexpired, unrevoked license required

SEC. 2. Section 9544.1 of said code is amended to read:

9544.1. Notwithstanding any other provision of this code, the holder of a current valid license under this chapter who has entered or enters the armed forces of the United States may designate a responsible managing person or persons to act Licensee in armed services

for him while in the armed forces and until one year after his discharge therefrom, after which time the authority to so act for the licensee shall terminate. The renewal fee shall be paid for any such licensee so designating others to act for him.

Any license shall remain in full force and effect for 30 days after the entrance of the licensee into the armed forces, but he shall, prior to the expiration of such 30-day period, provide the board with the name or names of the persons so designated to conduct his business. The board may qualify such person in any manner which it may adopt. Persons so designated shall possess the good character required of an applicant for license.

Persons so designated committing any of the acts which would be grounds for the revocation or suspension of a license shall be removed from the business of such licensee after a hearing as provided in this chapter.

SEC. 3. Section 9545 of said code is amended to read:

Initial license fee

9545. Every person to whom a license other than a school or college license is issued after September 30, 1962, shall, as a condition precedent to its issuance, pay the initial license fee prescribed by this chapter, which fee is in addition to any other fee which may be payable.

SEC. 4. Section 9553 of said code is amended to read:

Initial certificate fee

9553. Every person to whom a certificate of registration is issued after September 30, 1962, shall, as a condition precedent to its issuance, pay the initial certificate fee prescribed by this chapter, which fee is in addition to any other fee which may be payable.

SEC. 5. Article 5 (commencing with Section 9560) is added to Chapter 18 of Division 3 of said code, to read:

Article 5. Expiration and Renewal

Expiration

9560. All licenses and registration certificates issued under this chapter before October 1, 1962, expire at 12 p.m. on September 30, 1962, if not renewed.

All registration certificates and all licenses other than school or college licenses renewed on or after September 30, 1962, and before December 1, 1964, and all registration certificates and all licenses other than school or college licenses issued after September 30, 1962, and before December 1, 1964, expire at 12 p.m. on November 30, 1964, if not renewed. Thereafter, all registration certificates and all licenses other than school or college licenses expire at 12 p.m. on November 30 of each even-numbered year, if not, in each instance, renewed.

School and college licenses expire at 12 p.m. on September 30 of each year, if not renewed.

To renew an unexpired license or certificate, the holder thereof shall, on or before each of the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

Renewal

9561. Except as otherwise provided in this article, a license or certificate which has expired may be renewed at any time

within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the license or certificate is not renewed within 30 days after its expiration, its holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license or certificate shall continue in effect through the expiration date provided in Section 9560 which next occurs after the effective date of the renewal.

A license or certificate which expired before January 1, 1959, and was not renewed before January 1, 1962, may be renewed only if its holder takes and passes the examination which would be required of him if he were then applying for issuance of the license or certificate for the first time.

This section shall not be so construed as to permit renewal of a license or certificate of a class which has been abolished.

Same: Suspended license, certificate

9562. A suspended license or certificate is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the holder of the license or certificate, while it remains suspended and until it is reinstated, to engage in the activity to which the license or certificate relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

Same Revoked license, certificate

9563. A revoked license or certificate is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the holder of the license or certificate, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated plus the delinquency fee, if any, accrued at the time of its revocation.

New license, etc., required after five years

9564. A person who fails to renew his license or certificate within five years after its expiration may not renew it, and it may not be restored, reinstated, or reissued thereafter. Such person may apply for and obtain a new license or certificate of the same class as the expired license or certificate if:

(1) He is of good character,

(2) No fact, circumstance, or condition exists which, if the license or certificate were issued, would justify its revocation or suspension,

(3) He pays all of the fees which would be required of him if he were then applying for the license or certificate for the first time,

(4) He takes and passes the examination, if any, which would be required of him if he were then applying for the license or certificate for the first time, and

(5) The class of license or certificate for which he applies has not been abolished.

SEC. 6. Section 9580 of said code is amended to read:

Fees

9580. The amount of the fees prescribed by this chapter relating to clothes cleaning establishment licenses and clothes dyeing establishment licenses is that fixed by the following schedule:

(a) The fee for an application for examination shall be twenty dollars ($20).

(b) The renewal fee is one hundred twenty dollars ($120).

(c) The delinquency fee is thirty dollars ($30).

(d) The initial license fee is one hundred twenty dollars ($120) if the license is issued not less than one year before the date on which it will expire, and sixty dollars ($60) if the license is issued less than one year before the date on which it will expire. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

SEC. 7. Section 9581 of said code is amended to read:

Fees School or college licenses

9581. The amount of the fees prescribed by this chapter relating to school or college licenses is as follows:

(a) The fee for an application for examination is twenty dollars ($20).

(b) The annual license fee is two hundred fifty dollars ($250).

(c) The delinquency fee is one hundred twenty-five dollars ($125).

SEC. 8. Section 9582 is added to said code, to read:

9582. The amount of the fees prescribed by this chapter relating to shop licenses is as follows:

(a) The fee for an application for examination is twenty dollars ($20).

(b) The renewal fee is twenty-four dollars ($24).

(c) The delinquency fee is six dollars ($6).

(d) The initial license fee is twenty-four dollars ($24) if the license is issued not less than one year before the date on which it will expire, and twelve dollars ($12) if the license is issued less than one year before the date on which it will expire. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

SEC. 9. Section 9583 is added to said code, to read:

Fees: Certificate of registration

9583. The amount of the fees prescribed by this chapter relating to certificates of registration is as follows:

(a) The fee for an application for examination is twenty dollars ($20).

(b) The renewal fee is eight dollars ($8).

(c) The delinquency fee is two dollars ($2).

(d) The initial certificate fee is eight dollars ($8) if the certificate is issued not less than one year before the date on which it will expire, and four dollars ($4) if the certificate is issued less than one year before the date on which it will

expire. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

SEC. 10. Section 9584 is added to said code, to read:

Fees: Corrected or duplicate license or certificate

9584. The fee for a corrected or duplicate license or certificate of any class, including a change of the name or address thereon, is three dollars ($3).

SEC. 11. Section 9594.7 of said code is amended to read:

Expiration or suspension of license

9594.7. The expiration or suspension of a license by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee, or to render a decision suspending or revoking such license.

Operative date

SEC. 12. This act shall become operative on January 1, 1962.

SEC. 13. Section 9580 of said code is amended to read:

Fees, Clothes cleaning, etc., establishments

9580. The amount of the fees prescribed by this chapter relating to clothes cleaning establishment licenses and clothes dyeing establishment licenses is that fixed by the following schedule:

(a) The fee for an application for examination shall be twenty dollars ($20).

(b) The renewal fee one hundred twenty-six dollars ($126).

(c) The delinquency fee is thirty dollars ($30).

(d) The initial license fee is one hundred twenty-six dollars ($126) if the license is issued not less than one year before the date on which it will expire, and sixty-three dollars ($63) if the license is issued less than one year before the date on which it will expire. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

SEC. 14. Section 9582 is added to said code, to read:

Fees Shop licenses

9582. The amount of the fees prescribed by this chapter relating to shop licenses is as follows:

(a) The fee for an application for examination is twenty dollars ($20).

(b) The renewal fee is thirty dollars ($30).

(c) The delinquency fee is six dollars ($6).

(d) The initial license fee is thirty dollars ($30) if the license is issued not less than one year before the date on which it will expire, and fifteen dollars ($15) if the license is issued less than one year before the date on which it will expire. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

SEC. 15. Section 9583 is added to said code, to read:

Fees: Certificates of registration

9583. The amount of the fees prescribed by this chapter relating to certificates of registration is as follows:

(a) The fee for an application for examination is twenty dollars ($20).

(b) The renewal fee is twelve dollars ($12).

(c) The delinquency fee is two dollars ($2).

(d) The initial certificate fee is twelve dollars ($12) if the certificate is issued not less than one year before the date on which it will expire, and six dollars ($6) if the certificate is issued less than one year before the date on which it will expire. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

Effect: Stats 1961, Ch 899

SEC. 16. Sections 13, 14 and 15 of this act become operative only if Senate Bill No. 388 is enacted by the Legislature at its 1961 Regular Session and in such case shall become operative on January 1, 1962, at which time Sections 6, 8 and 9 of this act are repealed.

CHAPTER 1257

An act to amend Sections 8712, 8801, 8802, 8803, 8804, and 8805 of, and to add Sections 8802.1, and 8802.2 to, the Business and Professions Code, relating to land surveyors.

In effect September 15, 1961

[Approved by Governor July 8, 1961 Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 8712 of the Business and Professions Code is amended to read:

Roster

8712. The secretary, between July 1 and December 1 of each even-numbered year, shall prepare a roster showing the names and addresses of all licensed land surveyors and containing all the rules and regulations adopted by the board for the administration of this chapter. The roster shall be a part of the roster of registered professional engineers issued by the board. Between July 1 and December 1 of each odd-numbered year he shall prepare a supplemental roster showing changes in and additions to the roster.

Copies of the roster and the supplemental roster shall be filed with the Secretary of State, and with the county recorder of each county in the State and one copy of each shall be furnished to each land surveyor licensed under the provisions of this chapter.

Copies of the roster and the supplemental roster shall be available to the general public on application to the secretary at such price per copy as may be fixed by the board.

All records shall be public records.

SEC. 2. Section 8801 of said code is amended to read:

Expiration of license

8801. Licenses issued under this chapter expire on June 30 of each even-numbered year, if not renewed. To renew an unexpired license, the licensee shall, on or before June 30 of each even-numbered year, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

SEC. 3. Section 8802 of said code is amended to read:

Renewal of licenses

8802. Except as otherwise provided in this article, licenses issued under this chapter may be renewed at any time within five years after expiration on filing of application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 8801 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

A license which expired on or before June 30, 1960, and was not renewed before July 1, 1961, may not be renewed, restored, reissued, or reinstated, but the licensee may apply for and obtain a new license if he meets the requirements set forth in Section 8803.

SEC. 4. Section 8802.1 is added to said code, to read:

Suspended license

8802.1. A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

SEC. 5. Section 8802.2 is added to said code, to read:

Revoked license

8802.2. A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC 6 Section 8803 of said code is amended to read:

New license required after five years

8803. A license which is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter. The holder of the expired license may apply for and obtain a new license, however, if:

(a) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension,

(b) He pays all of the fees which would be required of him if he were then applying for the license for the first time, and

(c) He takes and passes the examination, if any, which would be required of him if he were then applying for the license for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he is qualified to engage in the practice of land surveying.

The board may, by appropriate regulation, authorize the waiver or refund of all or any part of the application fee in those cases in which a license is issued without an examination under this section.

SEC. 7. Section 8804 of said code is amended to read:

Renewal or reinstatement

8804. The renewal or reinstatement of any certificate of registration of a civil engineer under Chapter 7 of Division III of this code, who is also a licensed land surveyor, includes the renewal or restoration of his land surveyor's license, without the payment of the surveyor's renewal fee or penalty.

SEC. 8. Section 8805 of said code is amended to read:

Fees

8805. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The application fee at not less than twenty-five dollars ($25) and not more than forty dollars ($40).

(b) The license fee shall be fixed as follows:

(1) For licenses issued before July 1, 1962, at not less than ten dollars ($10) and not more than fifteen dollars ($15).

(2) For licenses issued after June 30, 1962, at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, with respect to licenses which will expire less than one year after issuance, the fee shall be fixed at an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(c) The duplicate certificate fee at not less than one dollar ($1) and not more than three dollars ($3).

(d) The renewal fee shall be fixed by the board at not more than sixteen dollars ($16) and not less than eight dollars ($8).

(e) The temporary license fee at not less than ten dollars ($10) and not more than fifteen dollars ($15).

(f) The delinquency fee for a license which expired on June 30, 1961, is an amount equal to the renewal fee then in effect; the delinquency fee for a license which expires after June 30, 1961, is an amount equal to 50 percent of the renewal fee in effect on the date of its expiration.

Operative date

SEC. 9. This act shall become operative on October 1, 1961.

CHAPTER 1258

An act to amend Sections 8008, 8024, and 8031 of, and to add Sections 8024.1, 8024.2, 8024.3, 8024.4, and 8024.5 to, the Business and Professions Code, relating to shorthand reporters.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 8008 of the Business and Professions Code is amended to read:

Additional powers, etc.

8008. The board also has the following powers and duties:

(a) To adopt a seal which shall be affixed to all certificates issued by the board.

(b) By affirmative vote of at least four members of the board, to suspend or revoke a certificate, for any cause specified in this chapter.

(c) To charge and collect from all applicants for certificates the fees provided for in this chapter.

(d) To require the renewal of all such certificates and to collect therefor the renewal fee prescribed by this chapter or such lesser amount as may be fixed by the board.

(e) To issue subpoenas, to administer oaths, and to take testimony concerning any matter within the jurisdiction of the board.

SEC. 2. Section 8024 of said code is amended to read:

Expiration of certificates

8024. Certificates issued under this chapter before May 16, 1962, shall expire at 12 p.m. on May 15, 1962, if not renewed. Certificates renewed on or after May 15, 1962, and before May 1, 1963, and certificates issued after May 15, 1962, and before May 1, 1963, shall expire at 12 p.m. on April 30, 1963, if not renewed. Thereafter, all certificates shall expire at 12 p.m. on April 30 of each odd-numbered year if not, in each instance, renewed.

To renew an unexpired certificate, the certificate holder shall, on or before each of the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

SEC. 3. Section 8024.1 is added to said code, to read:

Initial certificate fee

8024.1. Every person to whom a certificate is issued shall, as a condition precedent to its issuance, and in addition to any other fee which may be payable, pay the initial certificate fee prescribed by this chapter.

SEC. 4. Section 8024.2 is added to said code, to read:

Time limit for renewal

8024.2. Except as otherwise provided in this article, a certificate which has expired may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate is not renewed within 30 days after its

expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the certificate shall continue in effect through the date provided in Section 8024 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

A certificate which, under the law in effect before October 1, 1961, became suspended because of the failure of the certificate holder to renew it, and which was not restored before October 1, 1961, shall be considered to have expired within the meaning of this chapter on the date on which the suspension occurred.

SEC. 5. Section 8024.3 is added to said code, to read:

Renewal of suspended certificate

8024.3. A suspended certificate is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the holder of the certificate, while it remains suspended and until it is reinstated, to engage in the activity to which the certificate relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

SEC. 6. Section 8024.4 is added to said code, to read:

Revoked certificate not renewable

8024.4. A revoked certificate is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the holder of the certificate, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 7. Section 8024.5 is added to said code, to read:

New certificate required

8024.5. A certificate which is not renewed within five years after its expiration may not be renewed, restored, reinstated, or reissued thereafter. The holder of the certificate may obtain a new certificate only if he pays all of the fees and meets all of the qualifications and requirements set forth in this chapter for obtaining an original certificate.

SEC. 8. Section 8031 of said code is amended to read:

Fees

8031. The amount of the fees required by this chapter is that fixed by the following schedule:

(a) The fee for filing an application for each examination is twenty-five dollars ($25).

(b) The initial certificate fee is as follows:

(1) For a certificate issued before May 1, 1963, the fee shall be fixed by the board at not more than twenty dollars ($20), nor less than five dollars ($5).

(2) For a certificate issued after April 30, 1963, the fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than one year after its issuance, then the fee is fifty percent (50%) of the

renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The renewal fee shall be fixed by the board as follows:

(1) For renewal for the period from May 15, 1962, through April 30, 1963, at not more than twenty dollars ($20), nor less than five dollars ($5).

(2) For renewal for each of the biennial renewal periods thereafter, at not more than forty dollars ($40), nor less than ten dollars ($10).

(d) The delinquency fee is as follows:

(1) For a certificate which was suspended for failure to renew under the law in effect before October 1, 1961, the fee is an amount equal to all unpaid renewal fees accrued on or before September 30, 1961.

(2) For a certificate which expires after September 30, 1961, the fee is ten dollars ($10).

SEC. 9. This act shall become operative on October 1, 1961. Operative date

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CHAPTER 1259

An act to amend Sections 5555, 5573, 5600, 5600.1, and 5604 of, to add Sections 5600.2 and 5600.3 to, and to repeal Section 5600.5 of, the Business and Professions Code, relating to the practice of architecture.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.] In effect September 15, 1961

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

SECTION 1. Section 5555 of the Business and Professions Code is amended to read:

5555. Certificates to practice architecture remain in full force until revoked or suspended for cause, or until they expire, as provided in this chapter. Certificates

SEC. 2. Section 5573 of said code is amended to read:

5573. After suspension of a certificate upon any of the grounds set forth in this chapter, the board may reinstate the certificate upon proof of compliance by the architect with all provisions of the decision as to reinstatement or, in the absence of such decision or any provisions therein as to reinstatement, in the sound discretion of the board. A certificate which has been suspended is subject to expiration and shall be renewed as provided in this chapter, but such renewal does not entitle the holder of the certificate while it remains suspended and until it is reinstated, to practice architecture, or to engage in any other activity or conduct in violation of the order or judgment by which it was suspended. Reinstatement of certificate; Suspended certificate

Revoked certificate

A revoked certificate is subject to expiration as provided in this chapter, but it may not be renewed. If it is reinstated after its expiration, the holder of the certificate, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 3. Section 5600 of said code is amended to read:

Expiration of certificates

5600. All certificates issued under this chapter before September 1, 1962, expire at 12 p.m. on August 31, 1962, if not renewed. Certificates renewed on or after August 31, 1962, and before September 1, 1963, and certificates issued after August 31, 1962, and before September 1, 1963, expire at 12 p.m. on August 31, 1963, if not renewed. Thereafter, all certificates expire at 12 p.m. on August 31 of each odd-numbered year if not, in each instance, renewed.

Renewal of certificates: Unexpired

To renew an unexpired certificate, the certificate holder shall, before the time at which the certificate would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

The board shall issue a receipt to each architect promptly upon payment of the renewal fee.

SEC. 4. Section 5600.1 of said code is amended to read:

Notice

5600.1. The board shall give written notice to a registrant 30 days in advance of the regular renewal date and shall give written notice by registered mail 90 days in advance of the expiration of the fifth year that a renewal fee has not been paid.

SEC. 5. Section 5600.2 is added to said code, to read:

Renewal of expired certificate

5600.2. Except as otherwise provided in this chapter, a certificate which has expired may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate is renewed more than 30 days after its expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the certificate shall continue in effect through the expiration date provided in Section 5600 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

A certificate which was not renewed at the time and in the manner provided under the law in effect before October 1, 1961, shall, for the purposes of this article, be considered to have expired on the date that the renewal fee became delinquent. The provisions of this article as amended by the Legislature at its 1961 Regular Session govern the renewal, and

the fees payable therefor, of certificates issued before such amendments became operative, as well as certificates issued thereafter.

SEC. 6. Section 5600.3 is added to said code, to read:

5600.3. A certificate which is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter. The holder of the expired certificate may apply for and obtain a new certificate only if he pays all of the fees, and meets all of the requirements set forth in this chapter for obtaining an original certificate, except that: New certificate required

(a) An examination shall not be required if the expired certificate was issued without an examination,

(b) An examination shall not be required if the holder of the expired certificate retired from the practice of architecture before October 1, 1961, and notified the board in writing before October 1, 1961, of his retirement,

(c) Examination may be waived by the board if it finds that with due regard for the public interest, the holder of the expired certificate is qualified to practice architecture, and

(d) The holder of the expired certificate shall not be required to meet the qualifications set forth in this chapter relating to education.

The board may, by regulation, authorize the waiver or refund of all or any part of the application fee paid by a person to whom a certificate is issued without an examination under this section.

SEC. 7. Section 5600.5 of said code is repealed: Repeal

SEC. 8. Section 5604 of said code is amended to read:

5604. The fees prescribed by this chapter shall be fixed by the board as follows: Fees

(a) The application fee for examination at not to exceed thirty-five dollars ($35).

(b) The fee for an original certificate shall be fixed as follows:

(1) For certificates issued before September 1, 1963, at not to exceed fifteen dollars ($15).

(2) For certificates issued after August 31, 1963, at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate is issued less than one year before the date on which it will expire, then the fee shall be fixed at an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The fee for a temporary certificate at not to exceed seventy-five dollars ($75).

(d) The fee for a duplicate certificate at not to exceed fifteen dollars ($15).

(e) The renewal fee at not to exceed sixty dollars ($60).

(f) The delinquency fee at not to exceed five dollars ($5).

Operative date

SEC. 9. This act shall become operative on October 1, 1961.

CHAPTER 1260

An act to amend Sections 104.6 and 104.10 of the Streets and Highways Code and Sections 3 and 9 of Chapter 20 of the Statutes of 1952 (2d Ex. Sess.), relating to rental properties acquired for state highway purposes.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 104.6 of the Streets and Highways Code is amended to read:

Acquisition for future needs

104.6. The authority conferred by this code to acquire real property for state highway purposes includes authority to acquire for future needs. The department is authorized to lease any lands which are held for state highway purposes and are not presently needed therefor on such terms and conditions as the director may fix and to maintain and care for such property in order to secure rent therefrom. Twenty-four percent of all rent so received shall be deposited in the Highway Properties Rental Fund in the State Treasury, which fund is hereby created, except that any rent required under the California Toll Bridge Authority Act or any bond indenture executed under said act to be deposited in some other fund shall be deposited in such other fund, and all rents received from property acquired for the National System of Interstate Highways, as to which federal funds participated in the cost of acquisition, shall be deposited in the State Highway Fund. The balance of such rent shall be deposited in the State Highway Fund.

Lease

Disposition of rent receipts

Whenever it is determined by the Department of Public Works that any rental revenue collected under the provisions of this section represents overpayment or payment in duplicate, that department may make refund of such overpayment or payment in duplicate from the Highways Properties Rental Fund and the State Highway Fund.

SEC. 2. Section 104.10 of said code is amended to read:

Payments to county

104.10. The Department of Finance shall, not later than the first day of November next following the close of any fiscal year after the effective date of this section, pay the rents deposited in the Highway Properties Rental Fund to the county in which such real property is situated. The Department of Public Works shall certify to the Department of Finance the

amount of such rentals attributable to each county and shall notify each county of the rental and location of each piece of rental property for which rents are deposited in the fund.

County distribution of payments

The county shall distribute any payment received by it pursuant to this section to itself, to each revenue district for which the county assesses and collects real property taxes or assessments, and to every other taxing agency within the county in which the property is situated. The amount distributable to the county and each such revenue district or other taxing agency shall be proportionate to the ratio which the amount of the taxes and assessments of each on similar real property similarly situated within that part of the county embracing the smallest in area of the revenue districts or other taxing agencies other than the county, levied for the fiscal year next preceding, bears to the combined amount of the taxes and assessments of all such districts and agencies, including the county, on such property levied for that year. The county auditor shall determine and certify the amounts distributable to the board of supervisors, which shall thereupon order the making of the distribution.

Any money distributed pursuant to this section to any county, revenue district or other taxing agency shall be deposited to the credit of the same fund as any taxes or assessments on any taxable similar real property similarly situated.

Where a county receives a payment pursuant to this section in an amount of twenty-five dollars ($25) or less in respect to any parcel of leased property, all of such payment shall be distributed to the county for deposit in the county general fund.

"Taxing agency" "Revenue district"

As used in this section the terms "taxing agency" and "revenue district" have the same meanings given them in the Revenue and Taxation Code.

The money received by the respective jurisdictions under this section may be expended by them for any proper state purpose not prohibited by the State Constitution.

SEC. 3. Section 3 of Chapter 20 of the Statutes of 1952 (2d Extraordinary Session) is amended to read:

Revenues received: Disposition

Sec. 3. All revenues received from the disposition of any improvements on any property acquired under this chapter or the proceeds of the sale of any excess parcels of property so acquired shall be deposited in the State Highway Fund.

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

Sec. 9. All revenues received from any rentals of any property acquired under this chapter shall be deposited and disbursed in the manner prescribed in Sections 104.6 and 104.10 of the Streets and Highways Code.

Funds

SEC. 5. Any funds deposited in the Highway Properties Rental Fund for rents received prior to the fiscal year 1960-1961 shall be transferred to the State Highway Fund. Seventy-

six percent of any funds deposited in the Highway Properties Rental Fund for rents received after the fiscal year 1959-1960 and prior to the effective date of this act shall be transferred to the State Highway Fund and the balance paid to counties in the manner set forth in Section 104.10.

CHAPTER 1261

An act to add Section 12226 to the Insurance Code, relating to fees for filing documents with the Insurance Commissioner.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 12226 is added to the Insurance Code, to read:

12226. The commissioner shall require the payment of sixty-five dollars ($65), in advance, as a fee for filing papers required under Section 12221 and ten dollars ($10), in advance, as a fee for filing any or all amendments to or amendments of such papers filed on any one occasion.

CHAPTER 1262

An act to amend Section 8046 of the Fish and Game Code, relating to the Marine Research Committee.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 8046 of the Fish and Game Code is amended to read:

8046. Every person operating under a license pursuant to this article shall, in addition to the license fee and the tax imposed by Section 8045, pay a privilege tax of five cents ($0.05) for each 100 pounds, or fraction thereof, of sardines, Pacific mackerel, jack mackerel, squid, herring, or anchovies purchased, received, or taken by him until December 31, 1963.

The money shall be deposited in the Fish and Game Preservation Fund for use by the Marine Research Committee pursuant to Sections 729 and 730.

The committee shall pay the department for accounting and other services rendered to the committee by the department. The fiscal year cost of such services shall not be in excess of 2 percent of the money so collected each fiscal year under this section.

CHAPTER 1263

An act to add Section 7500.8 to the Welfare and Institutions Code, relating to the Department of Mental Hygiene.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 7500.8 is added to the Welfare and Institutions Code, to read:

7500.8. Any day hospitals and rehabilitation centers maintained by the Department of Mental Hygiene shall be subject to the provisions of this code pertaining to the admission, transfer, and discharge of patients at the state hospitals, except that all admissions to such facilities shall be subject to the approval of the chief officer thereof. Charges for services rendered to patients at such facilities shall be in accordance with schedules fixed by the director. The liability for such charges shall be governed by the provisions of Article 5 (commencing at Section 6650) of Chapter 1 Part 4 of Division 6 of this code, except at the hospitals for the mentally deficient such liability shall be governed by the provisions of Chapter 2 (commencing at Section 5250) of Part 1 and Chapter 3 (commencing with Section 7000) of Part 4 of Division 6 of this code.

CHAPTER 1264

An act to amend Section 5715.1 of the Education Code, relating to junior college classes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect immediately

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

SECTION 1. Section 5715.1 of the Education Code is amended to read:

5715.1. The governing board of any district, maintaining a junior college, may establish courses outside the district primarily for students who are nonresidents of the district, providing the following conditions are fulfilled:

(a) The governing board of a high school district, not a part of a district maintaining a junior college, with the approval of the county board of education of the county having jurisdiction over the high school district, requests that junior college classes be offered in the high school district.

(b) The district, maintaining the junior college, requests and receives annually the prior written approval of the State

Board of Education before establishing or continuing such classes outside its district.

This section shall be in effect until June 30, 1963.

Urgency

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

In order to continue the authority of school districts to maintain junior college classes in areas outside of the district for the education of persons in technical fields connected with the national defense and other related fields, it is necessary for this act to take effect immediately.

CHAPTER 1265

An act to add Section 6534.9 to the Business and Professions Code, relating to barber colleges.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 6534.9 is added to the Business and Professions Code, to read:

6534.9. Every person, firm or corporation operating a barber college shall make application to, and secure approval of, the board before changing the location of the college, or expanding or increasing the facilities of the college by adding additional barber chairs.

The application shall be submitted on a form approved by the board. If the application satisfies the factors set forth in Section 6534.7, the board shall grant the application.

CHAPTER 1266

An act to amend Section 35552 of the Vehicle Code, relating to weight limits.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 35552 of the Vehicle Code is amended to read:

35552. Trucks and vehicle combinations transporting loads composed solely of logs shall be deemed in compliance with subdivision (a) of Section 35551 if the total gross weight on

the group of axles permitted by that subdivision does not exceed by more than 2,500 pounds the amounts respectively stated in such subdivision. Such vehicles shall be subject to the provisions of subdivision (b) of Section 35551 or any provision made applicable to the gross weight of a vehicle or combination of vehicles in lieu of subdivision (b).

If the gross weight on a group of axles is in excess of the provisions of this section, the allowed load in pounds on a group of axles as set forth in subdivision (a) of Section 35551 shall be the maximum permitted weight for the purpose of determining the amount of fine for such violation as specified in the table in Section 42030.

This section shall have no application to highways which are a part of the National System of Interstate and Defense Highways (as referred to in subdivision (a) of Section 108 of the Federal-aid Highway Act of 1956).

This section may be cited as the Christensen-Belotti Act.

CHAPTER 1267

An act to amend Section 6726 of the Welfare and Institutions Code, relating to the care of mentally ill or mentally deficient patients on leave of absence.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 6726 of the Welfare and Institutions Code is amended to read:

6726. The superintendent of a state hospital for the mentally ill or mentally deficient may grant a parole or leave of absence to a patient under general conditions prescribed by the Department of Mental Hygiene.

The department may pay at a monthly rate any private home, certified by the department, for any patient paroled or on leave of absence from a state hospital during the time such patient is cared for at such private home at a rate not exceeding one hundred thirty dollars ($130) per month. Payments for such care of paroled or on leave of absence patients shall be made from funds available to the department for that purpose or for the support of patients in the state hospital or hospitals from which such patients have been paroled or are on leave of absence.

CHAPTER 1268

An act to amend Section 421 of the Streets and Highways Code, relating to state highway routes.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 421 of the Streets and Highways Code is amended to read:

421. Route 121 is from Route 32 west of Los Banos to Route 41.

CHAPTER 1269

An act to amend Section 5135 of, and to add Section 5284.5 to, the Public Utilities Code, relating to issuance of permits to household goods carriers.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 5135 of the Public Utilities Code is amended to read:

Applicants: Financial ability, examination, qualification, etc.

5135. Except as provided in Section 5133.5, before a permit is hereafter issued the commission shall require the applicant to establish ability and reasonable financial responsibility to initiate the proposed operations. The commission shall require the applicant to establish his knowledge and ability to engage in business as a household goods carrier by examination. The examination may be written or oral, or in the form of a demonstration of skill or any combination of these, and any investigation of character, experience and any tests of technical knowledge and manual skill which the commission deems are appropriate may be employed. In any examination the qualification of the applicant shall be determined by an appraisal made by a member of the commission's staff. When the staff member shall determine that the applicant is not qualified, then the matter shall be set for hearing and the qualification of the applicant shall be determined by the commission on the basis of evidence of qualifications presented at such hearing, which evidence may include consideration of any written examination of the applicant. When the staff member shall determine that the applicant is qualified, a permit may issue without hearing unless the commission shall consider a hearing desirable, in which event the application may be set for hearing by the commission.

An applicant may qualify in the following ways: (a) if an individual, he may qualify by personal examination or by

examination of his responsible managing employee; (b) if a copartnership or corporation, or any other type of business organization, it may qualify by examination of the responsible managing officer or member of the personnel of such applicant firm. If the individual qualified by examination ceases to be connected with the permitholder, said permitholder shall notify the commission in writing within 30 days after such cessation. If notice is given the permit shall remain in force a reasonable length of time in order that another representative of applicant may be qualified before the Public Utilities Commission. If the permitholder fails to notify the commission of such cessation within a 30-day period, at the end of that period the permit shall be automatically suspended.

The commission may refuse to issue a permit if it shall be shown that an applicant or an officer, director, partner or associate thereof has committed any act constituting dishonesty or fraud; committed any act which, if committed by a permitholder would be grounds for a suspension or revocation of the permit; misrepresented any material fact on his application; or, committed a felony, or crime involving moral turpitude.

The commission shall issue a permit only to those applicants who it finds have demonstrated that they possess sufficient knowledge, ability, integrity and financial resources and responsibility to perform the service within the scope of their application.

The commission shall prescribe, amend, and repeal rules in accordance with law for the administration of this section.

SEC. 2. Section 5284.5 is added to said code, to read:

Transfer of permit

5284.5. The commission shall only authorize a sale, lease, assignment or other transfer of a permit to a transferee who has qualified in the manner provided by Section 5135 of this code.

CHAPTER 1270

An act to add Sections 7355 and 7356 to, and to amend Section 7354 (as added by Chapter 37 of the Statutes of 1941) of, and to repeal Section 7354 (as added by Chapter 1200 of the Statutes of 1953) of, the Revenue and Taxation Code, relating to the Motor Vehicle Fuel License Tax Law.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 7354 (as added by Chapter 37 of the Statutes of 1941) of the Revenue and Taxation Code is amended to read:

License tax

7354. The license tax shall be imposed upon only one distribution of the same motor vehicle fuel, except as may otherwise be provided in this part.

Repeal

SEC. 2. Section 7354 (as added by Chapter 1200 of the Statutes of 1953) is repealed.

SEC. 3. Section 7355 is added to the Revenue and Taxation Code, to read:

"Gallon"

7355. "Gallon" means the United States gallon of 231 cubic inches as provided in Section 12302 of the Business and Professions Code, without adjustment of the volumetric gallonage for temperature correction of the fuel distributed, except that temperature corrected gallonage to 60 degrees Fahrenheit as invoiced to the purchaser will be accepted as the gallonage distributed with respect to the following distributions:

(a) To a distributor licensed under this part.

(b) To any person when the distribution is exempt from tax as provided in Section 7401 of this part.

(c) To a purchaser who uses the fuel exclusively for a purpose other than in motor vehicles operated upon the public highways of this State entitling him to a refund of the tax.

(d) To the United States government or any agency or instrumentality thereof pursuant to a contract of sale requiring application of temperature correction.

(e) To any person when the quantity distributed in any single delivery is 5,000 or more gallons and temperature correction is consistently applied to all such deliveries to the purchaser over a period of 12 or more consecutive months.

SEC. 4. Section 7356 is added to the Revenue and Taxation Code, to read:

Tax on gallonage

7356. Any distributor or broker who acquires motor vehicle fuel from another distributor under a taxable distribution measured by the temperature corrected gallonage as provided in Section 7355, and who redistributes the fuel in whole or in part on a volumetric gallonage basis, is liable for the tax on the gallonage redistributed which is in excess of the gallonage acquired. The broker shall make a return to the board of the tax due under this section as required of distributors under Section 7651, and any other provisions of this part relating to the collection of the tax shall be applicable.

CHAPTER 1271

An act to amend Section 405, Streets and Highways Code, relating to highway routes in Alameda County.

In effect September 15, 1961

[Approved by Governor July 8, 1961 Filed with Secretary of State July 10, 1961]

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

SECTION 1. Section 405 of the Streets and Highways Code is amended to read:

405. Route 105 is from:

(a) Route 56 near Half Moon Bay to Route 5 near Hayward.

(b) Hayward to High Street in Oakland.

CHAPTER 1272

An act to amend Sections 256 and 2155 of, to repeal Section 2156 of, and to add Section 2156 to, the Streets and Highways Code, relating to public streets and highways.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 256 of the Streets and Highways Code is amended to read:

256. The department shall review the California Freeway and Expressway System and shall report to the Legislature at or prior to the 1965 Regular Session and each four years thereafter, through such interim committee or committees as may be designated by legislative resolution, as to the progress made in developing the system and as to revisions that should be made in the system. Such studies shall be made without regard to whether particular routes are included in the state highway system. If provision is made by an interim committee or committees of the Legislature for an advisory committee of local officials to work with the department in connection with such studies, the department shall co-operate with such an advisory committee to the fullest extent.

Reports to Legislature

SEC. 2. Section 2155 of said code is amended to read:

2155. No state money shall be allocated to or made available for expenditure by any county or city at any time when such county or city is delinquent in filing the report provided for in Section 2151.

Delinquency in reporting

SEC. 3. Section 2156 of said code is repealed.

Repeal

SEC. 3. Section 2156 is added to said code, to read:

2156. (a) On or before May 1, 1964, and on or before May 1st of each four years thereafter, every county and city shall transmit to the department a report setting forth in such detail as the department may require the following:

County, city, reports

(1) The progress it has made in the construction or improvement of its road or street system.

(2) An estimate of its road or street needs for the next five years.

(3) A projected estimate of its road or street needs for the next 20 years.

(b) The department shall review and audit the information and estimates contained in the reports submitted by the counties and cities and shall compile similar information and esti-

Review and audit

mates with respect to the state highway system. The department shall combine all of such information and estimates in a report which shall be submitted to the Legislature at or prior to the 1965 Regular Session and each four years thereafter, through such interim committee or committees as may be designated by legislative resolution.

(c) At the 1963 Regular Session of the Legislature and each four years thereafter, the Speaker of the Assembly and the President pro Tempore of the Senate are requested jointly to appoint a committee of 14 members, to consist of officials of cities and counties and others interested in street, road and highway problems, to act in an advisory capacity to the department, and the department is directed to co-operate and confer with the advisory committee so appointed. Each committee so appointed shall remain in existence for a period of two years from the date of adjournment of the session at which it was appointed.

CHAPTER 1273

An act to amend Section 28116 of the Government Code, relating to compensation for services rendered to counties.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 28116 of the Government Code is amended to read:

28116. In a county of the sixteenth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The county auditor, eight thousand four hundred dollars ($8,400) a year.

(b) The district attorney, sixteen thousand five hundred dollars ($16,500) a year for his full-time services. He shall not engage in private practice of the law.

(c) Each supervisor, six thousand six hundred dollars ($6,600) a year, and the necessary and actual expenses incurred in the performance of the duties of his office. The chairman of the board of supervisors shall receive, as additional compensation six hundred dollars ($600) a year for services rendered as chairman.

(d) Grand jurors and trial jurors in the superior court and municipal courts shall receive for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5) a day. In justice courts, jurors shall receive for each day's attendance

five dollars ($5). Grand jurors and trial jurors shall receive fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the places of service, in going only, mileage to be allowed but once in any one day, during any session of the court where the jurors serve. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

CHAPTER 1274

An act to amend Section 1655 of the Vehicle Code, and Section 817 of the Penal Code, relating to peace officer powers.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1655 of the Vehicle Code is amended to read:

Peace officers

1655. The director, deputy director, registrar, deputy registrar, and investigators of the department shall have the powers of peace officers for the purpose of enforcing those provisions of law now or hereafter committed to the administration of the Divisions of Registration and Drivers Licenses, Part 5 of Division 2 of the Revenue and Taxation Code, commencing at Section 10701, and to the serving of warrants of arrest resulting from citations for traffic violations issued by the Department of California Highway Patrol under this code.

SEC. 2. Section 817 of the Penal Code is amended to read:

Same: Defined

817. A peace officer is the sheriff, undersheriff, deputy sheriff, coroner, deputy coroner, regularly employed and paid as such of a county, marshal of a municipal court, constable of a judicial district, marshal, policeman of a city or town, or any juvenile officer of a city or town engaged in performing juvenile law enforcement functions which are generally performed by the local police department, the Deputy Director of the State Department of Justice, the chief, assistant chief, special agents and the polygraph specialists of the Bureau of Criminal Identification and Investigation, the chief and inspector of the Division of Narcotic Enforcement, a supervisor or guard employed by the Department of Corrections, while acting in the transportation of prisoners and in the apprehension of prisoners who have escaped, and any parole officer of the State Department of Corrections, and any placement or parole officer of the Youth Authority.

Inspectors and investigators regularly employed and paid as such in the office of a district attorney, members of the California Highway Patrol, policemen of the Board of State Harbor Commissioners for San Francisco Harbor, each member of an arson investigating unit of an organized fire department,

the chief and inspectors of the Bureau of Food and Drug Inspection, inspectors and investigators of the California State Board of Pharmacy not exceeding 10 in number, investigators of the Board of Medical Examiners of the State of California, special investigators of the Board of Osteopathic Examiners of the State of California investigators of the Board of Chiropractic Examiners of the State of California, and investigators of the Department of Motor Vehicles are respectively peace officers for the purpose only of carrying out the duties of their respective employments.

Each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game shall be deemed a peace officer for the purposes set forth in Section 856 of the Fish and Game Code.

When in any law a public officer or employee is designated as, given the powers of, or determined to be, a peace officer, such officer or employee shall be deemed to be a peace officer but only for the purpose of that law.

The restriction of peace officer functions of any public officer or employee shall not affect his status for purposes of retirement.

CHAPTER 1275

An act to amend Section 355 of, and to add Division 14.7 (commencing with Section 34001) to, the Vehicle Code, relating to the transportation of flammable liquids.

In effect September 15, 1961

[Approved by Governor July 8, 1961 Filed with Secretary of State July 10, 1961]

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

SECTION 1. Section 355 of the Vehicle Code is amended to read:

"Flammable liquid"

355. A "flammable liquid" is any liquid having a flash point (closed cup test) below 200 degrees Fahrenheit and a vapor pressure not exceeding 26 pounds per square inch gauge at a temperature of 100 degrees Fahrenheit, but shall not be deemed to include wine as defined by Section 23007 of the Business and Professions Code.

SEC. 2. Division 14.7 (commencing with Section 34001) is added to said code, to read:

DIVISION 14.7. FLAMMABLE LIQUIDS

Application of provision

34001. The provisions of this division refer exclusively to vehicles operating upon the highways.

Legislative intention

34002. It is the legislative intention in enacting this division that the regulations adopted by the State Fire Marshal pursuant to this division shall apply uniformly throughout the State of California, and no state agency, city, city and county,

county, or other political subdivision of this State, including, but not limited to, a chartered city, city and county, or county, shall adopt or enforce any ordinance or regulation which is inconsistent with the regulations adopted by the State Fire Marshal pursuant to this division.

"Cargo tank"

34003. "Cargo tank," as used in this division, means any container having a volumetric capacity in excess of 120 gallons, used for the transportation of flammable liquids. This term shall include pumps, meters, valves, fittings, piping and other appurtenances attached to a tank vehicle and used in connection with the flammable liquids being transported in the cargo tank.

The term "cargo tank" does not, however, include any tank used to carry fuel necessary for the operation of the vehicle or any equipment of the vehicle.

"Tank vehicle"

34004. "Tank vehicle," as used in this division, means any truck, trailer, or semitrailer equipped with a cargo tank which is used for the transportation of flammable liquids upon any highway.

Regulations

34005. (a) The State Fire Marshal shall adopt, in accordance with the provisions of Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2 of the Government Code, and enforce reasonable regulations, which in the judgment of the State Fire Marshal are designed to promote the safe transportation of flammable liquids, regarding the design, construction, and maintenance of cargo tanks and fire safety devices and to prevent the intermixing of incompatible materials in or on tank vehicles.

(b) Nothing in this division shall prevent a fire chief and his authorized representatives of a fire department or fire protection agency maintained by a city, county or fire protection district and, as designated by regulations adopted by the State Fire Marshal, the head of any other state agency and his authorized representatives, from enforcing the regulations adopted pursuant to this division.

34006. The regulations adopted by the State Fire Marshal shall:

(a) Make reasonable allowances for cargo tanks in existence when the regulations become effective. No allowance shall, however, be made for any cargo tank which because of its design or construction constitutes a distinct hazard to life or property.

(b) Conform with all statutes of this State and with any regulations pursuant thereto governing cargo tanks and fire safety devices on vehicles used in the transportation of flammable liquids.

34007. In making the regulations the State Fire Marshal shall consider as evidence of generally accepted safety standards the publications of the National Fire Protection Association and the Interstate Commerce Commission.

Same· Advisory committee

34008. To assist in the making of the regulations the State Fire Marshal shall establish an advisory committee which shall consist of the State Fire Marshal, who shall serve as chairman,

and representatives of the fire services, associations of proprietary carriers, for hire carriers, petroleum companies, and from industry, labor, and other governmental agencies as may be determined and selected from time to time by the State Fire Marshal. The members of the advisory committee shall serve at the pleasure of the State Fire Marshal. They shall receive no compensation for their services.

Inspection service for cargo tanks

34009. The State Fire Marshal shall provide for the establishment and operation of an inspection service for cargo tanks, and shall designate the public officers who may inspect cargo tanks, to determine whether or not the cargo tanks are designed, constructed, and maintained in accordance with the regulations adopted by the State Fire Marshal pursuant to Section 34005.

Inspection form and certificate of compliance

34010. The State Fire Marshal shall prescribe and furnish the form which is to be used in the inspection of cargo tanks and the certificate of compliance which is to be issued for each cargo tank which is inspected and found to comply with the regulations adopted by the State Fire Marshal pursuant to Section 34005.

Fees Application for inspection

34011. The State Fire Marshal shall, by regulation, establish a schedule of fees to be paid by an applicant for the inspection of a cargo tank and the issuance of a certificate of compliance. The fees shall be sufficient to cover the costs of the administration and enforcement of this chapter, but shall not exceed two dollars ($2) for any cargo tank having a volumetric capacity which does not exceed 1,500 gallons or ten dollars ($10) for any cargo tank which has a volumetric capacity which exceeds 1,500 gallons.

Certificate of compliance

34012. The certificate of compliance for a cargo tank shall be valid until one year after the date of issuance of the certificate, unless suspended, canceled, or revoked by the State Fire Marshal.

Same: Suspension, cancellation, revocation

34013. The State Fire Marshal shall suspend, cancel, or revoke the certificate of compliance for any cargo tank if he determines that the cargo tank no longer complies with the regulations adopted by the State Fire Marshal pursuant to Section 34005.

Tank vehicle on highway

34014. No tank vehicle shall be operated upon any highway in this State unless there is carried on the cargo tank of the tank vehicle a valid certificate of compliance for the cargo tank. This section shall become operative six months after the date upon which regulations adopted by the State Fire Marshal pursuant to Section 34005 become effective.

Misdemeanor

34016. Any violation of any provision of this division or of any regulation adopted by the State Fire Marshal is a misdemeanor No person shall operate any tank vehicle upon a highway in violation of any provision of this division or of any regulation adopted by the State Fire Marshal pursuant to this division. This section shall become operative six months after the date upon which regulations adopted by the State Fire Marshal pursuant to Section 34005 become effective.

CHAPTER 1276

An act to add Section 312 to the Fish and Game Code, relating to survival training.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 312 is added to the Fish and Game Code, to read:

312. The commission may issue a permit authorizing any member of the armed forces of the United States actually assigned to, and participating in, an organized survival training course to take fish, amphibia, birds, or mammals, notwithstanding any other law or regulation, pursuant to the terms and conditions of such permit. The permit shall be issued to the commanding officer of the unit having jurisdiction over the conduct of the survival training course and shall be applicable only to the area established for such survival training as designated by the commission in the permit and for the species and numbers designated in the permit.

The commission may revise any conditions of a permit if it finds such revision is necessary to properly protect the fish, amphibia, birds, or mammals in the area.

The term of such a permit shall be for not more than a calendar year.

A report shall be submitted on the expiration of the permit period, or as otherwise required by the commission, of all fish, amphibia, birds, or mammals taken during the period covered by the report in each permit area. No new permit may be issued until such report has been submitted and any existing permit may be canceled if such a report is not submitted when required by the commission.

No person engaged in such survival training taking fish, amphibia, birds, or mammals pursuant to such a permit may use any firearm, bow and arrow, steel trap, explosive, chemical, poison, drug, net or fish tackle except hooks or hand lines or improvised poles and lines for the taking of fish.

CHAPTER 1277

An act to provide for the conveyance of the Chico Game Farm to the Chico Rod and Gun Club.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. The Director of the Department of Fish and Game shall convey to the Chico Rod and Gun Club all of the

right, title and interest of the State of California in and to that certain parcel of property known as the Chico Game Farm, in the County of Butte, excepting and reserving to the State of California all deposits of minerals, including oil and gas, in said parcel for the sum of fourteen thousand dollars ($14,000), of which there shall be deposited six thousand three hundred eighteen dollars ($6,318) in the Wildlife Restoration Fund, and seven thousand six hundred eighty-two dollars ($7,682) in the Fish and Game Preservation Fund.

SEC. 2. The Director of the Department of Fish and Game is authorized for and on behalf of the State of California, to execute such instruments of conveyance as are necessary to convey all right, title and interest of the State of California in such property to the Chico Rod and Gun Club, excepting and reserving to the State of California all deposits of minerals, including oil and gas, in such property.

SEC. 3. The Legislature finds that the parcel of property known as the Chico Game Farm was donated by the Chico Rod and Gun Club to the State of California for the purpose of operating a state game bird farm. The Department of Fish and Game has discontinued game bird raising at the Chico Game Farm. Since the purpose for which the property was specifically donated is no longer being fulfilled, the property should rightfully be reconveyed to the donor.

CHAPTER 1278

An act to amend Sections 2665, 2666, 2674, 2675, 2692, 2693, and 2694 of, to add Section 2462 to, and to repeal Sections 2686 and 2687 of, the Business and Professions Code, relating to physical therapy.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 2462 is added to the Business and Professions Code, to read:

Fees

2462. The amount of fees provided in connection with licenses for the practice of physical therapy is as follows:

(a) The application fee is twenty-five dollars ($25).

(b) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

(c) The renewal fee shall be fixed by the board at not more than twenty dollars ($20) nor less than six dollars ($6).

(d) The delinquency fee is fifteen dollars ($15).

SEC. 2. Section 2665 of said code is amended to read:

Unlawful acts

2665. Except as provided in this chapter, it is unlawful for any person or persons to practice or offer to practice physical therapy in this State for compensation received or expected, unless at the time of so doing such person holds a valid unexpired and unrevoked license issued under this chapter. This prohibition shall not apply to any of the following:

(a) Any activities authorized by their licenses on the part of any persons licensed under this code or any initiative act, or any activities by a full-time assistant in such licentiate's office under his orders, direction and supervision.

(b) Registered physical therapists licensed under Chapter 5.6 of Division 2 of this code.

(c) The practice of physical therapy procedures by registered nurses when such practice is within the scope of their licenses.

(d) Any activities of nonregistered nurses permitted by Section 2731 of this code.

(e) Any person employed by any agency, bureau or division of the government of the United States, while performing the duties of such employment.

(f) The demonstration of any physical therapy equipment by a salesman or merchant engaged in selling such equipment.

(g) The administration of massage, external baths or normal exercise.

SEC. 3. Section 2666 of said code is amended to read:

Licenses, applications

2666. All licenses for the practice of physical therapy in this State shall be issued by the board and all applications for such licenses shall be filed with the board.

Each application shall be accompanied by the application fee prescribed by Section 2462, shall be signed by the applicant, and shall contain a statement under oath of the facts entitling the applicant to receive a license without examination or to take an examination.

SEC. 4. Section 2674 of said code is amended to read:

Issuance, expiration, etc.

2674. The provisions of Chapter 5, Article 15 (commencing at Section 2450) apply to the issuance and govern the expiration and renewal of licenses issued under this chapter and the fees payable therefor.

SEC. 5. Secton 2675 of said code is amended to read:

Statement to licensee

2675. On or before November 1st of 1961, and on or before the first day of February of 1964 and of each even-numbered year thereafter, the board shall mail to each licensee hereunder, at the latest address furnished by such licensee to such secretary, a notice stating the amount of the renewal fee and the date on which it is due, and that failure to pay it on or before the due date will result in expiration of the license.

SEC. 6. Section 2686 of said code is repealed. Repeal

SEC. 7. Section 2687 of said code is repealed. Repeal

SEC. 8. Section 2692 of said code is amended to read:

Records, register, list, etc

2692. The board shall keep a record of its proceedings under this chapter, and a register of all persons licensed under it. The register shall show the name of every living licensee, his last known place of residence, and the date and number of his license as a licensed physical therapist. The board shall, during the month of May of each even-numbered year, compile a list of licensed physical therapists authorized to practice physical therapy in the State. Any interested person in the State is entitled to obtain a copy of that list upon application to the board and payment of such amount as may be fixed by the board, which amount shall not exceed the cost of the list so furnished.

SEC. 9. Section 2693 of said code is amended to read:

Report to State Controller

2693. Within 10 days after the beginning of each calendar month the board shall report to the State Controller the amount and source of all collections made from persons licensed or seeking to be licensed under this chapter and at the same time pay all such sums into the State Treasury, where they shall be credited to the Physical Therapy Fund, which is hereby created.

SEC. 10. Section 2694 of said code is amended to read:

Physical Therapy Fund

2694. There is established in the State Treasury the Physical Therapy Fund. All collections from persons licensed or seeking to be licensed under this chapter shall be paid by the board into such fund after report to the State Controller at the beginning of each month of the amount and source of the collections. All money in the Physical Therapy Fund is appropriated to carry out the purposes of this chapter.

Effect Stats 1961, Ch 400

SEC. 11. This act shall become operative only if Senate Bill No. 462 is enacted by the Legislature at its 1961 Regular Session and becomes operative, and, in such case, shall become operative at the same time as said Senate Bill No. 462 becomes operative.

CHAPTER 1279

An act to amend Sections 2940, 2942, 2950, and 2951 of, to amend and renumber Section 2984 of, and to repeal Sections 2980 and 2981 of, the Business and Professions Code, relating to psychologists.

In effect September 15, 1961

[Approved by Governor July 8, 1961 Filed with Secretary of State July 10, 1961]

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

SECTION 1. Section 2940 of the Business and Professions Code is amended to read:

Application for certificate

2940. Each person desiring to obtain a certificate from the board shall make application to the committee. The application

shall be made upon a form and shall be made in such a manner as the committee prescribes.

The application shall be accompanied by the application fee prescribed by Section 2463. This fee shall not be refunded by the board.

SEC. 2. Section 2942 of said code is amended to read:

Examination, fee

2942. Unless otherwise provided in Section 2949, each applicant for a psychology certificate shall be examined by the committee, and shall pay to the board, at least 30 days prior to the date of examination, the examination fee prescribed by Section 2463, which fee shall not be refunded by the board. Unless otherwise provided in this chapter, each applicant for a psychology certificate shall pass an examination given by the committee.

SEC. 3. Section 2950 of said code is amended to read:

Certificate, fee, etc

2950. The board shall issue, upon the recommendation and at the direction of the committee, a certificate to all applicants who meet the requirements of this chapter and who pay to the board:

(a) A certification fee in the amount of fifteen dollars ($15) if the certificate is issued before January 1, 1962, or

(b) The initial license fee provided in Section 2463, if the certificate is issued after December 31, 1961.

SEC. 4. Section 2951 of said code is amended to read:

Issuance, expiration, etc.

2951. The provisions of Chapter 5, Article 15, (commencing at Section 2450) apply to the issuance and govern the expiration and renewal of certificates issued under this chapter and the fees payable therefor.

SEC. 5. Section 2980 of said code is repealed. Repeal

SEC. 6. Section 2981 of said code is repealed. Repeal

SEC. 7. Section 2984 of said code is amended and renumbered to read:

Fees

2463. The amount of the fees prescribed in connection with certificates of registration as a psychologist is as follows:

(a) The examination fee for a certificate is twenty-five dollars ($25).

(b) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

(c) The renewal fee shall be not less than twenty dollars ($20), nor more than eighty dollars ($80), as determined by the committee.

(d) The delinquency fee shall be not less than ten dollars ($10), nor more than forty dollars ($40) as determined by the committee.

(e) The application fee is ten dollars ($10).

(f) The fee for the examination defined in Section 2941.5 is one hundred dollars ($100).

Effect · Stats 1960, Ch 400

SEC. 8. This act shall become operative only if Senate Bill No. 462 is enacted by the Legislature at its 1961 Regular Session and becomes operative, and, in such case, shall become operative at the same time as said Senate Bill No. 462 becomes operative.

CHAPTER 1280

An act to amend Sections 2551, and 2554 of, and to add Section 2460 to, the Business and Professions Code, relating to dispensing opticians.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 2460 is added to the Business and Prosessions Code, to read:

Fees

2460. The amount of fees prescribed in connection with certificates of dispensing optician is as follows:

(a) The application fee is fifty dollars ($50), thirty-five dollars ($35) of which may be refunded upon refusal or denial of a certificate.

(b) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

(c) The renewal fee shall be fixed by the board at not more than sixty dollars ($60), and not less than thirty dollars ($30).

(d) The delinquency fee is fifteen dollars ($15).

SEC. 2. Section 2551 of said code is amended to read:

Application for registration

2551. Individuals and firms shall make application for registration before engaging in such business. Application for such registration shall be on forms prescribed by the board, shall bear the signature of the individual, or individuals if a copartnership, or the president or secretary if a corporation, and shall contain the name under which he, they or it proposes to do business and the business address. Separate applications shall be made for each place of business and each application must be accompanied by the application fee prescribed by Section 2460.

SEC. 3. Section 2554 of said code is amended to read:

Issuance, expiration, etc

2554. The provisions of Chapter 5, Article 15 (commencing at Section 2450) apply to the issuance and govern the expiration and renewal of certificates issued under this chapter and the fees payable therefor. All fees collected from persons registered or seeking registration under this chapter shall be paid into the contingent fund of the Board of Medical Examiners.

The Board of Medical Examiners may employ, subject to civil service regulations, whatever additional clerical assistance is necessary for the administration of this chapter.

Effect Stats 1961, Ch 400

SEC. 4. This act shall become operative only if Senate Bill No. 462 is enacted by the Legislature at its 1961 Regular Session and becomes operative, and, in such case, shall become operative at the same time as said Senate Bill No. 462 becomes operative.

CHAPTER 1281

An act to amend Sections 2608, 2611, and 2620 of, to add Section 2461 to, and to repeal Sections 2612 and 2613 of, the Business and Professions Code, relating to registered physical therapists.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 2461 is added to the Business and Professions Code, to read:

Fees

2461. The amount of fees prescribed in connection with certificates of registration as a physical therapist is as follows:

(a) The application fee is twenty-five dollars ($25).

(b) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

(c) The renewal fee shall be fixed by the board at not more than six dollars ($6) nor less than two dollars ($2).

(d) The delinquency fee is ten dollars ($10).

SEC. 2. Section 2608 of said code is amended to read:

Application

2608. A person who desires to be registered as a physical therapist shall apply to the board, in writing, on a blank furnished by the board. He shall embody in that application evidence under oath, satisfactory to the board, showing that he possesses the qualifications preliminary to examination required by this chapter. He shall pay to the board at the time of filing his application the application fee prescribed by Section 2461.

SEC. 3. Section 2611 of said code is amended to read:

Issuance, expiration, renewal of certificates

2611. The provisions of Chapter 5, Article 15, (commencing at Section 2450) apply to the issuance, and govern the expiration and renewal of certificates issued under this chapter and the fees payable therefor.

Repeal

SEC. 4. Section 2612 of said code is repealed.

Repeal

SEC. 5. Section 2613 of said code is repealed.

Misdemeanor

SEC. 6. Section 2620 of said code is amended to read:

2620. A person who is not registered under this chapter as a physical therapist, or whose registration has been suspended or revoked, or whose certificate of registration has expired and has not been renewed, who uses in connection with his name the words or letters "R.P.T.," "Registered Physical Therapist," or any other letters, words, or insigna indicating or implying that he is a registered phyiscal therapist, or who in any other way, orally, or in writing, or in print, or by sign, directly or by implication, represents himself as a registered physical therapist, is guilty of a misdemeanor.

Effect: Stats 1961, Ch. 400

SEC. 7. This act shall become operative only if Senate Bill No. 462 is enacted by the Legislature at its 1961 Regular Session and becomes operative, and, in such case, shall become operative at the same time as said Senate Bill No. 462 becomes operative.

CHAPTER 1282

An act to amend Sections 4231 and 4243.5 of the Agricultural Code, relating to milk.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 4231 of the Agricultural Code is amended to read:

Minimum prices

4231. In determining the minimum prices to be paid by distributors to producers or associations of producers for the several class usages for a marketing area, the director may establish prices for fluid milk, or fluid cream and fluid skim milk, or milk fat or fluid skim milk components of such fluid milk. Any such minimum prices established by the director shall be applicable to all fluid milk, or fluid cream and skim milk, or milk fat or fluid skim milk components of such fluid milk utilized in such marketing area, in accordance with the several class usages of such fluid milk or such components of such fluid milk regardless of the area of origin.

Stabilization and marketing plan

The stabilization and marketing plan may further provide for maximum charges for plant and transportation services on the fluid milk, fluid cream and fluid skim milk, or milk fat or fluid skim milk components which are transported to the area where sold. The stabilization and marketing plan may enumerate the applicable maximum charges, and may establish individual charges for each function enumerated. In establishing any such maximum charges for such transportation services, the director shall base such maximum charges upon the rates charged for actual or reasonably similar services by highway carriers, as the term "highway carriers" is defined in Section 3511 of the Public Utilities Code.

SEC. 2. Section 4243.5 of said code is amended to read:

Hauling charges

4243.5. Whenever any contract between a distributor and a producer for the purchase of fluid milk, fluid skim milk, or fluid cream provides that the charges for the hauling thereof shall be paid, in whole or in part, by the producer, and such hauling is done by the distributor either directly or through an agent, or by any person contracting with, or designated by, such distributor for such hauling, the director may, and upon the written request of the producer or the written request of any association representing the producer or producers, shall investigate the rates, terms and conditions involved in such hauling in order to determine whether such rates, terms and conditions are in compliance with Section 4231 of this code. If the director shall determine that such rates, terms and conditions are not in compliance with Section 4231 of this code, then the director shall in such instance determine, within the standards prescribed in Section 4231, the maximum charges on account of such hauling that will comply with Section 4231 with respect to such purchase of fluid milk, fluid skim milk or fluid cream.

CHAPTER 1283

An act to amend Section 5248 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5248 of the Streets and Highways Code is amended to read:

5248. Notice of the award of the contract shall be published by the clerk.

The clerk shall, upon payment of the statutory fee prescribed therefor, record a notice of the award of contract in the office of the county recorder. Said recordation shall constitute notice to all persons that all property within the boundaries of the proposed assessment district shall be assessed at the time of the confirmation of the assessment under Chapter 16 (commencing at Section 5360) of Part 3 of this division to pay the costs of the improvement in proportion to the benefits which the property receives from the improvement, notwithstanding the acquisition of the property by the State or any of its agencies, or by any county, city, municipality or other public or municipal corporation. Said notice shall be substantially as follows:

NOTICE OF AWARD OF CONTRACT IN PROPOSED ASSESSMENT DISTRICT

Pursuant to the requirements of Section 5248 of the Streets and Highways Code, notice is hereby given that a contract has

been awarded by _____ to _____
(Legislative body) (Contractor)
for _____ in _____ District
(Nature of improvement) (Improvement or assessment)
No. _____ and relating to the following described real property:

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

a. Stating its exterior boundaries; or

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

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

This shall constitute notice to all persons that all property within the boundaries of the proposed assessment district shall be assessed at the time of the confirmation of the assessment under Chapter 16 (commencing at Section 5360) of Part 3 of this division to pay the costs of the improvement in proportion to the benefits which said property receives from the improvement, notwithstanding the acquisition of any such property by the State or any of its agencies, or by any county, city, municipality or other public or municipal corporation.

Reference is made to the minutes of the action taken by _____ on file in my office for full particulars.
(Legislative body)

Dated: _____

_____
(Clerk of _____)

CHAPTER 1284

An act to add Section 933 to the Penal Code, relating to grand juries.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 933 is added to the Penal Code, to read:

933. No later than the 30th day after impanelment of the next succeeding grand jury, the board of supervisors shall comment on the findings and recommendations of a grand jury that pertain to county government matters under the control of the board and every elective county officer shall report to

the board of supervisors on the findings and recommendations pertaining to such county officer. All such comments and reports shall forthwith be placed on file with the county clerk and shall remain on file in the office of the county clerk.

CHAPTER 1285

An act to amend Section 5004, and to add Section 4018 to the Vehicle Code, relating to vehicles of historic value.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 4018 is added to the Vehicle Code, to read:

Exemption from registration

4018. Vehicles which are issued special identification plates pursuant to Section 5004 are exempt from registration.

SEC. 2. Section 5004 of said code is amended to read:

Special identification plates

5004. Notwithstanding any other provision of this code, any owner of a motor vehicle manufactured in the year 1922 or prior thereto, operated or moved over the highway primarily for the purpose of historical exhibition or other similar purpose shall, upon application in the manner and at the time prescribed by the department, be issued special identification plates for the motor vehicle. The special identification plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1" and the plates shall be of a distinguishing color. Motor vehicles exempt from registration pursuant to Section 4018 shall obtain and display the special identification plates provided for in this section. A fee of twenty-five dollars ($25) shall be charged for the initial issuance of the special identification plates. Such plates shall be permanent and shall not be required to be replaced. If such special identification plates become damaged or unserviceable in any manner, replacement for the plates may be obtained from the department upon proper application and upon payment of such fee as is provided for in Section 9265.

These vehicles shall not be exempt from the equipment provisions of Sections 26709, 27150, and 27600.

Operative date

SEC. 3. The provisions of this act shall be operative January 1, 1962.

CHAPTER 1286

An act to add Section 12880.2 to the Water Code, relating to state financial assistance for local projects.

In effect September 15, 1961

[Approved by Governor July 8, 1961 Filed with Secretary of State July 10, 1961]

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

SECTION 1. Section 12880 2 is added to the Water Code, to read:

12880.2. In the administration of this chapter, the department and the commission shall give preference to projects involving development of new basic water supplies.

In furtherance of this policy, no funds shall be loaned for either irrigation distribution system projects or municipal distribution system projects, except in cases which, in the judgment of the department and the commission, involve extreme hardship which jeopardizes the public health, safety or welfare. Distribution facilities which are a necessary and integral part of an overall water development project may be covered by a state loan.

Applications for loans for irrigation distribution system projects or municipal distribution system projects which involve extreme hardship which jeopardizes the public health, safety or welfare shall be made in the following manner:

The governing body of the public agency shall submit an application to the department describing, generally, such extreme hardship existing with respect to the water supply, the financial and economic conditions existing in the area, and the proposed project. The statements by the governing body shall be based upon, and the application shall be accompanied by:

(a) A report by the assessor of the local agency with respect to assessed valuations and tax delinquencies.

(b) A report by the engineer of the local agency (or if it has none, by the county surveyor or road commissioner) describing the project and estimating its cost, in general terms.

(c) In cases involving a health hazard with respect to the domestic water supply, a report by the local health officer or by the Department of Public Health with respect to such health hazard.

(d) Such other information as the department may require from the agency.

CHAPTER 1287

An act to amend Section 20831 of the Government Code, relating to State Employees' Retirement System.

[Approved by Governor July 8 1961 Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 20831 of the Government Code is amended to read:

20831. Credit for prior service shall be granted to each member who was employed by the State, but not by the university, at the time of becoming a member and who became a member on January 1, 1932, or within three years after last rendering prior service. Credit for prior service shall be granted to each state member who, on or before the effective date of his retirement under this system becomes entitled to be credited with five years or more of current service rendered as a state member.

The status under this system of each state member who qualifies for credit for prior service under this section shall be adjusted to what it would have been if the prior service had been credited to such member at the date he became a member of this system.

The amendments to this section, adopted by the Legislature at the 1961 Regular Session, shall apply only to members whose retirement is effective on or after October 1, 1961.

CHAPTER 1288

An act to amend Section 31680 of the Government Code, relating to county employees' retirement systems.

[Approved by Governor July 8, 1961 Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 31680 of the Government Code is amended to read:

31680 A member retired for service or disability shall not be paid for any service rendered by him to the county or district after the date of his retirement, except:

(a) Pursuant to Section 31733.

(b) The county or district may pay and such retired member may receive rewards for ideas or suggestions made by such retired member for the improvement of county or district activities.

CHAPTER 1289

An act to amend Section 21368 of the Vehicle Code, relating to pedestrian crosswalks near schools.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 21368 of the Vehicle Code is amended to read:

21368. Whenever a marked pedestrian crosswalk has been established in a roadway contiguous to a school building or the grounds thereof, it shall be painted or marked in yellow as shall be all the marked pedestrian crosswalks at an intersection in case any one of the crosswalks is required to be marked in yellow. Other established marked pedestrian crosswalks may be painted or marked in yellow if either (a) the nearest point of the crosswalk is not more than 600 feet from a school building or the grounds thereof, or (b) the nearest point of the crosswalk is not more than 1,400 feet from a school building or the grounds thereof, there are no intervening crosswalks other than those contiguous to the school grounds, and where it appears that the facts and circumstances require special painting or marking of the crosswalks for the protection and safety of persons attending the school. There shall be painted or marked in yellow on each side of the street in the lane or lanes leading to all yellow marked crosswalks the following words, "SLOW—SCHOOL-XING," except that such words shall not be painted or marked in any lane leading to a crosswalk at an intersection controlled by stop signs, traffic signals or yield right-of-way signs. A crosswalk shall not be painted or marked yellow at any location other than as required or permitted in this section.

CHAPTER 1290

An act to add Section 7420.5 to the Business and Professions Code, relating to the practice of cosmetology.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 7420.5 is added to the Business and Professions Code, to read:

7420.5. The board may issue a temporary permit to practice in this State for not to exceed three days to a licensed cosmetologist or cosmetology instructor who is a member of a national nonprofit organization composed of at least 20,000

members The temporary permit shall be issued for practice at national or state conventions or trade shows held in this State. It shall be issued for a specific location and a specific date and shall be returned to the board when it has expired. Any person who is issued such a temporary permit shall comply with sanitary regulations as required by the board.

A person shall make application to the board to obtain a temporary permit and shall pay an application fee of not more than ten dollars ($10) and not less than two dollars (2) as set annually by the board.

CHAPTER 1291

An act to amend Sections 19633 and 19634 of the Business and Professions Code, relating to the State College Fund.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 19633 of the Business and Professions Code is amended to read:

19633. All license fees for conducting horse racing meetings attributable to breakage shall be paid into the General Fund of the State. The State College Fund is abolished and all money credited to such fund is transferred to the General Fund. All appropriations heretofore made from the State College Fund shall be payable for the same purposes and periods from the General Fund.

License fees. Breakage

State College Fund abolished

SEC. 2. Section 19634 of said code is amended to read:

19634. From the General Fund there is appropriated to the California State Polytechnic College five hundred thousand dollars ($500,000) to be expended for the purchase of not to exceed three hundred sixty (360) acres of farm land for the California State Polytechnic College.

Appropriation

This section shall be construed as a continuance of the provisions of Section 19620.2 of this code as added by Chapter 1582 of the Statutes of 1957, and not as an additional appropriation from the General Fund.

Construction

CHAPTER 1292

An act authorizing a grant to the Tehama County Flood Control and Water Conservation District for fish and wildlife enhancement and recreation in connection with the Paskenta Dam and Reservoir, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. The Department of Water Resources is hereby authorized to make a grant to the Tehama County Flood Control and Water Conservation District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding the amount of three million ninety thousand one hundred dollars ($3,090,100), for fish and wildlife enhancement and recreational functions incidental to the construction of the Paskenta Dam and Reservoir on Thomes Creek in Tehama County.

No further legislative approval shall be required with respect to the grant authorized to be made to the district by this act; but such grant shall not be made to the district until the district can actually demonstrate the availability of federal money under a small reclamation projects loan under Public Law 984, 84th Congress, Second Session.

Urgency

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

The Tehama County Flood Control and Water Conservation District is in a favorable position to obtain a federal loan, but a state grant is necessary in order to integrate fish and wildlife enhancement and recreation features in the proposed project. Legislative approval of the grant proposed by this act is necessary. In order that this much-needed project may be commenced and completed at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 1293

An act to add Section 31408 to the Vehicle Code, relating to buses.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 31408 is added to the Vehicle Code, to read:

31408. All buses transporting minors on any outing organized on a group basis, whether such outing is being conducted for a profit or otherwise, shall be subject to the provisions of Sections 31402, and 31404 through 31407 inclusive. In addition to any other equipment required by law, the tires, lighting and braking systems of such buses shall be maintained in good and safe operating condition.

CHAPTER 1294

An act to amend Sections 339.1, 339.4, 339.6, 339.8, 339.9, 340, 344.1, 353.5, 353.6, and 380.51 of, and to add Section 340.2 to, the Agricultural Code, relating to cattle brands.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 339.1 of the Agricultural Code is amended to read:

339.1. The fee for each application for recording a brand is five dollars ($5). Such fee shall entitle the applicant to the recordation of one brand and one duplicate cattle brand registration certificate. The fee for each additional duplicate is five dollars ($5). If the applicant fails to submit within 60 days of the date of receipt by the department of his application all information and documents required by Article 3 (commencing at Section 336) of this chapter, the application shall lapse and the applicant shall not be entitled to recordation of his brand unless and until he shall have submitted a new application and the additional fee therefor.

Fees: Application for recording

SEC. 2. Section 339.4 of said code is amended to read:

339.4. The annual renewal fee is three dollars ($3). The owner of a statewide recorded brand may, on or before January 30th of any year, pay in advance to the bureau a sum which is a multiple of three dollars ($3), which payment shall entitle him to use the brand for any number of years, but not to exceed 10 years, at the rate of three dollars ($3) per year from and after January 1st of such year. Where such advance pay-

Annual renewal

ment is made, annual renewals for each of the years within the period for which advance payment has been made shall not be required.

SEC. 3. Section 339.6 of said code is amended to read:

Reinstatement of brand

339.6. When the right to use a brand is suspended as of such January 1st, it may be reinstated within the calendar year in which the suspension occurs upon the payment of a reinstatement fee of ten dollars ($10).

SEC. 4. Section 339.8 of said code is amended to read:

Re recording forfeited brand

339.8. A forfeited brand may be re-recorded only when an affidavit of nonuse during the period of suspension and forfeiture or the penalty of twenty-five dollars ($25) for using a forfeited brand accompanies the application.

SEC. 5. Section 339.9 of said code is amended to read:

Re-recording

339.9. The fee for re-recording a brand is five dollars ($5). If the applicant fails to submit within 60 days of the date of receipt by the department of his application all information and documents required by Article 3 (commencing at Section 336) of this chapter, the application shall lapse and the applicant shall not be entitled to recordation of his brand unless and until he shall have submitted a new application and the additional fee therefor.

SEC. 6. Section 340 of said code is amended to read:

340. The fee for recording the transfer of a brand is five dollars ($5) and shall include a new certificate. If the applicant fails to submit within 60 days of the date of receipt by the department of his application, all information and documents required by Article 3 (commencing at Section 336) of this chapter, the application shall lapse and the applicant shall not be entitled to recordation of his brand unless and until he shall have submitted a new application and the additional fee therefor.

SEC. 7. Section 340.2 is added to said code, to read:

Penalty

340.2. Any person who uses an unrecorded, forfeited, canceled or suspended brand shall pay a penalty of twenty-five dollars ($25) which shall be in addition to any other penalty provided by law.

SEC. 8. Section 344.1 of said code is amended to read:

Vent brand

344.1. A vent brand may be applied on the loin of an animal corresponding to the side of the owner's registered brand. Only the owner's recorded brand may be used as a vent. No recordings shall be issued allowing the use of any other brand as a vent.

SEC. 9. Section 353.5 of said code is amended to read:

Cattle shipped to California

353.5. The fee shall be thirteen cents ($0.13) for each head of cattle, originating in other states and shipped to California, consigned to a public stockyard which is posted by the Secretary of Agriculture of the United States, or to a public sales yard, for inspection before sale at such stockyard or market.

SEC. 10. Section 353.6 of said code is amended to read:

353.6. The fee shall be thirteen cents ($0.13) for each head of cattle, originating in other states, shipped to California for slaughter, and unloaded in an enclosure which is used exclusively by the slaughterer and located within one mile of the slaughterhouse if the cattle are driven, not transported, from said enclosure to said slaughterhouse. Same

SEC. 11. Section 380.51 of said code is amended to read:

380 51. Any person desiring to use a brand on horses, mules, burros or sheep shall be governed by the same statutory provisions and procedures with reference to such animals as are made applicable to the branding of cattle in Articles 3 and 4 of Chapter 2 of this division, except Section 337.1, as though said provisions and procedures were set fully forth in this chapter, except that brands for swine may also be recorded in accordance with these provisions. but such recording is not mandatory. Any person owning a registered cattle brand may use the same brand on the same location on horses, mules, burros, sheep or swine when not in conflict with a previously registered brand. Brands for horses, mules, etc

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CHAPTER 1295

An act to amend Section 773 of the Probate Code, relating to sales of personal property.

[Approved by Governor July 8, 1961 Filed with Secretary of State July 10, 1961]

In effect September 15, 1961

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

SECTION 1. Section 773 of the Probate Code is amended to read:

773. Personal property may be sold for cash, or upon credit. If a sale is made upon credit, not less than 25 percent of the purchase price shall be paid in cash at the time of sale. The executor or administrator shall take the note of the purchaser for the balance of the purchase money, with a pledge or chattel mortgage of the personal property sold, to secure the payment of said balance, or shall enter into a conditional sale contract under which title is retained until such balance is paid, the terms of said note and pledge or chattel mortgage or contract to be approved by the court at the time of confirmation of sale. Notwithstanding the foregoing provisions of this section, the court may by order authorize a sale on credit on terms providing for less than 25 percent of the purchase price to be paid in cash at the time of the sale, or may waive or modify the requirement that a lien or other security interest shall be retained or taken to secure payment of the balance of the purchase price, when, in the opinion of the court, such terms are for the best interests of the estate and the property to be sold is of such a nature that it is impracticable to sell

the property for a larger cash payment at time of sale, or to retain a lien or other security interest therein.

The order of the court shall fix the terms and conditions of the sale. A petition for such order shall be filed by the executor or administrator with the clerk, who shall set the same for hearing by the court and shall give notice thereof for the period and in the manner required by Section 1200 of this code, and in addition to the notice therein required, notice of the hearing shall be given by mail at least 10 days prior to the hearing to all heirs, devisees and legatees named in the petition for probate of the will or for letters of administration, as the case may be.

CHAPTER 1296

An act to amend Section 21384 of the Government Code, relating to survivors allowances in the State Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 21384 of the Government Code is amended to read:

Application

21384. This article applies from and after January 1, 1960, or the date of a member's subsequent election hereunder, to state members and local miscellaneous members who are employees of school districts which are contracting agencies, or who are included in the system under Chapter 4.5 (commencing at Section 20580), who entered or enter membership after November 4, 1959, or who were members on November 4, 1959, and elected, pursuant to rules of the board, to be subject to this article, or who so elect within 90 days following the effective date of the amendment to this section at the 1961 Regular Session, in the manner herein prescribed. This article shall not apply to any such member with respect to service which is included in the federal system.

An election pursuant to this section shall be in writing and shall be effective only when received in the office of the board. Contributions under this article for such member shall begin on the first of the month or the payroll period following the filing of such election. The board may, on the request of any member who on November 4, 1959, elected to be subject to this article, cancel such election if it finds that the election was made because of the member's mistake or misunderstanding, and that the member has acted diligently in making such request. Such cancellation shall be effective as of the first day of the month following the board's action canceling the election.

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

State and school district employees were given an option on November 4, 1959, to participate in the newly established program of survivor benefits. A number of these employees, through misunderstanding, failed to exercise this option and their dependents are without the protection and security of this program.

CHAPTER 1297

An act to amend Section 13006 of, and to add Section 13006.1 to, the Education Code, relating to jury duty by school employees.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.] In effect September 15, 1961

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

SECTION 1. Section 13006 of the Education Code is amended to read:

13006. (a) The governing board of a school district may grant leaves of absence to employees to appear as a witness in court other than as a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Leaves of absence For witnesses, etc

(b) The governing board of a school district may grant leaves of absence to employees, in positions requiring certification qualifications, regularly called for jury duty in the manner provided for by law. For jury duty

(c) The governing board may grant such leaves of absence with pay up to the amount of the difference between the employee's regular earnings and any amount he receives for jury or witness fees. Pay

SEC. 2. Section 13006.1 is added to said code, to read:

13006.1. The governing board of any district shall grant leave of absence to any employee, serving in a position not requiring certification qualifications, regularly called for jury duty in the manner provided for by law. The governing board shall grant such leave with pay up to the amount of the difference between the employee's regular earnings and any amount he receives as juror's fees. Leave of absence for jury duty, pay, etc.

It is unlawful for the governing board or personnel commission of any school district to adopt or maintain any rule, regulation, or policy which has as its purpose or effect a tendency to encourage employees to seek exemption from jury duty, or to directly or by indirection solicit or suggest to any employee that he seek exemption from jury duty, or to dis- Unlawful rules, etc.

criminate against any employee with respect to assignment, employment, promotion, or in any other manner because of such employee's service on any jury panel.

Permissible rule

The board or personnel commission may, however, provide by rule that only a percentage of its staff, which percentage shall not be less than 2 percent, shall be granted such leave, with pay, at any one time.

Discussion with employee

Nothing in the foregoing provisions shall preclude the district superintendent or his agent from discussing with the affected employee the practicality of seeking exemption when acceptance would tend to materially disrupt the district's operations.

CHAPTER 1298

An act to amend Section 12412 of the Government Code, relating to keeping accounts.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 12412 of the Government Code is amended to read:

12412. The Controller shall keep and state all accounts in which the State is interested and keep a separate account under the head of each specific appropriation, showing at all times the undisbursed balance of the appropriation.

CHAPTER 1299

An act to amend Section 1299.18a, 1299.20, 1300.1, and 1300.3 of, and to add Section 1300.5 to, the Agricultural Code, relating to processors of farm products, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 1299.18a of the Agricultural Code is amended to read:

1299.18a. When used in this chapter:

"Lender"

(a) The term "lender" includes any individual, firm, association, partnership or corporation who advances new value to a processor;

"New value"

(b) The term "new value" includes new advances or loans made by a lender to a processor, but shall not be construed to include extensions or renewals of existing obligations of the

processor, nor obligations substituted for such existing obligations.

"Packout basis" (c) The term "packout basis" means that payment for the farm product shall be based on the grade or quality of the finished product as determined at the completion of said processing.

SEC. 2. Section 1299.20 of said code is amended to read:

Examinations, audits, etc 1299.20. If the director finds that any licensee has failed, refused or neglected to make payment in full for farm products purchased and received from the producer thereof, as required by this chapter, upon his own motion, he may make examinations and audits of the books and records of any licensee pertaining to the purchase or to the handling and accounting for of any farm products purchased or received from the producer thereof, and may examine and audit all pertinent books, records, weight tags, receipts, ledgers, papers, contracts, and other documents of the licensee which show or tend to show facts regarding the status of accounts of growers doing business with said licensee; should such examination disclose evidence of violation of this chapter, the director may then and thereupon and upon his own motion issue a complaint directed against the licensee, either on his own behalf or on behalf of producers affected by such violation or violations, together with such other process for the enforcement of the provisions of this chapter as is in said chapter provided.

SEC. 3. Section 1300.1 of said code is amended to read:

Processors license required 1300.1. No person shall act as a processor or agent without having first obtained a license as provided in this chapter. Every person, before acting as a processor, shall file an application with the director for a license to so act, and such application shall be accompanied by a license fee of fifty-five dollars ($55). Fee

Such applicant shall further satisfy the director of his or its character, responsibility and good faith in seeking to carry on the business stated in the application.

Corporate or partnership Should the applicant be a corporation or partnership, it shall likewise satisfy the director of the character, responsibility and good faith of any or all persons connected with it in a responsible or managing position, such as manager, superintendent, officer or director of a corporation, or manager, superintendent, or member of a partnership. Failure of any such person to satisfy the director of his character, responsibility, or good faith may be considered by the director as adverse to a showing of such qualifications by such corporation or partnership, and shall be good and sufficient grounds for the denial of an application for license or of the renewal thereof.

Previous conviction, etc. Previous conviction of a felony, previous bankruptcy, voluntary or involuntary, or previous violation of this chapter may be considered by the director as adverse to a showing of such character, responsibility, or good faith on the part of any applicant, or on the part of any manager, superintend-

ent, director or officer of an applicant corporation, or on the part of any superintendent, manager, or member of an applicant partnership. The same considerations are applicable to an individual applicant who has previously been in a responsible or managing position with a corporation or partnership which has suffered revocation or suspension of license by reason of violation of this chapter or by reason of violation of Chapter 6, Division 6, of the Agricultural Code.

Agent's application

Every person before acting as an agent, shall file an application with the director for a license to so act, and such application shall be accompanied by a license fee of five dollars ($5).

Processor: Each application shall state:

(a) The full name of the applicant;

(b) If the applicant be a firm, exchange, association or corporation the full name of each member of the firm, or the names of the officers of the exchange, association or corporation;

(c) The principal business address of the applicant in the State of California;

(d) The name or names of the person or persons authorized to receive and accept service of summons for the applicant.

Upon the filing of such application and the payment of such fee the director shall issue to such applicant a license entitling the applicant to conduct the business of processor within the State of California for a year from the date thereof, or until the same shall have been revoked in the manner and upon the grounds hereinafter specified.

Should any processor fail, refuse or neglect to apply for the renewal of an existing license on or before the date of expiration thereof, a penalty of ten dollars ($10) shall apply to and be added to the original fee, and shall be paid by the applicant before the renewal license may be issued.

Agent: Each application shall include such information as the director may consider proper or necessary, and shall include the name and address of the applicant, the name and address of the processor represented or sought to be represented by said agent, and the written endorsement or nomination of such processor.

Upon the filing of the application and fee as herein provided, the director shall issue to the applicant a license entitling the applicant to conduct the business described in the application. The license of an agent shall expire upon the date of expiration of the license of the processor for whom the agent acts, or until revoked in the manner and upon the grounds hereinafter specified, whichever first occurs. The director may issue to each agent a separate license card for each processor represented by the agent. Any agent who displays a void or expired license card is guilty of a misdemeanor.

SEC. 4. Section 1300.3 of said code is amended to read:

1300.3. The director, upon his own motion may or upon the verified complaint of any interested party, shall investigate, examine, or inspect any transaction involving the failure of the processor to make payment for farm products within the time specified for such payment in the contract of sale and purchase between the producer and the processor, in accordance with the terms of said contract or in accordance with the provisions of this chapter. Should the complaint be a bona fide dispute involving the rejection of farm products, or involving the failure or refusal to accept and pay for farm products bought or contracted to be bought from a producer by a processor, the failure or refusal by the processor to furnish or provide boxes or other containers, or hauling, harvesting, or any other service contracted to be done by the processor in connection with the acceptance, harvesting, or other handling of said farm products, the director shall have no jurisdiction to act upon such complaint if the processor within ten (10) days after notice by the director of the filing of such verified complaint has submitted such dispute to arbitration in accordance with the provisions of a written contract; provided, however, that the jurisdiction otherwise reserved to the director in this chapter shall be deemed restored for the purposes of this chapter if the arbitrators, without reasonable cause, fail, refuse or neglect to adjudicate the matter of dispute within ninety (90) days from the date the matter was submitted to arbitration; provided, also, that the director shall have jurisdiction over any such complaint or dispute if the processor has failed to perform in accordance with any arbitration award made in accordance with the terms of such written contract. If the director is unable to effect a settlement satisfactory to him and to both parties to the complaint, he shall cause a copy of such complaint, together with a notice of the time and place of hearing of such complaint, to be served personally or by mail upon the processor against whom the complaint is filed. Such service shall be made at least ten (10) days before the hearing, which hearing shall be held in the city or town in which is situated the principal place of business of the licensee or respondent, or in which the alleged violation complained of is said to have occurred, or in the county seat of the county in which the alleged violation complained of is said to have occurred, or in the nearest office of the State Department of Agriculture, at the discretion of the director. At the time and place appointed for such hearing the director, or his agent, shall hear the parties to such complaint and shall enter in the office of the director in Sacramento an order dismissing such complaint or if he is satisfied that the licensee has violated any provisions of this chapter he may issue an order suspending or revoking the processor's license or placing such license under such probationary terms and conditions as may be necessary to obtain compliance with the provisions of this chapter by such licensee A copy of such order shall be furnished to the respective parties to the complaint. At such hearing the director or his

Examination, investigation, etc., on verified complaint

Arbitration

Notice of hearing

Hearing

duly appointed agent shall have full authority to administer oaths, and take testimony thereunder; to issue subpoenas requiring the attendance of witnesses before him, together with such books, memoranda, papers, and other documents, articles or instruments as may be pertinent to the controversy as set forth in the complaint, to compel the disclosure by such witnesses of all facts known to them relative to the controversy, and all parties disobeying the orders or subpoenas of said director or his duly authorized agent shall be guilty of contempt and shall be certified to the superior court of the State for punishment for such contempt.

SEC. 5. Section 1300.5 is added to said code, to read:

Purchase on packout basis

1300.5. (a) Every processor other than a licensed winegrower who purchases farm products from the producer thereof on a packout basis shall promptly upon completion of said processing inform the producer of the results obtained, and in so doing shall account fully and completely for the entire weight of the farm product so received from the producer.

Where a specific grade or quality is a condition of a packout basis contract between producer and the processor, such grade or quality shall be determined at the completion of said processing by a state or federal agency duly authorized to determine said grade or quality, and the certificate issued in connection with said inspection shall be prima facie evidence of the grade or condition or both of the finished product.

Every contract between a processor and a producer covering the purchase of farm products on a packout basis shall, in addition to designating the price to be paid for the specific grade, designate the price to be paid for any other grade into which the farm product is processed as determined by inspection of the finished product by a duly authorized state or federal agency.

(b) Every processor other than a licensed winegrower who receives farm products from the producer thereof for processing on a consigned basis shall promptly make and keep a correct record showing in detail the following with reference to the processing, handling, storage, and sale of said farm products:

Content of record

(1) The name and address of the consignor.

(2) The date received.

(3) The quantity received.

(4) The size or sizes of the containers into which the finished product is packed.

(5) The grade or grades and quality of the finished product.

(6) The price or prices obtained from the sale of the finished product.

(7) An itemized statement of costs and charges paid in connection with the processing, handling, storage, and sale of the farm product.

(c) Where the processor has entered into a written contract with two or more owners or consignors, which contract provides

that the returns for the farm products handled and sold for the account of such owners or consignors shall be pooled on a definite basis as to grade or quality, or both, during a specific period of time, then the processor shall render an account of sale showing the net average pool return on each grade and quality from sales made, showing in detail all charges in connection with the handling, processing and selling of such farm products, and the processor shall keep a correct record of such sales and charges.

(d) Every processor shall keep accurate books and records showing the names and addresses of all producers selling and making delivery of farm products to him, including the dates of deliveries, the quantities thereof, and the agreed price to be paid therefor, and if no agreed price has been arrived at, or a method for determining the same agreed upon, then such agreed price shall be considered the value of such products as of date of delivery. For the purpose of ascertaining such value and in addition to other evidence, reference may be had to price quotations from the federal-state market news service. Accurate grading and weight receipts bearing the date thereof shall be given by all processors to each producer, or his agent, upon each and every delivery, such receipt to bear the name and address of the producer and the name of the processor. Not later than five days after demand the processor shall give to every such producer so requesting a full and complete statement of such producer's account, showing the entire quantities of products delivered by him, the grades thereof, and the amount owing for every lot and for the whole thereof. Books and records

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

In order for the provisions of this act to benefit the industries involved during the 1961 growing season it must take effect immediately.

CHAPTER 1300

An act to amend Section 1111 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 8, 1961 Filed with Secretary of State July 10, 1961] In effect September 15, 1961

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

SECTION 1. Section 1111 of the Unemployment Insurance Code is amended to read:

1111. The director for good cause may extend for not to exceed 60 days the time for making a return or paying without penalty any amount required to be paid under this divi-

sion. Any employer to whom an extension is granted and who pays the amount required within the period for which the extension is granted shall pay, in addition to the contributions, interest at the rate of 6 percent per annum from the date on which the payment would have been delinquent without the extension until the date of payment.

CHAPTER 1301

An act to amend Sections 37202, 37203, 37206, and 37207 of, and to repeal Section 37201 of, the Water Code, relating to assessment of land by water districts.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 37201 of the Water Code is repealed.

SEC. 2. Section 37202 of said code is amended to read:

37202. Unless the context otherwise requires, the following terms used in this part shall mean:

"Board of supervisors"

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

"Bond," "bonds"

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

SEC. 3. Section 37203 of said code is amended to read:

Resolution to proceed under this part

37203. On or before January 31st of any year the board may by resolution elect to proceed under this part for the levy, collection and enforcement of assessments, and thereafter until termination of such election the provisions of this part and no other shall apply. The board by resolution may at any time on or before January 31st of any year terminate its election to proceed under this part, and thereafter the provisions of this part shall no longer apply. On or before February 1st following the adoption of either of said resolutions, a certified copy thereof shall be filed with the auditor, assessor, tax collector and treasurer of each county within which a district is located.

SEC. 4. Section 37206 of said code is amended to read:

Estimate of money needed

37206. Not later than the first day of the month in which the board of supervisors is required by law to levy taxes for county purposes, the district board shall furnish to the board of supervisors an estimate in writing of the amount of money needed to be raised by assessment in the county for the payment of its proportion of the amount required for the purposes of the district for the next fiscal year. Except to the extent that provision has otherwise been made by the board, as may be permitted by law, for payment of the principal of and interest upon bonds as they become due and for payment of other claims and expenses of the district, said estimate shall

be in an amount sufficient for payment of the county's proportion of the principal of and interest on bonds as they become due and for payment of other claims and expenses of the district.

SEC. 5. Section 37207 of said code is amended to read:

37207. The board of supervisors annually at the time of levying county taxes shall levy an ad valorem assessment upon all lands within that portion of the district within the county sufficient to raise the amount stated in the estimate of the district board.

Ad valorem assessment

CHAPTER 1302

An act to codify Chapter 1739, Statutes of 1953, by repealing said chapter, and adding Chapter 6.5 (commencing with Section 1231) to Part 1, Division 1 of the Public Utilities Code, relating to allocation to counties, cities, and cities and counties for the construction of grade-crossing protections, and making an appropriation.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Chapter 6.5 (commencing with Section 1231) is added to Part 1, Division 1 of the Public Utilities Code, to read:

CHAPTER 6.5. PROTECTION OF GRADE CROSSINGS

1231. The commission shall allocate and expend any money which may be appropriated, from the State Highway Fund or any other fund, for the purposes specified herein, to cities, counties, and cities and counties, on the basis of need as determined by the commission, to assist them in paying their shares of the cost of constructing grade-crossing protection works on city, county, and city and county streets, roads, and highways. In no event, however, shall the commission allocate or expend to any city, county, or city and county a sum exceeding one-half of its share of the cost of such work.

Allocation: Costs of grade crossing protection

Funds appropriated for the purposes specified herein shall be available for allocation and expenditure without regard to fiscal years.

1232. At the time the commission makes each allocation under this chapter, it shall so certify to the State Controller. The commission shall present claims for reimbursement of the State's share of the cost of construction of projects under any allocations to the State Controller for payment. The State Controller shall make such audit as he deems necessary, before or after disbursement, for the purpose of determining that the money allocated has been expended for the purposes and under the conditions authorized under this chapter.

Certification to Controller, claims for reimbursement

Appropriation

SEC. 2. The unexpended balance of the appropriation made in Chapter 1739 of the Statutes of 1953, as augmented by Item 442.1 of Chapter 1, Statutes of 1956, Item 446.5 of Chapter 1, Statutes of 1958, Second Extraordinary Session, Chapter 2042, Statutes of 1959, and Item 374.1 of Chapter 11, Statutes of 1960, is hereby appropriated without regard to fiscal years for purposes of Chapter 6.5 of Part 1 of Division 1 of the Public Utilities Code.

Repeal

SEC. 3. Chapter 1739 of the Statutes of 1953 is repealed.

CHAPTER 1303

An act to add Section 14307 to the Health and Safety Code, relating to local fire districts.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 14307 is added to the Health and Safety Code, to read:

14307. Bonds may be issued by a district for any zone established under the provisions of this article for the purpose of providing supplemental facilities and services required because of the nature or type of the property within the zone. The procedure for the issuance of such bonds shall be as prescribed in Sections 14166 to 14176, inclusive, except that for the purposes of the issuance of such bonds:

(a) The zone shall be treated as a district.

(b) The district board shall be deemed to be the district board of the zone.

(c) The word "zone" shall be read wherever the word "district" is used in Sections 14166 to 14176, inclusive.

(d) Only the qualified electors in the zone shall be entitled to vote on the bond issue, sign any petition involved, be heard at any hearing, or file any protest.

(e) Only property assessed within the zone shall be taxed for repayment of the bonds or be used to compute the bonding limit.

CHAPTER 1304

An act to add Section 4232 to the Agricultural Code, relating to milk.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 4232 is added to the Agricultural Code, to read:

4232. No provision of this chapter or any stabilization and marketing plan formulated by the director pursuant thereto shall be construed as constituting any limitation upon the right of any distributor or producer-distributors, including any nonprofit co-operative association of producers which association is also a distributor, by reason of the form or nature of the legal entity under which such distributor conducts business, to sell or distribute fluid milk, fluid cream or dairy products at prices or upon terms and conditions according to and within the several methods of distribution, at or subject to which the same lawfully may be sold or distributed by any other distributors.

This section shall not make lawful or permit the payment by any such distributor to a producer for fluid milk, fluid cream or the milk fat or fluid skim milk or such components of fluid milk or fluid cream, at prices less than the minimum prices prescribed in the applicable stabilization and marketing plan.

CHAPTER 1305

An act to amend Section 11779 of the Insurance Code, relating to insurance by the State Compensation Insurance Fund for compensation or damages under federal laws.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 11779 of the Insurance Code is amended to read:

11779. The fund may insure employers against their liability for compensation or damages under the United States Longshoremen's and Harbor Workers' Compensation Act, or other federal or maritime laws when written incidental to and in connection with California Workmen's Compensation, as fully as any private insurer.

CHAPTER 1306

An act to add Section 55603.5 to the Government Code and Section 14408 to the Health and Safety Code, relating to fire protection contracts.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 55603.5 is added to the Government Code, to read:

Fire protection contracts

55603.5. Every contract between a county and a city entered into after the effective date of this section which provides for the furnishing of fire protection services by the county to the city, except a contract to render assistance whenever a fire occurs within the limits of a city of such proportions that it cannot be adequately handled by the fire department of the city, shall be for a term of at least one year.

Minimum term

Neither the county nor the city shall have the power to abrogate such a contract during the term of the contract. The contractual relationship between the county and the city may, however, be terminated by the voters of either the county or the city.

Termination by voters

The board of supervisors or the governing body of the city may, at any time, call and conduct a special election in the county or the city, as the case may be, for the purpose of submitting to the voters of the county or the city a proposition for the termination of the contractual relationship between the county and the city.

An election in the county shall be called and conducted in the same manner as other special elections in the county. An election in the city shall be called and conducted in the same manner as other special elections in the city, except that no notice of the election, other than the notice prescribed by Section 9755 of the Elections Code, need be given and neither sample ballots nor polling place notices need be mailed for such an election.

If at an election in the county or an election in the city, a majority of the voters voting vote in favor of the termination of the contractual relationship between the county and the city, the contractual relationship shall be terminated on the first day of July next succeeding the date of the election, if the election is held on or before February 1st of the fiscal year of the county. If the election is held subsequent to February 1st of the fiscal year, the contractual relationship shall be terminated on the 30th day of June of the fiscal year next succeeding

SEC. 2. Section 14408 is added to the Health and Safety Code, to read:

Fire protection contract

14408 Every contract between a district and a city entered into after the effective date of this section which provides for the furnishing of fire protection services by the district to the city, except a contract to render assistance whenever a fire occurs within the limits of a city of such proportions that it cannot be adequately handled by the fire department of the city, shall be for a term of at least one year.

Minimum term

Neither the district nor the city shall have the power to abrogate such a contract during the term of the contract. The contractual relationship between the district and the city may, however, be terminated by the voters of either the district or the city.

Termination by voters

The board of supervisors or the governing body of the city may, at any time, call and conduct a special election in the

district or the city, as the case may be, for the purpose of submitting to the voters of the district or the city a proposition for the termination of the contractual relationship between the district and the city.

An election in the district shall be called and conducted in the same manner as an election for the formation of a district. An election in the city shall be called and conducted in the same manner as other special elections in the city, except that no notice of the election, other than the notice prescribed by Section 9755 of the Elections Code, need be given and neither sample ballots nor polling place notices need be mailed for such an election.

If at an election in the district, or an election in the city, a majority of the voters voting vote in favor of the termination of the contractual relationship between the district and the city, the contractual relationship shall be terminated on the first day of July next succeeding the date of the election, if the election is held on or before February 1st of the fiscal year of the district. If the election is held subsequent to February 1st of the fiscal year, the contractual relationship shall be terminated on the 30th day of June of the fiscal year next succeeding

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CHAPTER 1307

An act to amend Section 1209.5 of the Code of Civil Procedure, relating to court orders for support of children, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.] In effect immediately

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

SECTION 1. Section 1209.5 of the Code of Civil Procedure is amended to read:

1209.5. When a court of competent jurisdiction makes an order compelling a parent to furnish support or necessary food, clothing, shelter, medical attendance, or other remedial care for his child, proof that such order was made, filed, and served on the parent or proof that the parent was present in court at the time the order was pronounced and proof of noncompliance therewith shall be prima facie evidence of a contempt of court.

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

Situations now exist in which there is urgent need for the enactment of legislation to provide for the welfare of children whose immediate needs for food, clothing, shelter and medical

assistance have not been met by many parents, although under court order to do so. That existing procedures to gain jurisdiction over such parents for contempt purpose are inadequate and need immediate change.

CHAPTER 1308

An act to amend Section 21954 of the Vehicle Code, relating to pedestrians on roadways.

In effect September 15, 1961

[Approved by Governor July 8, 1961 Filed with Secretary of State July 10, 1961]

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

SECTION 1. Section 21954 of the Vehicle Code is amended to read:

21954. (a) Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) The provisions of this section shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.

CHAPTER 1309

An act to add Section 2410.4 to the Labor Code, relating to labor camps.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 2410.4 is added to the Labor Code, to read:

2410.4. Every owner or operator of a camp shall register such camp with the Division of Housing annually. Such registration shall be done prior to January 31 of each year, and shall apply to every camp whether occupied or not.

Prior to the construction or establishment of any new or additional camp, the owner or operator thereof shall notify the division and register such camp prior to occupancy; except that under emergency conditions such notification and registration may be made not later than five days after occupancy.

Registration shall be on forms supplied by the division and shall contain the following information:

(a) The name and address of the owner and/or the operator.

(b) The location of the camp.

(c) The dates and period or periods of intended occupancy.
(d) The number of occupants proposed to be housed.
(e) A complete description of the facilities comprising the camp.

The information required by subdivisions (b) to (e), inclusive, may be omitted after initial registration if there has been no change therein since the last previous registration.

CHAPTER 1310

An act to amend Section 1858.04 of, and to add Sections 1858.60 and 1858.61 to, the Civil Code, relating to the storing of vital records by warehousemen.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1858.04 of the Civil Code is amended to read:

1858.04. (1) In this article, unless the context or subject matter otherwise requires— Definitions

"Action" includes counterclaim, setoff, and suit in equity.

"Delivery" means voluntary transfer of possession from one person to another.

"Fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

"Goods" means animate or inanimate chattels or merchandise in storage or in the custody of a warehouseman, or which has been or is about to be stored or deposited in the custody of a warehouseman.

"Holder" of a receipt means a person who has both actual possession of such receipt and a right of property therein.

"Order" means an order by endorsement on the receipt.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership of two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee or as pledgee.

"Purchaser" includes mortgagee and pledgee.

"Receipt" means a warehouse receipt.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not constitutes value where a receipt is taken either in satisfaction thereof or as security therefor.

"Warehouseman" means a person lawfully engaged in the business of storing goods for profit.

"Vital records" means records of all kinds and nature designated on the warehouse receipt as vital records and which are deposited on a prepaid basis of at least 25 years.

(2) A thing is done "in good faith" within the meaning of this article, when it is in fact done honestly, whether it be done negligently or not.

SEC. 2. Section 1858.60 is added to said code, to read:

Delivery of vital records after calamity

1858.60. After an explosion, conflagration, earthquake, disaster or other public calamity affecting a depositor of vital records, and in the absence of willful misconduct or gross negligence, a warehouseman shall be justified in delivering vital records to a person claiming to be entitled thereto notwithstanding anything to the contrary provided in Sections 1858.18 and 1858.19, if the warehouseman determined from all information reasonably available that said person was a person entitled thereto as provided in Section 1858.18.

SEC. 3. Section 1858.61 is added to said code, to read:

Justified failure to deliver

1858.61. The warehouseman shall be justified in failing to deliver the vital records to the depositor or owner of the goods, or to the holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable, provided that said vital records have been previously destroyed by the warehouseman pursuant to (i) a written direction from the depositor to destroy such records without notice after a specified date made either at the time of deposit or thereafter, or (ii) a covenant in the warehouse receipt providing for their destruction with notice subsequent to the storage account becoming delinquent. The notice specified in (ii) above must be written notice by registered mail to the depositor and all others who have notified the warehouseman that they claim an interest in such records as follows: (1) a first notice at least one year prior to said destruction, (2) a second notice at least thirty (30) days prior to said destruction specifying the date when said destruction will take place.

CHAPTER 1311

An act to add Article 4.5 (commencing with Section 1953.10) to Chapter 3, Title 2, Part 4 of, the Code of Civil Procedure, relating to private records.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 4.5 (commencing with Section 1953.10) is added to Chapter 3, Title 2, Part 4 of the Code of Civil Procedure, to read:

Article 4.5. Private Records Destroyed in Disaster or Calamity

Destruction of records. Petition to court to establish, etc

1953.10 Any person, corporation, copartnership, organization, institution, business, member of profession or calling

interested in establishing the existence, substance, genuineness, or authenticity of any memorandum, book, map, chart, manuscript, writing, account, entry, record, print, document, representation, or combination thereof that has been damaged, rendered wholly or partially illegible, destroyed in whole or in part or lost by explosion, conflagration, earthquake, disaster or other public calamity, may apply by duly verified petition to the court for an order establishing, reciting, or declaring the existence, substance, genuineness or authenticity of the same.

Notice of filing and hearing

1953.11. Notice of the filing of the petition and of the time and place of the hearing thereof shall be given to such persons, if any, as the court shall designate by its order. Such order shall specify how such notice shall be given and may be by publication, posting, personal service or otherwise as the court shall direct. Upon the hearing of the petition proof shall be submitted to the court that notice has been given as prescribed in such order.

Hearing, evidence, order establishing, etc

1953.12. Upon the hearing the court shall receive such evidence as may be required and if the court is satisfied that the statements contained in the petition are true, it shall make an order reciting the existence, substance, genuineness or authenticity of the destroyed or lost memorandum, book, map, chart, manuscript, writing, account, entry, print, document, representation or combination thereof.

Effect of court order

1953.13. The order of court made upon such hearing shall refer to the memorandum, book, map, chart, manuscript, writing, account, entry, record, print, document, representation or combination thereof which is the subject of said petition and such court order shall be deemed in lieu of the original and have the same effect as if the original had not been damaged, destroyed or otherwise rendered wholly or partially illegible.

CHAPTER 1312

An act to amend Section 22102 of the Vehicle Code, relating to driving rules.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 22102 of the Vehicle Code is amended to read:

22102. No vehicle in a business district shall be turned so as to proceed in the opposite direction, except at an intersection, or on a divided highway where an opening has been provided in accordance with Section 21651.

CHAPTER 1313

An act to amend Sections 8561, 8690 and 8692 of, and to add Section 8690.5 to, the Business and Professions Code, relating to structural pest control.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 8561 of the Business and Professions Code is amended to read:

Operator's license-Qualifications

8561. Any person may apply for an operator's license; however, an individual applicant must be 21 years of age or over.

Individual

(a) If the applicant is an individual, he shall possess the qualifications and be examined as hereinafter prescribed. If such individual qualifies for an operator's license, as herein prescribed, the board shall issue to him an operator's license.

Partnership

(b) If the applicant is a partnership, it shall designate a partner to be the qualified partner for the partnership entity or an employee designated as its responsible natural person, and such partner or responsible natural person shall possess the qualifications and be examined as hereinafter prescribed. If such partner or responsible natural person so qualifies in the same manner as an operator as herein prescribed, the board shall issue an operator's license to the partnership, naming therein the partner or responsible natural person qualified to act as operator for the partnership. Such partner or responsible natural person may engage in pest control on behalf of the partnership only, so long as he remains in such capacity for the partnership, but he may become associated with another partnership, or with a firm or corporation, in a capacity other than a qualifying partner, responsible natural person or qualifying officer.

Association or corporation

(c) If the applicant is an association or corporation, it shall designate an officer thereof or a responsible natural person employed or to be employed by it to be the qualified officer or responsible natural person for the association or corporation entity. Such officer or responsible natural person shall possess the qualifications and be examined as hereinafter prescribed. If such officer or responsible natural person so qualifies in the same manner as an operator as herein prescribed, the board shall issue an operator's license to the association or corporation, as the case may be, naming therein the officer or responsible natural person qualified to act as operator for the association or corporation. Such officer or responsible natural person may engage in pest control on behalf of the association or corporation only so long as he remains in such capacity for the association or corporation, but he may become associated with another association or corporation, or with a firm or partner-

ship, in a capacity other than as a qualifying officer, responsible natural person, or partner.

SEC. 2. Section 8690 of said code is amended to read:

Evidence of insurance policy or bond

8690. Except as provided in Section 8690.5, the board shall not issue or renew any license under this chapter unless the applicant shall have filed with the board on a form approved by the board written evidence of an insurance policy approved by the board or a bond as specified in this article, being in effect at the time of the issuance or renewal of the license. Such written evidence shall include a provision that the board shall be given a ten (10) day notice by the insurance company or bonding company should the policy or bond be canceled or changed during the policy or bond period in such a manner as to affect the written evidence.

SEC. 3. Section 8690.5 is added to said code, to read:

Intent not to practice. Sworn statement

8690.5. A person who at the time he applies for renewal of his license does not intend to engage during the ensuing license year in any practice for which a license is required by this chapter may file with the board a statement sworn to or certified under penalty of perjury setting forth such intention and may request that the board renew his license without requiring him to furnish the evidence of an insurance policy or bond required by this article. If the board is satisfied that the facts contained in the statement are true, it shall excuse the licensee from compliance with the provisions of this article as a condition of renewing his license. Nothing in this section, however, shall be considered as excusing the licensee from compliance with the provisions of this article if he thereafter engages in any practice for which a license is required by this chapter.

SEC. 4. Section 8692 of said code is amended to read:

"Insurance policy"

8692. An "insurance policy" as used in this article means a contract of liability insurance issued by an insurance company authorized to transact business in this State or one issued by a nonadmitted carrier whose activities in this State are controlled by the Surplus Line Association, which insures the policyholder against loss from legal liability for damages on property upon which work is being performed or has been completed, including third party losses, as a result of an accident or occurrence due to participation in any control, prevention, or repair activities which require a license under this chapter. The insurance policy shall provide minimum limits of twenty-five thousand dollars ($25,000) for any one loss due to bodily injury, sickness or disease, including death at any time resulting therefrom, sustained by any person or persons, and twenty-five thousand dollars ($25,000) minimum for any one loss due to injury or destruction of property, including the loss of use thereof.

CHAPTER 1314

An act to add Sections 8657 and 8658 to the Business and Professions Code, relating to structural pest control.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 8657 is added to the Business and Professions Code, to read:

Adjudication of bankruptcy, etc: Cause for discipline

8657. The adjudication of bankruptcy of a licensee or the confirmation of any other proceeding under the federal bankruptcy law, including a composition, arrangement, or reorganization proceeding, the appointment of a receiver of the property of a licensee as provided in Chapter 5 (commencing with Section 564) of Title 7 of Part 2 of the Code of Civil Procedure, or the making of an assignment for the benefit of creditors as provided in Title 3 (commencing with Section 3449) of Part 2 of Division 4 of the Civil Code constitutes a cause for disciplinary action.

If a license is suspended or revoked upon the grounds set forth in this section, the registrar in his discretion may renew or reissue such license upon the condition that each contract undertaken by the licensee be separately covered by a bond or bonds conditioned upon the performance of, and the payment of labor and material required by, the contract.

SEC. 2. Section 8658 is added to said code, to read:

Action to enjoin violation

8658. The board may bring an action to enjoin the violation of any provision of this chapter in any superior court in and for the county in which the violation has occurred. Any such action shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the board shall not be required to allege facts necessary to show or tending to show lack of an adequate remedy at law or irreparable damage or loss. The action shall be brought in the name of the people of the State of California.

CHAPTER 1315

An act to add Sections 7256, 8254, 8255, 8256, and 8257 to, and to amend Sections 8251, 8252 and 9002 of, the Fish and Game Code, relating to lobsters.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 7256 is added to the Fish and Game Code, to read:

7256. Spiny lobster may not be taken under a sport fishing license except by use of a hoop net or by hand.

SEC. 2. Section 8251 of said code is amended to read:

Lobster season

8251. Spiny lobsters may be taken only between the first Wednesday in October and the first Wednesday after the 15th of March. Lobster traps may be set and baited 24 hours in advance of the opening date of the lobster season if no other attempt is made to take or possess the lobsters.

SEC. 3. Section 8252 of said code is amended to read:

Size limit

8252. No spiny lobster less than three and one-quarter inches in length measured in a straight line from the rear edge of the eye socket to the rear edge of the body shell, both points to be on the midline of the back, may be taken, possessed, purchased, or sold.

Measuring device

Every person taking spiny lobster shall carry a measuring device and shall measure any lobster immediately on removal from his trap and if it is found to be undersize the lobster shall be returned to the water immediately.

SEC. 4. Section 8254 is added to said code, to read:

Lobster taken for commercial purposes: Permits

8254. Lobsters may not be taken for commercial purposes except in Districts 18, 19, 20A and that part of District 20 southerly of Santa Catalina Island between Southeast Rock and China Point under a revocable, nontransferable permit subject to such regulations as the commission shall prescribe.

Such permits may be issued annually by the department and shall be for the period of the commercial lobster season. However, any person who has had such a permit revoked may be required by the commission to appear before it and no new permit may be issued to such person unless the commission finds that such issuance will be in the best interests of lobster fishing.

SEC. 5. Section 8255 is added to said code, to read:

Lobster permits

8255. Lobster permits shall contain all applicable regulations and shall be conditioned on compliance with such regulations and the applicable provisions of law.

Application

The application for such a permit shall contain the statement, signed by the applicant, that he has read, understands, and agrees to be bound by all the terms of the permit.

SEC. 6. Section 8256 is added to said code, to read:

Revocation, suspension

8256. A lobster permit may be revoked or suspended, for a period not to exceed one year, by the commission for violation of any of the terms of the permit or provisions of law relating to the taking of lobsters by the permittee or his agent, servant, employee or person acting under his direction and control.

SEC. 7. Section 8257 is added to said code, to read:

Issuance

8257. Lobster permits shall be issued only to a person operating or assisting in operating a boat used to take lobster for commercial purposes.

The permit number of the operator of a boat used to take lobster shall be visibly displayed on both sides of the boat in 10-inch black numbers, one inch wide, on a white background

and the operator shall have his permit in possession whenever the boat is being used to take lobsters.

SEC. 8. Section 9002 of said code is amended to read:

Lobster traps Where permitted

9002. Lobster traps may be used to take spiny lobsters in Districts 18, 19, 20A, and those portions of District 20 lying on the southerly side of Santa Catalina Island between Southeast Rock and China Point.

All traps used south of Point Conception to take lobster or crabs shall be deemed lobster traps subject to the provisions of this section.

Lobster traps shall be emptied not less than every 48 hours and no trap shall be abandoned in the ocean.

Wire traps

Wire traps shall be built of rectangular mesh with inside mesh measurement not less than two inches by four inches, the four-inch measurement to be parallel to the floor of the trap.

Lath traps

Traps built of lath or other material shall have along the full length of two sides openings to allow escape of lobsters. Such openings shall be clearly accessible to the lobsters and of a spacing of not less than two inches, and such spacing shall be located parallel to, and not more than two inches above, the floor of the trap.

Lobster traps may be used to take spiny lobsters, rock crabs, and sheephead only, and any other species taken in such traps shall be released. Such traps may be used only during the season prescribed for spiny lobsters. Spiny lobsters taken in the manner commonly known as skin diving or by use of self-contained underwater breathing apparatus may not be sold.

Buoys, markers

Lobster traps shall be marked with buoys, and such buoys may be distinctively marked or painted by the fisherman, and may include the use of the fisherman's lobster permit number. The marking or painting of a buoy under this section shall be reported to the department.

Any trap without such buoys is a public nuisance.

It is unlawful to willfully disturb, move, or injure a lobster trap belonging to another person.

CHAPTER 1316

An act to amend Section 11702 of the Business and Professions Code, relating to subdivided lands.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 11702 of the Business and Professions Code is amended to read:

11702. The application shall be made by filing in the offices of the county surveyor and the county clerk of the county in which the tract or subdivision, or that portion of the land sought to be excluded, is situated, a petition signed and veri-

fied by the owners of at least two-thirds of the total area of the land included within the boundaries of the tract or subdivision, or of that portion thereof sought to be excluded where application is made to vacate a portion of such subdivision or tract, as shown on the recorded map or plat, praying that all or such portions of the land included within such subdivision or tract as are described shall be excluded therefrom. Such petition shall also show the reasons therefor. The land sought to be excluded shall be accurately and distinctly described by reference to the recorded map or plat or by an accurate survey. The petition shall further show the names and addresses of all other owners of the land in the subdivision or tract, or of that portion thereof sought to be excluded where application is made to vacate a portion of such subdivision or tract, so far as the same are known to the petitioners.

CHAPTER 1317

An act to add Section 25501.5 to the Government Code, relating to destruction of records of county purchasing agents.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 25501.5 is added to the Government Code, to read:

25501.5. The board of supervisors may authorize the destruction or disposition of any written requisition received by the purchasing agent which is more than three years old. Such requisitions need not be photographed, reproduced, or microfilmed prior to destruction and no copy thereof need be retained.

CHAPTER 1318

An act to amend Section 16061 of the Education Code, relating to school property.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 16061 of the Education Code is amended to read:

16061. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding

by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.

CHAPTER 1319

An act to add Sections 5847.5 and 5847.6 to the Streets and Highways Code, relating to the inclusion of maintenance districts, formed under the Improvement Act of 1911, in county sanitation districts.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 5847.5 is added to the Streets and Highways Code, to read:

Inclusion in county sanitation district

5847.5. Any maintenance district created to finance any work which might also be constructed or maintained by a county sanitation district, may become a part of a county sanitation district after the board of supervisors of the county within which the maintenance district is located has, after a hearing held pursuant to the County Sanitation District Act (Chapter 3 (commencing with Section 4700), Part 3, Division 5 of the Health and Safety Code), determined by resolution that such inclusion is for the best interest of the maintenance district and the governing body of the maintenance district consents to the inclusion by resolution adopted by the affirmative vote of a majority of its members.

SEC. 2. Section 5847.6 is added to said code, to read:

Effect of Inclusion

5847.6. A maintenance district included in a county sanitation district pursuant to Section 5847.5 is not dissolved by such inclusion, but may continue to function in the same manner that it functioned before the inclusion.

CHAPTER 1320

An act to amend Sections 25500 and 25502 of, to add Section 25501 to, and to repeal Sections 25501 and 35115 of, the Vehicle Code, relating to equipment of vehicles.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 25500 of the Vehicle Code is amended to read:

25500. Area reflectorizing material of any color may be used on the sides and rear of a vehicle in addition to required or permitted reflectors, provided:

Area reflectorizing material

(a) Designs do not tend to distort the length or width of the vehicle.

(b) Such surfaces shall be at least three inches from any required lamp or reflector unless of the same color as such lamp or reflector.

SEC. 2. Section 25501 of said code is repealed.

Repeal

SEC. 3. A new Section 25501 is added to said code, to read:

25501. Reflectorized tabs, stickers, or other devices issued in lieu of license plates of any color except red, may be displayed on the front of a vehicle.

Reflectorized tabs, etc

SEC. 4. Section 25502 of said code is amended to read:

25502. Reflectorizing material shall be of a type and intensity and so installed as not to interfere with or nullify or resemble any reflector, lighting, signal, or warning devices required or permitted on the vehicle under this code or any other statute or regulation promulgated in conformance to any statute, nor as to resemble or conflict with any traffic control device, or street or highway regulatory, warning, directional, or informational sign except that barricade stripping in alternate colors may be used on the rear of a vehicle.

Interference with warning devices

SEC. 5. Section 35115 is added to said code, to read:

35115. Notwithstanding the limitations of this chapter, and in addition to the provisions of this chapter, lifting eyes, lifting cables, cable hooks, door latches, or hinged unloading doors on portable beds not permanently attached to the vehicle and solely used to carry agricultural products, agricultural minerals or fertilizers may extend two inches on each side of the main portion of the body of a vehicle if the maximum width of body and any or all of such appendages does not exceed 100 inches.

Lifting eyes, etc., not attached to vehicle

This section shall have no application to the national system of interstate and defense highways as described in Section 108 of the Federal-aid Highway Act of 1956, and on such system the provisions of this chapter shall govern the permissible width of vehicles unless and until it be determined by the Attorney General of the State of California that the application of this section to vehicles using the national system of

Application of section: Interstate and defense highways

interstate and defense highways would not prevent the apportionments of federal funds to this State for expenditure upon said system of highways by reason of the provisions of the Federal Highway Act of 1956, relating to the use of public highways by vehicles having a width not exceeding the maximums permitted under laws or regulations established by appropriate state authorities in effect on July 1, 1956.

It is further provided, that regardless of the opinion of the Attorney General of the State of California, in the event of a determination by the Secretary of Commerce, or other officer of the federal government authorized to rule on this subject, that the application of this section to the national system of interstate and defense highways would result in the withholding of any apportionment of federal funds to this State, then this section shall forthwith become inoperative.

CHAPTER 1321

An act to amend Section 34902 of the Government Code, relating to elective mayors.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 34902 of the Government Code is amended to read:

34902. If a majority of the votes cast on the proposition is for it, the office of mayor shall thereafter be an elective office. At the next succeeding general municipal election held in the city one of the offices of city councilman, to be filled at such election, shall be designated as the office of mayor, to be filled at such election. The person elected at such election as mayor shall hold office for four years from the Tuesday succeeding his election, and until his successor is elected and qualifies.

In the case of a vacancy in the office of the mayor for any reason, the council shall fill the vacancy by appointment. If the council fails to fill it within 30 days, it shall immediately cause an election to be held to fill the vacancy. A person appointed or elected to fill a vacancy shall hold office for the unexpired term of the former incumbent.

CHAPTER 1322

An act to amend Section 3130 of, and to add Section 3130.5 to, the Education Code, relating to the unification of school districts.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 3130 of the Education Code is amended to read:

Maximum tax rate for proposed new district

3130. In any proposal for reorganization of school districts recommended by an augmented county committee, the committee may include a provision for the authorization of a maximum tax rate for the proposed new district, and such provision shall be considered an inherent part of the proposal, and not be construed as a separate proposition. If the reorganization is approved by the registered voters of the area, such tax rate shall be the maximum tax rate for the type of new district formed in lieu of any rate specified in Section 20751 until changed by the registered voters of the district in the manner prescribed in Section 20803. Such tax rate established by the augmented county committee shall not be less than the tax rates for the new district provided in Section 20751 nor more than the rate which would produce revenue for the proposed new district equal to the sum of the revenue of each of the component districts had the maximum allowable tax rate been in effect in each component district during the school year immediately preceding the date upon which the reorganization would be effective for all purposes.

SEC. 2. Section 3130.5 is added to the Education Code, to read:

Maximum tax rate as a separate proposition

3130.5. The augmented county committee may propose a maximum tax rate in excess of that provided in Section 3130 as a separate proposition for which a ballot of a different color shall be provided. The ballot shall contain substantially the words "shall the maximum tax rate of the proposed new district be _____ per $100 of assessed valuation." Opposite such words in separate lines, the words "yes" and "no" shall be printed with a voting square opposite each word. In event the committee proposes a maximum tax rate under provision of both Sections 3130 and 3130.5 the rate proposed under Section 3130.5 shall be the maximum tax rate for the district if a majority of votes cast are in favor of the proposition.

CHAPTER 1323

An act to amend Sections 34019, 34805, 35025, 35026, and 35027 of, and to add Sections 34302.5 and 34708 to the Water Code, relating to California water districts.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 34019 of the Water Code is amended to read:

"Elective officers"

34019. "Elective officers," irrespective of the method of selection in any particular instance, are an assessor, a tax collector, a treasurer, and the members of the board.

SEC. 2. Section 34302.5 is added to said code, to read:

Termination of proceedings

34302.5. Following such hearing, the board may terminate the proceeding if it finds that there is good cause for not forming the district. If proceedings are not terminated, the board shall make the determinations, findings, or orders as hereinafter provided.

SEC. 3. Section 34708 is added to said code, to read:

Increase in number of directors

34708. At any time after four years from the date of the formation of a district, and from time to time thereafter, the board may, by resolution, increase the number of directors to serve thereon to seven, nine or eleven, and may designate the first additional members to serve on said enlarged board. The board shall determine the term of office of each of the new directors so appointed, but in no event shall such term designated by the board be for more than four years. Upon the expiration of such term so designated by the board said directorship shall be filled at the next general election and general elections held thereafter for the election of officers of the district. The term of office of each director elected at a general election is four years.

SEC. 4. 34805 of said code is amended to read:

Quorum

34805. A majority of the membership of the board shall constitute a quorum of the board for the transaction of business.

SEC. 5. Section 35025 of said code is amended to read:

Establishment of divisions and boundaries

35025. Each district may be divided into as many divisions as there are directors of the district. The establishment of the divisions and the boundaries thereof shall be made by the board of supervisors, who shall make such division if requested by a resolution passed by a majority of the board of directors or upon a petition signed by a majority of eligible voters within the boundaries of the district. Said resolution or petition shall be filed with the board of supervisors at least 100 days before the next general election.

Petition

SEC. 6. Section 35026 of said code is amended to read:

Hearing

35026. Within 30 days after the filing of the petition or the resolution requesting the establishment of divisions with the

board of supervisors, the board of supervisors shall hold a hearing and shall hear any evidence produced to establish the validity of the petition or resolution and such further evidence as may be necessary as to divide the district into divisions as nearly equal in area as may be practicable.

SEC. 7. Section 35027 of said code is amended to read:

35027. Within 10 days after said hearing, the board of supervisors, if they determine that the resolution or petition is valid, shall forthwith order the establishment of divisions in the district as nearly equal in area as may be practicable and shall file a copy of said order with the board of directors of the district. Order

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CHAPTER 1324

An act to add Chapter 3.5 (commencing at Section 6450) to Part 11 of Division 1 of Title 1 of the Corporations Code, relating to foreign lending institutions.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.] In effect September 15, 1961

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

SECTION 1. Chapter 3.5 (commencing at Section 6450) is added to Part 11 of Division 1 of Title 1 of the Corporations Code, to read:

CHAPTER 3.5. DOING BUSINESS IN THIS STATE

6450. Any foreign lending institution, including, but not limited to: (a) any foreign banking corporation, (b) any foreign corporation all of the capital stock of which is owned by one or more foreign banking corporations, (c) any foreign savings and loan association, (d) any foreign insurance company or (e) any foreign corporation or association authorized by its charter to invest in loans secured by real and personal property, whether organized under the laws of the United States or of any other state, district or territory of the United States, shall not be considered to be doing, transacting or engaging in business in this State solely by reason of engaging in any or all of the following activities either on its own behalf or as a trustee of a pension plan, employee profit sharing or retirement plan, testamentary or intervivos trust, or in any other fiduciary capacity: Foreign lending institutions; Doing business in State

(1) The acquisition by purchase, by contract to purchase, by making of advance commitments to purchase, or by assignment, of loans, including construction loans, or any interests therein, secured in whole or in part by mortgages, deeds of trust, or other forms of security on real or personal property in this State, if such activities are carried on from outside this State by the lending institution.

(2) The making of physical inspections and appraisals of real or personal property securing or proposed to secure any loan by an officer or employee if the officer or employee making any physical inspections and appraisals is not a resident of and does not maintain his place of business in this State.

(3) The ownership of any loans and the enforcement of any loans by trustee's sale, judicial process or deed in lieu of foreclosure or otherwise.

(4) The modification, renewal, extension, transfer or sale of loans, or the acceptance of additional or substitute security therefor, or the full or partial release of the security therefor, or the acceptance of substitute or additional obligors thereon, if the activities are carried on from outside this State by the lending institution.

(5) The maintaining and defending of any action or suits relating to loans, mortgages, deeds of trust or other security instrument or activities referred to herein or incidental thereto.

(6) The engaging, by contractual arrangement, of a corporation, firm or association, qualified to do business in this State, which is not a subsidiary or parent of the lending institution or which is not under common management with the lending institution, to make collections and to service loans in any manner whatsoever, including the payment of ground rents, taxes, assessments, insurance and the like and the making, on behalf of the lending institution, of physical inspections and appraisals of real or personal property securing any loans or proposed to secure any loans, and the performance of any such engagement.

(7) The acquisition of title to the real or personal property covered by any mortgages, deeds of trust, or other security instrument, by trustees, pledgees, or judicial sales, or by deed in lieu of foreclosure or for the purpose of transferring title to any federal agency or instrumentality as the insurer or guarantor of any loans, the maintenance or defense of any action or suit relating to the possession of the property, and the retention of title to any real or personal property so acquired pending the orderly sale or other disposition thereof. Nothing herein shall be construed as relieving any institution or corporation which operates, manages or conducts any business enterprises acquired by it upon foreclosure or in lieu of foreclosure from complying with any statute of this State otherwise applicable or from the payment of any taxes to which it would otherwise be subject by reason of the operation, management or conduct of any business enterprise.

(8) The maintenance of bank accounts in banks, authorized or licensed to do and transact a banking business in this State.

(9) The engaging in activities necessary or appropriate to carry out any of the foregoing activities.

Nothing herein shall be construed so as to permit any foreign banking corporation to maintain an office in this State otherwise than as provided by the law of this State or so as to limit the powers conferred upon any foreign banking corporation as

set forth in the laws of this State or so as to permit any foreign lending institution to maintain an office in this State except as otherwise permitted under the laws of this State. This chapter shall not be construed so as to make any act or series of acts when performed in this State by a foreign corporation constitute the doing of business in this State which would not have constituted the doing of business in this State prior to the enactment of this chapter.

Institution not qualified to do business in State

6451. Any foreign lending institution which has not qualified to do business in this State and which engages in any of the activities set forth in Section 6450 hereof shall be deemed to have appointed the Secretary of State of this State as its agent for the purposes for which resident corporate agents are required under the laws of this State and, on or before June 30th of each year, shall file with the Secretary of State a statement showing its principal place of business to which any notice or process may be sent in the manner and with the effect as provided in Sections 6502 and 6503, and shall pay a fee of fifty dollars ($50).

Qualifications for doing business Exceptions

6452. No foreign lending institution solely by reason of engaging in any one or more of the activities set forth in paragraphs (1) to (9), inclusive, of Section 6450 shall be required to qualify to do business in this State nor be subject to (a) any of the provisions of the Bank and Corporation Tax Law of the Revenue and Taxation Code or (b) any of the provisions of the Corporations Code, Financial Code, or Insurance Code relating to qualifications for doing or transacting business in this State or to requirements pertaining thereto or to the effects or results of failure to qualify to do business in this State.

CHAPTER 1325

An act to amend Section 7031 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961]

In effect September 15, 1961

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

SECTION 1. Section 7031 of the Business and Professions Code is amended to read:

7031. No person engaged in the business or acting in the capacity of a contractor, may bring or maintain any action in any court of this State for the collection of compensation for the performance of any act or contract for which a license is required by this chapter without alleging and proving that he was a duly licensed contractor at all times during the performance of such act or contract, except that such prohibition shall not apply to contractors who are each individually licensed under this chapter but who fail to comply with Section 7029.

Until the expiration of six months from the date of a suspension of a license pursuant to Section 7068, the provisions of this section do not apply to any person whose license was suspended pursuant to Section 7068 for failure to notify the registrar within the 10-day period, if such failure was due to inadvertence.

CHAPTER 1326

An act to amend Section 1355.1 of the Financial Code, relating to investments of savings banks.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 1355.1 of the Financial Code is amended to read:

1355.1. In the bonds of any flood control and water conservation districts, or any zone thereof, having an assessed valuation on taxable real property of not less than one million dollars ($1,000,000), county, city and county, city, metropolitan water district, municipal utility district, any special district established by and within any municipal utility district, transit district, rapid transit district, metropolitan transit authority, flood control district, or school district of the State of California (herein referred to generally as public corporations) except the bonds of any particular such public corporation which may be declared ineligible for investment by savings banks by regulations of the superintendent; provided, an amount exceeding twenty-five (25) percent of the paid-up capital and surplus of the savings bank or exceeding two (2) percent of the bank's savings deposits, whichever is greater, may not be invested in the bonds of any one such public corporation.

CHAPTER 1327

An act to amend Section 43 of the Yuba-Bear River Basin Authority Act (Chapter 2131, Statutes of 1959), relating to the levy of taxes by the Yuba-Bear River Basin Authority.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 43 of the Yuba-Bear River Basin Authority Act (Chapter 2131, Statutes of 1959) is amended to read:

Sec. 43. If from any cause, the revenues of the authority shall be, or in the judgment of the board are likely to be, inadequate for any lawful purpose of the authority, the board shall have the power in any year to provide for the levy of an ad valorem tax upon all taxable property in the authority for such purposes, except that the aggregate taxes or assessments levied for any one fiscal year pursuant to this section shall not exceed one cent ($0.01) on each one hundred dollars ($100) of the assessed valuation of the taxable property within the authority, exclusive of any tax levied in any zone or participating zone of the authority; provided, however, that the board shall not have the power to provide for the levy of any such ad valorem tax without the prior approval of the board of supervisors of every county within the authority set forth in a resolution of each such board of supervisors filed with the authority, and such prior approval shall be a condition precedent to the validity of the procedure hereinafter set forth in this section.

The board, on or before the last day of May of each year, shall estimate the amount of money required by the authority pursuant to this section. The board shall add thereto a sum not to exceed 10 percent thereof for anticipated delinquencies. The board shall divide the total amount so found in proportion to the value of the taxable property in the authority lying in each county. The value shall be determined from the last assessment rolls of the counties. On or before the first week of June of each year the board shall furnish to each board of supervisors a written statement of the amount apportioned to the county.

The boards of supervisors of each of the counties in which the authority is situated shall, upon receipt of the determination of such amount, cause a sufficient tax to be levied on the taxable property in each such county to raise such amount. The tax levied by the boards of supervisors for the purposes of the authority shall be known as the authority assessment and shall be assessed and levied, except as otherwise indicated, at the same time and in the same manner as prescribed by law for county taxes. The amounts collected from the authority assessment shall be transmitted to the authority and deposited by it in the treasury of the authority.

CHAPTER 1328

An act to amend Sections 28000 and 28001 of the Government Code, relating to the time of payment of salaries of county officers and employees.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 28000 of the Government Code is amended to read:

Monthly payment of salaries

28000. Unless the board of supervisors of a county provides by ordinance for more frequent pay periods, the salaries of the officers named in this title and all county deputies, clerks, and employees who are entitled to salaries shall be paid monthly out of the county treasury. The sworn statement and copy of the treasurer's receipt for all fees and other money required to be paid into the county treasury required by Section 28005 shall be required to be filed in such event only prior to payment of the final installment of the salary of any officer for any month.

SEC. 2. Section 28001 of said code is amended to read:

Date of payment

28001. Except in those counties in which the board of supervisors has by ordinance fixed a different schedule of dates or pay periods for the payment of salaries of the officers, deputies, clerks and employees of the several departments and institutions of the county government, as authorized in Section 28003, the auditor shall, on the first day of each month, or the first day following the specified pay period draw his warrant upon the treasurer in favor of each officer, deputy, clerk, and employee for the amount of salary due him for the preceding month or pay period.

CHAPTER 1329

An act to add Section 27304 to the Vehicle Code, relating to vehicle equipment.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 27304 is added to the Vehicle Code, to read:

27304. All vehicles owned and utilized in driver training by a driver training school licensed under the provisions of Chapter 1 (commencing with Section 11000) of Division 5 or in a course in automobile driver training in any secondary school maintained under Article 6 (commencing with Section 8101) of Chapter 3 of Division 7 of the Education Code shall

be equipped with approved safety belts for the driver and instructor.

It shall be unlawful for any driver or instructor to operate or ride in such a vehicle while it is being operated for the purposes of driver training, unless such person is utilizing an installed safety belt in the proper manner.

CHAPTER 1330

An act to add Section 13315.1 to the Education Code, relating to public school personnel.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 13315.1 is added to the Education Code, to read:

13315.1. Notwithstanding the provisions of Section 13315 to the contrary, the governing board of any school district shall, with respect to each person who is employed in an administrative or supervisory position requiring certification qualifications under a contract of employment providing a four-year term of employment and who either has not been previously employed by the district in such position or has been employed in such position but not under such a four-year contract, determine prior to May 15 of the third year under such four-year contract of employment whether to grant or deny the person permanent classification as a classroom teacher. If it grants such classification, the person shall be classified as and become a permanent employee as a classroom teacher.

CHAPTER 1331

An act to amend Section 18819 of the Financial Code, relating to industrial loan companies.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 18819 of the Financial Code is amended to read:

18819. When the commissioner takes possession of the property and business of any company for the purpose of liquidation or conservation, he may liquidate or conserve the company in the manner and pursuant to the procedures provided by Division 1 of this code. In such a liquidation or conservation the commissioner shall have the same authority

with reference to industrial loan companies as are vested in the Superintendent of Banks by this code with reference to banks and in addition may deposit moneys coming into his hands in the course of liquidation in one or more state or national banks.

CHAPTER 1332

An act to repeal Part 1.5 (commencing at Section 5700) and Part 5 (commencing at Section 6400) of Division 8 of the Harbors and Navigation Code, relating to the development and improvement of harbors.

In effect September 15, 1961

[Approved by Governor July 8, 1961 Filed with Secretary of State July 10, 1961]

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

Repeal

SECTION 1. Part 1.5 (commencing at Section 5700) of Division 8 of the Harbors and Navigation Code is repealed.

Repeal

SEC. 2. Part 5 (commencing at Section 6400) of Division 8 of said code is repealed.

CHAPTER 1333

An act to add Section 1452 to the Education Code, relating to junior colleges.

In effect September 15, 1961

[Approved by Governor July 8, 1961 Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 1452 is added to the Education Code, to read:

1452. The governing board of any school district which maintains a junior college may rent or purchase academic caps and gowns for faculty use at ceremonies.

CHAPTER 1334

An act to repeal Sections 7201.3 and 7206, and to amend Sections 7202, 7203 and 7205 of the Revenue and Taxation Code, relating to local sales and use taxes.

In effect September 15, 1961

[Approved by Governor July 8, 1961 Filed with Secretary of State July 10, 1961.]

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

Repeal

SECTION 1. Section 7201.3 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 7202 of said code is amended to read:

Sales tax: County ordinance

7202. The sales tax portion of any sales and use tax ordinance adopted under this part shall be imposed for the privilege of selling tangible personal property at retail, and shall include provisions in substance as follows:

(a) A provision imposing a tax for the privilege of selling tangible personal property at retail upon every retailer in the county at the rate of one percent (1%) of the gross receipts of the retailer from the sale of all tangible personal property sold by him at retail in the county.

(b) Provisions identical to those contained in Part 1 of Division 2 of this code, insofar as they relate to sales taxes, except that the name of the county as the taxing agency shall be substituted for that of the State and that an additional seller's permit shall not be required if one has been or is issued to the seller under Section 6068 of this code.

(c) A provision that all amendments subsequent to the effective date of the enactment of Part 1 of Division 2 of this code relating to sales tax and not inconsistent with this part, shall automatically become a part of the sales tax ordinance of the county.

(d) A provision that the county shall contract prior to the effective date of the county sales and use tax ordinances with the State Board of Equalization to perform all functions incident to the administration or operation of the sales and use tax ordinance of the county.

(e) A provision that such ordinance may be made inoperative not less than 60 days, but not earlier than the first day of the calendar quarter, following an increase by any city within the county of the rate of its sales or use tax above the rate in effect at the time the county ordinance was enacted.

(f) Purchases of property by operators of common carrier and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels, principally outside a city, city and county or county are exempt from the tax.

(g) A provision that the amount subject to tax shall not include the amount of any sales tax or use tax imposed by the State of California upon a retailer or consumer.

(h) That any person subject to a sales and use tax under the county ordinance shall be entitled to credit against the payment of taxes due under that ordinance the amount of sales and use tax due to any city in the county; provided, that the city sales and use tax is levied under an ordinance including provisions in substance as follows:

City ordinance

(1) A provision imposing a tax for the privilege of selling tangible personal property at retail upon every retailer in the city at the rate of 1 percent or less of the gross receipts of the retailer from the sale of all tangible personal property sold by him at retail in the city and a use tax of 1 percent or less of purchase price upon the storage, use or other consumption of tangible personal property purchased from a retailer for storage, use or consumption in the city.

(2) Provisions identical to those contained in Part 1 of Division 2 of this code, insofar as they relate to sales and use taxes, except that the name of the city as the taxing agency shall be substituted for that of the State (but the name of the city shall not be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 nor in the definition of that phrase in Section 6203) and that an additional seller's permit shall not be required if one has been or is issued to the seller under Section 6068 of this code.

(3) A provision that all amendments subsequent to the effective date of the enactment of Part 1 of Division 2 of this code relating to sales and use tax and not inconsistent with this part, shall automatically become a part of the sales and use tax ordinance of the city.

(4) A provision that the city shall contract prior to the effective date of the city sales and use tax ordinance with the State Board of Equalization to perform all functions incident to the administration or operation of the sales and use tax ordinance of the city which shall continue in effect so long as the county within which the city is located has an operative sales and use tax ordinance enacted pursuant to this part.

(5) A provision that the storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with this part by any city and county, county, or city in this State, shall be exempt from the tax due under this ordinance.

(6) Purchases of property by operators of common carrier and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels, principally outside a city, city and county or county are exempt from the tax.

(7) A provision that the storage or use of tangible personal property in the transportation or transmission of persons, property, or communications or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State of California shall not be subject to a use tax.

(8) A provision that the amount subject to tax shall not include the amount of any sales tax or use tax imposed by the State of California upon a retailer or consumer.

SEC. 3. Section 7203 of said code is amended to read:

Use tax

7203. The use tax portion of any sales and use tax ordinance adopted under this part shall impose a complementary tax upon the storage, use or other consumption in the county of tangible personal property purchased from any retailer for storage, use or other consumption in the county. Such tax shall be at the rate of one percent (1%) of the sales price of the property whose storage, use or other consumption is subject to the tax and shall include:

(1) Provisions identical to the provisions contained in Division 2, Part 1, of this code, other than Section 6201, insofar as such provisions relate to the use tax except that the name of the county as the taxing agency enacting the ordinance shall be substituted for that of the State (but the name of the county shall not be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 nor in the definition of that phrase in Section 6203).

(2) That all amendments subsequent to the date of such ordinance to the provisions of the Revenue and Taxation Code relating to the use tax and not inconsistent with this part shall automatically become a part of the ordinance.

(3) A provision that the storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with this part by any city and county, county, or city in this State, shall be exempt from the tax due under this ordinance.

(4) A provision that the storage or use of tangible personal property in the transportation or transmission of persons, property, or communications or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State of California shall not be subject to a use tax.

(5) A provision that the amount subject to tax shall not include the amount of any sales tax or use tax imposed by the State of California upon a retailer or consumer.

SEC. 4. Section 7205 of said code is amended to read:

Place of sale

7205. For the purpose of a sales tax imposed by an ordinance adopted pursuant to this part, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of a sales tax imposed by an ordinance adopted pursuant to this part shall be determined under rules and regulations to be prescribed and adopted by the board.

Repeal

SEC. 5. Section 7206 of said code is repealed.

Operative date

SEC. 6. Sections 1, 2, 3 and 4 of this act shall become operative on January 1, 1962.

CHAPTER 1335

An act to add Article 9 (commencing with Section 28000) to Chapter 5 of Division 12 of the Vehicle Code, relating to refrigeration vans.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Article 9 (commencing with Section 28000) is added to Chapter 5 of Division 12 of the Vehicle Code, to read:

Article 9. Refrigeration Equipment

28000. Every refrigerator van equipped with one or more doors designed to lock automatically upon closure shall have at least one door which can be opened from inside the van as an emergency means of exit.

For the purposes of this article, "refrigerator van" means any motor truck, semitrailer, or trailer, with a fully enclosed cargo body having an enclosed volume of 15 cubic feet or more, which utilizes a mechanical refrigeration system to reduce the temperature within the enclosed portion of the vehicle to 32 degrees Fahrenheit or less, or which provides refrigeration by the use of dry ice.

CHAPTER 1336

An act to amend Section 1342 of the Unemployment Insurance Code, relating to the rights of creditors against compensation payable to unemployed persons.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 1342 of the Unemployment Insurance Code is amended to read:

1342. Any waiver by any person of any benefit or right under this division is invalid. Benefits and payments to an individual under a plan or system established by an employer which makes provisions for his employees generally, or for a class or group of his employees, for the purpose of supplementing unemployment compensation benefits, are not subject to assignment, release or commutation, and are exempt from all claims of creditors and from all process of law except collection thereof by the person entitled thereto in his own right. Any agreement by any individual in the employ of any person or concern to pay all or any portion of the contributions required of his employer under this division is void.

CHAPTER 1337

An act to amend Sections 73793, 74042, 74043, 74552, 74553, 74663, and 74823 of the Government Code, relating to municipal courts.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 73793 of the Government Code is amended to read:

73793. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a minimum salary of six hundred ten dollars ($610) monthly with annual increments of thirty-one dollars ($31), thirty-two dollars ($32), thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39), and forty-one dollars ($41), to a maximum of eight hundred fifty-nine dollars ($859) monthly. Senior deputy court clerk

(b) One deputy court clerk, grade III, who shall receive a minimum salary of four hundred seventy-eight dollars ($478) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), and thirty-two dollars ($32), to a maximum of six hundred seventy-three dollars ($673) monthly. Deputy court clerk

(c) Two deputy court clerks, grade II, each of whom shall receive a minimum salary of three hundred seventy-three dollars ($373) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25), to a maximum of five hundred twenty-seven dollars ($527) monthly. Same

(d) Two deputy court clerks, grade I, each of whom shall receive a minimum salary of three hundred twenty-two dollars ($322) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22), to a maximum of four hundred fifty-five dollars ($455) monthly. Same

SEC. 1.5. Section 74042 of said code is amended to read:

74042. There shall be one clerk who shall also act as secretary to the judges and who shall receive a minimum salary of eight hundred eighteen dollars ($818) monthly with annual increments of forty-one dollars ($41), forty-three dollars ($43), forty-five dollars ($45), forty-seven dollars ($47), fifty dollars ($50), fifty-two dollars ($52), and fifty-five dollars ($55), to a maximum of one thousand one hundred fifty-one dollars ($1,151) monthly. Secretary to judges

SEC. 2. Section 74043 of said code is amended to read:

74043. The clerk may appoint:

Senior deputy clerk

(a) One senior deputy court clerk who shall receive a minimum salary of six hundred forty-one dollars ($641) monthly with annual increments of thirty-two dollars ($32), thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39), forty-one dollars ($41), and forty-three dollars ($43), to a maximum of nine hundred two dollars ($902) monthly.

Deputy court clerks

(b) Six deputy court clerks, grade III, each of whom shall receive a minimum salary of four hundred seventy-eight dollars ($478) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), and thirty-two dollars ($32), to a maximum of six hundred seventy-three dollars ($673) monthly.

Same

(c) Eight deputy court clerks, grade II, each of whom shall receive a minimum salary of three hundred seventy-three dollars ($373) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25), to a maximum of five hundred twenty-seven dollars ($527) monthly.

Same—Deputy clerks, grade I

(d) Four deputy clerks, grade I, each of whom shall receive a minimum salary of three hundred twenty-two dollars ($322) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22), to a maximum of four hundred fifty-five dollars ($455) monthly.

SEC. 3. Section 74552 of said code is amended to read:

Secretary to judges

74552. There shall be one clerk who shall also act as secretary to the judges and who shall receive a minimum salary of nine hundred two dollars ($902), monthly with annual increments of forty-five dollars ($45), forty-seven dollars ($47), fifty dollars ($50), fifty-two dollars ($52), fifty-five dollars ($55), fifty-eight dollars ($58), and sixty dollars ($60), to a maximum of one thousand two hundred sixty-nine dollars ($1,269) monthly.

SEC. 4. Section 74553 of said code is amended to read:

74553. The clerk may appoint:

Chief deputy clerk

(a) One chief deputy court clerk who shall receive a minimum salary of seven hundred seven dollars ($707) monthly with annual increments of thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39), forty-one dollars ($41), forty-three dollars ($43), forty-five dollars ($45) and forty-seven dollars ($47), to a maximum of nine hundred ninety-four dollars ($994) monthly.

Deputy court clerk

(b) Three deputy court clerks, grade IV, each of whom shall receive a minimum salary of five hundred two dollars ($502) monthly with annual increments of twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), thirty-two dollars

($32), and thirty-four dollars ($34), to a maximum of seven hundred seven dollars ($707) monthly.

(c) Nine deputy court clerks, grade III, each of whom shall receive a minimum salary of four hundred seventy-eight dollars ($478) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), and thirty-two dollars ($32), to a maximum of six hundred seventy-three dollars ($673) monthly. Same

(d) Sixteen deputy court clerks, grade II, each of whom shall receive a minimum salary of three hundred seventy-three dollars ($373) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25), to a maximum of five hundred twenty-seven dollars ($527) monthly. Same

(e) Six deputy court clerks, grade I each of whom shall receive a minimum salary of three hundred twenty-two dollars ($322) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22), to a maximum of four hundred fifty-five dollars ($455) monthly. Same

A night shift is a tour of duty which commences after 2 p.m. and prior to 6 a.m. Attachés who are required to work a night shift shall be paid one step more than the amount to which they are otherwise entitled. Night shift

SEC. 5. Section 74663 of said code is amended to read:

74663. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a minimum salary of six hundred ten dollars ($610) monthly with annual increments of thirty-one dollars ($31), thirty-two dollars ($32), thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39), and forty-one dollars ($41) to a maximum of eight hundred fifty-nine dollars ($859) monthly. Senior deputy court clerk

(b) Two deputy court clerks, grade III, who shall receive a minimum salary of four hundred seventy-eight dollars ($478) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), and thirty-two dollars ($32), to a maximum of six hundred seventy-three dollars ($673) monthly. Deputy court clerks

(c) Six deputy court clerks, grade II, each of whom shall receive a minimum salary of three hundred seventy-three dollars ($373) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25), to a maximum of five hundred twenty-seven dollars ($527) monthly. Same

(d) Three deputy court clerks, grade I, each of whom shall receive a minimum salary of three hundred twenty-two dollars Same

($322) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22), to a maximum of four hundred fifty-five dollars ($455) monthly.

SEC. 6. Section 74823 of said code is amended to read:

74823. The clerk may appoint:

Senior deputy court clerk

(a) One senior deputy court clerk who shall receive a minimum salary of six hundred ten dollars ($610) monthly with annual increments of thirty-one dollars ($31), thirty-two dollars ($32), thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39), and forty-one dollars ($41), to a maximum of eight hundred fifty-nine dollars ($859) monthly.

Deputy court clerk

(b) One deputy court clerk, grade III, who shall receive a minimum salary of four hundred seventy-eight dollars ($478) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), and thirty-two dollars ($32), to a maximum of six hundred seventy-three dollars ($673) monthly.

Same

(c) Three deputy court clerks, grade II, each of whom shall receive a minimum salary of three hundred seventy-three dollars ($373) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25), to a maximum of five hundred twenty-seven dollars ($527) monthly.

Same

(d) Three deputy court clerks, grade I, each of whom shall receive a minimum salary of three hundred twenty-two dollars ($322) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22), to a maximum of four hundred fifty-five dollars ($455) monthly.

CHAPTER 1338

An act to amend Section 355 of the Vehicle Code, relating to flammable liquids.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 355 of the Vehicle Code is amended to read:

355. A "flammable liquid" is any liquid having a flash point (closed cup test) below 200 degrees Fahrenheit and a

vapor pressure not exceeding 26 pounds per square inch gauge at a temperature of 100 degrees Fahrenheit, but shall not be deemed to include wine as defined by Section 23007 of the Business and Professions Code.

CHAPTER 1339

An act to amend Sections 560 and 561 of the Agricultural Code, relating to ice cream.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 560 of the Agricultural Code is amended to read:

Definition: Ice cream

560. Ice cream is a frozen product and shall be made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or condensed skim milk, dry milk, nonfat dry milk solids, dried buttermilk, extra grade edible dried whey, milk fat, or wholesome sweet butter made from sweet cream, or any combination of any such products, with or without sweetening approved by the director, clean wholesome eggs or egg products, and with or without the use of harmless flavoring and coloring approved by the director. Except as hereinafter provided, ice cream shall contain not less than 10 percent of milk fat, nor less than 20 percent total milk solids, but in no case shall milk solids not fat be less than 6 percent. Ice cream when sold by the manufacturer or retailer shall contain not more than 75,000 bacteria per gram. Ice cream shall contain not more than 0.5 percent stabilizer nor more than 0.2 percent emulsifier approved by the director. Ice cream shall weigh not less than 4.5 pounds per gallon and contain not less than 1.6 pounds of food solids per gallon.

SEC. 2. Section 561 of said code is amended to read.

Same: Ice milk

561. Ice milk is a frozen product made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or condensed skim milk, dry milk, nonfat dry milk solids, dried buttermilk, extra grade edible dried whey, milk fat or wholesome sweet butter made from sweet cream or any combination of any such products, with or without sweetening approved by the director, clean wholesome eggs or egg products, and with or without the use of harmless flavoring and coloring approved by the director. Ice milk shall contain not less than 2 percent milk fat nor more than 7 percent milk fat and not less than 11 percent total milk solids. Ice milk shall contain not more than 0.5 percent stabilizer and not more than 0.2 percent emulsifier approved by the director. Ice milk shall

weigh not less than 4.5 pounds per gallon and shall contain not less than 1 3 pounds food solids per gallon.

When sold by the manufacturer or retailer, ice milk shall contain not more than 75,000 bacteria per gram.

CHAPTER 1340

An act to amend Section 564 of the Agricultural Code, relating to ice cream.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 564 of the Agricultural Code is amended to read:

564. Fruit ice cream is ice cream containing not less than 3 percent by weight of clean, mature, sound fruit or its equivalent in other forms.

The milk fat and total milk solids content of fruit ice cream may be reduced by the addition of sweetened or unsweetened fruit approved by the director but in no case shall the milk fat be less than 8 percent and the total milk solids less than 16 percent.

CHAPTER 1341

An act to add Section 30360 to the Vehicle Code, relating to loading of lumber and lumber products.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. Section 30360 is added to the Vehicle Code, to read:

30360. Stickers are not required in loads consisting of solid or packaged units composed of random width lumber stacked in such a manner that the boards are interlocked and stable without stickers.

CHAPTER 1342

An act to amend Section 22852 of the Vehicle Code, relating to the procedure to remove and store vehicles.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 22852 of the Vehicle Code is amended to read:

22852. Whenever an officer removes a vehicle from a highway, or from public or private property, and stores it under this chapter, and the officer knows or is able to ascertain from the registration records in the vehicle or from the registration records of the Department of Motor Vehicles the name and address of the registered and legal owner thereof, the officer shall immediately give or cause to be given notice in writing to such registered and legal owner of the fact of such removal, the grounds therefor and of the place to which such vehicle has been removed. In the event the vehicle is stored in a public garage a copy of the notice shall be given to the proprietor of the garage.

CHAPTER 1343

An act to amend Sections 58106, 61114, 61115, and 61120 of, and to add Section 58105.1 to, the Government Code, and to add Section 30264.1 to and to amend Section 30290 of, the Water Code, relating to districts.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 58105.1 is added to the Government Code, to read:

58105.1. If at the final hearing the supervising authority determines that the project, or the proposed district as its boundaries are described in the petition or as changed by the supervising authority as hereafter provided, is infeasible, not economically sound, or not for the public interest, it may terminate the proceedings.

Final hearing; Termination of proceedings

SEC. 2. Section 58106 of said code is amended to read:

58106. At the final hearing the supervising authority shall exclude any land which it finds will not be benefited by the proposed project and shall make a specific finding as to each parcel of land with respect to which a written request for exclusion has been presented on the question of whether it will or will not be benefited by the proposed project. In making such finding the supervising authority shall consider present use of such land, reasonable prospective use, topogra-

Exclusion of land

phy, the nature of the proposed improvements, and any other pertinent factors. The present use of lands for rights-of-way for railroads, power and communication lines, or other public utility facilities shall be presumed by the supervising authority to be permanent.

The supervising authority may include any land if it finds that the land will be benefited and that its inclusion will be to the interest of the district.

If lands are excluded by the supervising authority pursuant to this section, such lands shall not thereafter be annexed to or included in the district in the absence of a finding, based on substantial evidence, of a change in the circumstances upon which the decision to exclude such lands was based.

SEC. 3. Section 61114 of said code is amended to read:

Establishing boundaries

61114. Upon the final hearing the board of supervisors shall fix the boundaries of the proposed district. In so doing it shall exclude from the district any land which it finds will not be benefited by the proposed project and it may include in the district any land which it finds will be benefited if it also finds it will be to the interest of the district to include the same. If the board determines and finds from evidence taken at the hearing that the proposed district as its boundaries are described in the petition or as changed by the board is not in the public interest it may dismiss the petition and terminate the proceedings, but if the board determines and finds that the proposed district is in the public interest it shall call an election to be held in the proposed district for the purpose of determining whether or not the district shall be organized.

SEC. 4. Section 61115 of said code is amended to read:

Name of proposed district

61115. If it determines that an election shall be called the board of supervisors shall designate the name of the proposed district which may be that proposed in the petition or such other name as said board may select.

SEC. 5. Section 61120 of said code is amended to read:

Election, notice

61120. If it determines that an election shall be held, the board of supervisors shall call and give notice of the election to be held in the proposed district, or if the proposed district lies in more than one county, in the territory of the proposed district which lies in the county, for the purpose of determining whether or not it shall be formed and for the selection of persons who shall serve as the directors of said district if said district is formed.

SEC. 6. Section 30264.1 is added to the Water Code, to read:

Termination of proceedings

30264.1. If the board of supervisors at its final hearing determines and finds, for good cause on reasons specified in writing, from the evidence taken at the hearing that the proposed district as its boundaries are described in the petition or as changed by the board is not in the public interest, it may dismiss the petition and terminate the proceedings, but if the board determines and finds that the proposed district is in the

public interest it shall call an election to be held in the proposed district for the purpose of determining whether or not the district shall be organized.

SEC. 7. Section 30290 of said code is amended to read:

30290. If it determines that an election should be held, the board of supervisors shall call and give notice of the election to be held in the proposed district for the purpose of determining whether or not it shall be formed. Election

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CHAPTER 1344

An act to amend Section 637.5 of the Agricultural Code, relating to milk and milk products.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961]

In effect September 15, 1961

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

SECTION 1. Section 637.5 of the Agricultural Code is amended to read:

637.5. Market milk or market milk combined with nonfat milk from market milk, with or without added milk solids, flavoring or seasoning, which has been pasteurized and afterwards fermented by one or more strains of Lactobacillus bulgaricus (including yogurt strains), Streptococcus thermophilus and Lactobacillus acidophilus may be sold as yogurt, dietetic yogurt, mazun, or such names as may be characteristic for the product and approved by the director. Such product shall be free of molds, yeasts and other fungi, as well as coliform, and other objectional bacteria which may impair the quality of the product.

When offered for sale it shall be labeled with its name and with the name and address of the manufacturer or distributor and shall contain not less than 3.5 percent of milk fat, except dietetic yogurt shall contain not less than 2 percent of milk fat. Dietetic yogurt shall be labeled either "Dietetic yogurt" or "Low fat yogurt" in lettering at least as large as any other lettering on the label.

CHAPTER 1345

An act to add Section 22155.5 to the Government Code, relating to the State Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961]

In effect immediately

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

SECTION 1. Section 22155.5 is added to the Government Code, to read:

22155.5. When and as permitted by the Social Security Act, the board shall execute a modification of the agreement providing for transfer to the retirement system as defined in Section 22009.1(k)(1), created by the division of each retirement system as defined in Section 22009.1(c), or by division of the State Employees' Retirement System with respect to employees of each of the school districts which are contracting agencies of that system, of the position of any member included in the system as defined in Section 22009.1(k)(2) created by the division who requests such transfer pursuant to the Social Security Act and board rules.

Urgency

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

There is federal legislation pending which, if enacted, will permit many classified school employees to come under the federal old age and survivors insurance program prior to retirement and the enactment of this act will permit the State Employees' Retirement System to more rapidly provide federal coverage for such employees.

CHAPTER 1346

An act to prohibit the Department of Public Works from destroying certain property in the County of San Diego and to authorize the conveyance of such property to the county.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 10, 1961.]

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

SECTION 1. The Legislature hereby finds and declares the following:

(a) That the house in the County of San Diego known as the "Pendleton House" has significant historical value, having been constructed in 1852 and having played an important role in the history of the County of San Diego;

(b) That the construction of a freeway in the County of San Diego by the Department of Public Works will necessitate the removal of this historic house; and

(c) That it is in the interest of the people of this State that this historic house be preserved and kept open for public viewing by the people of this State.

SEC. 2. The Department of Public Works shall not destroy the "Pendleton House" in the County of San Diego in the construction of any freeway in said county if the County of San Diego, the City of San Diego, or a nonprofit organization accepts the house subject to the conditions specified in this act.

If more than one of the public agencies or organizations specified is willing to accept the house subject to such conditions, the Department of Public Works shall convey the house to the public agency or nonprofit organization which, in the opinion of the department, is best qualified to maintain and operate the house.

SEC. 3. Any conveyance of the "Pendleton House" by the Department of Public Works to the County of San Diego, the City of San Diego, or any nonprofit organization shall be subject to the following conditions:

(a) That said house shall be placed on an appropriate site, maintained and preserved by the grantee, landscaped, to the extent possible, in the same manner as the present landscaping of said house, and kept open by the grantee for public viewing by the people of the State.

(b) The grantee may lease said house to, or contract for its management with, any nonprofit organization, and no rent or other consideration need be required of such organization.

(c) The grantee, or any such nonprofit organization, may charge admissions for the privilege of viewing said house, but all proceeds derived therefrom shall be devoted to the purposes of the grant.

SEC. 4. If the Director of Natural Resources determines that the grantee or any lessee of the grantee is not operating and preserving the "Pendleton House" in the manner specified in Section 3 of this act, he may, by an order served upon the grantee, terminate any interest which the grantee has in the "Pendleton House." Upon the serving of such an order upon the grantee all title and interest in the "Pendleton House" shall revert to the State of California.

CHAPTER 1347

An act to add Section 17071.5 to the Business and Professions Code, relating to unfair trade practices.

[Approved by Governor July 8, 1961 Filed with Secretary of State July 11, 1961]

In effect September 15, 1961

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

SECTION 1. Section 17071.5 is added to the Business and Professions Code, to read:

17071.5. In all actions brought under this chapter proof of limitation of the quantity of any article or product sold or offered for sale to any one customer to a quantity less than the entire supply thereof owned or possessed by the seller or which he is otherwise authorized to sell at the place of such sale or offering for sale, together with proof that the price at which the article or product is so sold or offered for sale is in fact below its invoice or replacement cost, whichever is lower, raises a presumption of the purpose or intent to injure com-

petitors or destroy competition. This section applies only to sales by persons conducting a retail business the principal part of which involves the resale to consumers of commodities purchased or acquired for that purpose, as distinguished from persons principally engaged in the sale to consumers of commodities of their own production or manufacture.

SEC. 2. The Legislature finds that the business practices and the economic situation of persons principally engaged in the purchase and distribution of commodities for resale to consumers are materially different from those of persons performing other functions with respect to the same commodities, and that, accordingly, there are considerations which create and require the presumption and classification established by this act.

Actions to which applicable

SEC. 3. This section shall be effective and applicable only in actions and proceedings commenced prior to September 30, 1963.

CHAPTER 1348

An act to add Section 12885.7 to the Water Code, relating to state financial assistance for local water projects.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11 1961.]

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

SECTION 1. Section 12885.7 is added to the Water Code, to read:

12885.7. No member of the California Water Commission shall participate in the action of the commission in considering for approval, or approving, a loan or grant under this chapter to a public agency of which he is an officer, employee, agent, consultant, accountant, engineer, or legal counsel or in which he owns real property.

CHAPTER 1349

An act to add Article 3.6 (commencing with Section 5050) to Chapter 1 of Division 5 of the Public Resources Code, relating to Tamalpais State Park.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Article 3.6 (commencing with Section 5050) is added to Chapter 1 of Division 5 of the Public Resources Code, to read:

Article 3.6. Tamalpais State Park

5050. In Tamalpais State Park leases of buildings in the area at the foot of Steep Ravine shall be made by the department to the present occupants for a term of three years at a reasonable rental and on such terms and conditions as determined by the department to be necessary to hold the State harmless on account of any damage arising out of the use of the buildings under such leases.

CHAPTER 1350

An act to add Section 24015 to the Business and Professions Code, relating to alcoholic beverage licenses.

[Approved by Governor July 8, 1961 Filed with Secretary of State July 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 24015 is added to the Business and Professions Code, to read:

24015. The hearing to consider a protest shall be held in the city in which the license is proposed to be issued if such city has a population of 100,000 or more.

CHAPTER 1351

An act to amend Section 963 of the Welfare and Institutions Code, and to amend Section 891 of said code as added by Senate Bill No. 332 of the 1961 Regular Session, relating to institutions for juveniles.

[Approved by Governor July 8, 1961 Filed with Secretary of State July 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 963 of the Welfare and Institutions Code is amended to read:

963. "Construction" includes construction of new buildings, acquisition of existing buildings and initial equipment of any such buildings, and, to the extent provided for in regulations adopted by the Department of the Youth Authority, remodeling of existing buildings owned by the county to serve as a juvenile home or to serve the purposes of a juvenile ranch camp or forestry camp and initial equipment of such buildings. It does not include architects' fees or the cost of land acquisition.

"Construction"

SEC. 2. Section 891 of the Welfare and Institutions Code as added by Senate Bill No. 332 of the 1961 Regular Session is amended to read:

Construction of juvenile homes, etc.

891. (a) From any state moneys made available to it for that purpose, the Youth Authority shall share in the cost pursuant to this article of the construction of juvenile homes, juvenile ranch camps, or forestry camps established after July 1, 1957, and for construction at existing juvenile homes, ranches, camps, or forestry camps, by counties which apply therefor.

"Construction"

(b) "Construction," as used in this section, includes construction of new buildings and acquisition of existing buildings and initial equipment of any such buildings, and, to the extent provided for in regulations adopted by the Department of the Youth Authority, remodeling of existing buildings owned by the county, to serve as a juvenile home or to serve the purposes of a juvenile ranch camp or forestry camp, and initial equipment thereof. It does not include architects' fees or the cost of land acquisition.

State assistance

(c) The amount of state assistance which shall be provided to any county shall not exceed 50 percent of the project cost approved by the Youth Authority, and, in no event shall it exceed three thousand dollars ($3,000) per bed unit of the new juvenile home, juvenile ranch, camp, or forestry camp or per bed unit added to an existing juvenile home, juvenile ranch camp, or forestry camp, as the case may be. The construction project shall be deemed to have as many bed units as the number of persons it is designed to accommodate, not exceeding 100-bed units for any one project.

Application for state assistance

(d) Application for state assistance for construction funds under this article shall be made to the Youth Authority in the manner and form prescribed by the Youth Authority. The Youth Authority shall prescribe the time and manner of payment of state assistance, if granted.

Effect Stats 1961, Ch 1616

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 332 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as said bill takes effect; at which time Section 1 of this act is repealed.

CHAPTER 1352

An act to add Section 621.5 to the Agricultural Code, relating to cheese.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 621.5 is added to the Agricultural Code, to read:

621.5. Cheese of the cheddar, granular, and stirred curd types shall conform to the following standards:

(a) Cheese equivalent to U.S. Grade A shall conform to the following: It shall be free of objectionable flavors and odors, but may have slight feed flavors and a flavor typical of the variety of cheese being examined. It may have a slightly acid flavor if minimum cured plus a slightly bitter flavor if aged.

It shall have a reasonably firm, smooth and waxy body and texture characteristic of the type of cheese being examined. It may, however, be slightly curdy, slightly short, mealy or weak and be slightly pasty in aged cheese. It shall be free from yeast holes and other gas holes.

It may be uncolored or minimum colored and slightly seamy. Aged or cured cheese may also have tiny white specks.

It shall have a finish and appearance when bandaged and paraffin-dipped so as to be free from surface defects (including, but not being limited to, cracks in the rind, soft spots, rind rot, and scaly paraffin) which may cause deterioration of the cheese. It shall not be huffed, shall have a coating of paraffin that adheres to the surface of the cheese but may be slightly lopsided and may have slightly high edges. The bandage may be slightly uneven, overlapped, or wrinkled, but may not be burst or torn.

When rindless, the cheese may not be huffed but may be slightly lopsided, and the wrapper may be slightly wrinkled but unbroken.

(b) Cheese equivalent to U.S. Grade B shall conform to the following:

It may possess definite off flavors and odors such as acid, bitter, feed, fruity, metallic, whey taint and yeasty.

The body and texture may have a weak, pasty body, but not extremely soft and smeary, and may have a firm, short, mealy body.

It shall be uncolored, minimum colored or high colored, may be seamy, slightly acid cut or slightly wavy and slightly mottled. Aged or cured cheese may have tiny white specks.

When bandaged and paraffin-dipped, it may have a rough or unattractive appearance, have scaly paraffin, be slightly huffed, and be lopsided, but not to the extent that the lid will not fit squarely on the box. It shall be solid, free from soft spots, rind rot, cracks and openings of any kind. The bandage may be uneven, overlapped, or wrinkled, but shall not be burst or torn. There must be no indication that any mold has entered the cheese.

When rindless, the cheese may be slightly huffed and slightly lopsided, and the wrapper may be slightly wrinkled but unbroken.

(c) Variation in flavor or texture which is due to the characteristic or type of cheese involved and differences in age of cheese that is current, minimum or aged will be considered in the final grading.

CHAPTER 1353

An act to amend Sections 621, 627, 630, and 631 of, and to add Section 630.5 to, the Agricultural Code, relating to milk.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 621 of the Agricultural Code is amended to read:

Use in cottage cheese

621. Notwithstanding the provisions of Section 605 and Sections 608 to 614, inclusive, it shall be lawful to use evaporated or condensed skim milk or nonfat dry milk solids, in the manufacture of cheese. When nonfat dry milk is used in the manufacture of cottage cheese, such nonfat dry milk shall be of extra grade spray process.

SEC. 2. Section 627 of said code is amended to read:

Definitions: Evaporated milk

627. (a) Evaporated milk is milk from which a considerable portion of moisture has been evaporated. The standard of composition for evaporated milk, whether sweetened or unsweetened, shall be fixed by the director and shall conform as nearly as possible to that proclaimed and established by the Federal Security Agency or any duly constituted successor thereof.

Evaporated cream

(b) Evaporated cream or clotted cream is cream from which a considerable portion of moisture has been evaporated.

Evaporated skim milk

(c) Evaporated skim milk or condensed skim milk is skim milk from which a considerable portion of moisture has been evaporated and shall contain not less than 18 percent milk solids and not more than 75,000 bacteria per gram.

SEC. 3. Section 630 of said code is amended to read:

Dried milk: Standards and requirements

630. Dried milk is the product resulting from the removal of water from milk, and shall otherwise conform to the definition, standards and requirements, as follows:

(1) Dried milk or dry whole milk standards shall apply to bulk, spray process and bulk, roller process.

(2) Dried milk or dry whole milk shall be classified into grades as follows: "extra grade" and "standard grade."

(3) "Extra grade" dried milk or dry whole milk shall meet the following specifications:

	Spray process	Roller process
Milk fat ——Not less than	26.00 percent	26.00 percent
Moisture ——Not more than	2.50 percent	3.00 percent
Titratable acidity ——Not more than	0.15 percent	0.15 percent
Bacterial estimate ——Not more than	50,000 per gm.	50,000 per gm.
Solubility index ——Not more than	0.50 ml.	15.00 ml.
Scorched particle content ——Not more than	15.0 mg.	22.5 mg.

(4) Extra grade dried milk or dry whole milk shall be free from lumps except those that break up readily under slight pressure. The reliquefied product shall have a sweet and desirable flavor but may possess the following flavor to a slight degree: chalky, cooked and feed. In the case of roller process dried milk or dry whole milk, a slight scorched flavor is also permitted.

(5) Standard grade dried milk or dry whole milk shall meet the following specifications:

	Spray process	Roller process
Milk fat ——Not less than	26.00 percent	26.00 percent
Moisture ——Not more than	3.00 percent	4.00 percent
Titratable acidity ——Not more than	0.17 percent	0.17 percent
Bacterial estimate ——Not more than	100,000 per gm.	100,000 per gm.
Solubility index ——Not more than	1.00 ml.	15.00 ml.
Scorched particle content ——Not more than	22.5 mg.	32.5 mg.

(6) Standard grade dried milk or dry whole milk shall be free from lumps except those that break up readily under slight pressure. The reliquefied product shall possess a fairly desirable flavor, but may possess a bitter, oxidized, storage, utensil and scorched flavor to a slight degree and a chalky and feed flavor to a definite degree. In the case of roller process dried milk or dry whole milk, a definite scorched flavor is also permitted.

SEC. 4. Section 630.5 is added to said code, to read:

630.5. Dry whey—extra grade edible—is the product resulting by spray drying sweet, fresh cheese whey which has been pasteurized either before or during the process of manufacture at a temperature of 145° F. for 30 minutes or its equivalent in bacterial destruction and to which no alkali or other chemical has been added. Dry whey

(1) It shall have a clean whey flavor, free from objectional and non-whey flavors and odors. (Applies equally to reliquefied form.)

(2) It shall contain not more than 50,000 bacteria per gram, not more than 1.25 percent of milk fat, not more than 5.00 percent of moisture, and not more than 0.16 percent of titratable acidity.

(3) The alkalinity of ash shall not exceed 225 ml. 0.1 normal hydrochloric acid (0.1 N HCl) per 100 grams. The scorched particle content shall be not more than 15.0 mg. and the solubility index shall be not more than 1.25 ml.

(4) It shall have a uniform light color, free from lumps that do not break up under moderate pressure, and practically free from brown and black scorched particles.

SEC. 5. Section 631 of said code is amended to read:

Nonfat dry milk

631. Nonfat dry milk is the product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins and milk minerals in the same relative proportions as in the fresh milk from which made, and shall otherwise conform to the standards and requirements, as follows:

(1) Nonfat dry milk shall contain not more than 5 percent by weight of moisture and not more than 1.5 percent by weight of milk fat.

(2) Nonfat dry milk shall be classified into grades as follows: "extra grade" and "standard grade."

"Extra grade" nonfat dry milk shall meet the following specifications:

	Spray process Not more than	Roller process Not more than
Milk fat	1.25 percent	1.25 percent
Moisture	4.00 percent	4.00 percent
Titratable acidity	0.15 percent	0.15 percent
Solubility index	1.25 ml.	15.0 ml.
Bacterial estimate	50,000 per gram	50,000 per gram
Scorched particles	15.0 mg.	22.5 mg.

(3) It shall possess a uniform white to light cream natural color, free from lumps except those that break up readily with very slight pressure and practically free from visible dark particles. The reliquefied product shall be free from graininess and shall have a sweet and desirable flavor, but in the case of the spray process product it may possess the following flavors to a slight degree: chalky, cooked, feed and flat. In the case of the roller process product, a slightly scorched flavor is permitted in addition to those listed herein.

(4) "Standard grade" nonfat dry milk shall meet the following specifications:

	Spray process Not more than	Roller process Not more than
Milk fat	1.50 percent	1.50 percent
Moisture	5.00 percent	5.00 percent
Titratable acidity	0.17 percent	0.17 percent
Solubility index	2.00 ml.	15.0 ml.
Bacterial estimate	100,000 per gm.	100,000 per gm.
Scorched particles	22.5 mg.	32.5 mg.

(5) It may possess a slight unnatural color: free from lumps except those that break up readily under slight pressure and be reasonably free from visible dark particles. The reliquefied product shall be reasonably free from graininess and shall have a fairly pleasing flavor but may possess the following flavors to a slight degree: bitter, oxidized, storage, utensil, and the following to a definite degree: chalky, feed, flat and scorched.

(6) Nonfat dry milk which fails to meet the requirements for standard grade or shows a direct microscopic clump count exceeding 250 million per gram shall be deemed unfit for human consumption.

CHAPTER 1354

An act to repeal Article 2 (commencing with Section 1100) of Chapter 4, Division 2 of the Streets and Highways Code, relating to the alteration or construction of highways by road viewers.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 2 (commencing with Section 1100) of Chapter 4, Division 2 of the Streets and Highways Code is repealed.

CHAPTER 1355

An act to amend Section 1331 of the Streets and Highways Code, relating to the duties of the county road commissioner.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1331 of the Streets and Highways Code is amended to read:

1331. Whenever any county has appointed a road commissioner for all road districts in the county as authorized by Section 2006, or whenever any county has adopted a county charter pursuant to Article XI, Section 7½ of the Constitution, providing for the appointment of a road commissioner as a county officer, and for the organization of a permanent road department for the construction, improvement, and maintenance of highways and bridges, such road commissioner shall have charge of the construction and maintenance of all county bridges in the county, under the order and direction of the board of supervisors as provided in Section 1332.

CHAPTER 1356

An act to amend Section 2008 and to repeal Section 1030, of the Streets and Highways Code, relating to road commissioners.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961]

In effect September 15, 1961

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

SECTION 1. Section 1030 of the Streets and Highways Code is repealed.

SEC. 2. Section 2008 of said code is amended to read:

2008. The board of supervisors shall fix the salary of the road commissioner. It shall be chargeable against the twenty thousand dollar ($20,000) annual apportionment to the county under the first subdivision of Section 2111. Such road commissioner shall file with the county clerk a bond with sufficient sureties in such sum as may be required by the board of supervisors for the faithful and proper discharge of his duties as such road commissioner.

CHAPTER 1357

An act to add Section 13143.5 to the Health and Safety Code, relating to fires and fire protection.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 13143.5 is added to the Health and Safety Code, to read:

13143.5. The rules and regulations adopted by the State Fire Marshal pursuant to Section 13143 regarding any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, sanitarium, home for the aged, or children's home or institution shall apply uniformly throughout the State of California and no state agency, city, city and county, county, or other political subdivision of this State, including, but not limited to, a chartered city, city and county, or county, shall adopt any ordinance or regulation which is less restrictive than the rules and regulations adopted by the State Fire Marshal pursuant to Section 13143.

CHAPTER 1358

An act to amend Section 12915 of the Education Code, relating to school district employment.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 12915 of the Education Code is amended to read:

12915. No person shall be initially employed by a school district in a certificated or classified position unless the person has submitted to an examination within the past two years to determine that he is free of active tuberculosis, by a physician and surgeon licensed under Chapter 5 (commencing at Section

2000) of Division 2 of the Business and Professions Code. This examination shall consist of an X-ray of the lungs, or an approved intradermal tuberculin test, which, if positive, shall be followed by an X-ray of the lungs.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under Chapter 5 of Division 2 of the Business and Professions Code.

Thereafter all employees shall be required to undergo the foregoing examination at least once in each two years, or oftener if the governing board so determines by rule.

After such examination, each employee shall cause to be on file with the district superintendent of schools a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis. The county board of education may require, by rule, that all such certificates be filed in the office of the county superintendent of schools or shall require such files be maintained in the office of the county superintendent of schools if a majority of the governing boards of the districts within such county so petition the county board of education, except that in either case a district or districts with a common board having an average daily attendance of 60,000 or more may elect to maintain the files for its employees in that district. "Certificate" as used herein means a certificate signed by the examining physician and surgeon or a notice from a public health agency or unit of the Tuberculosis Association which indicates freedom from active tuberculosis. The latter, regardless of form, will constitute evidence of compliance with this section. Nothing in this section shall prevent the governing board from establishing a rule requiring a more extensive physical examination than required by this section but such rule shall provide for reimbursement on the same basis as hereinafter required.

This examination is a condition of initial employment and the expense incident thereto shall be borne by the applicant unless otherwise provided by rules of the governing board. However, the board may, if an applicant is accepted for employment, reimburse such person in a like manner hereinafter prescribed for employees.

The governing board of each district shall reimburse the employee for the cost, if any, of this examination. The board may provide for the examination required by this section or may establish a reasonable fee for such examination that is reimbursable to employees of the district complying with the provisions of this section.

At the discretion of the governing board this section shall not apply to those employees not requiring certification qualifications who are employed for any period of time less than a school year whose functions do not require frequent or prolonged contact with pupils.

The governing board may, however, require such examination and may as a contract condition require the examination

of persons employed for construction or repair work if the board believes the presence of such persons in and around school premises would constitute a health hazard to pupils.

If the governing board of a school district determines by resolution, after hearing, that the health of pupils in the district would not be jeopardized thereby, the provisions of this section shall not apply to any employee of the district who files an affidavit stating that he adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his knowledge and belief he is free from active tuberculosis. If at any time there should be probable cause to believe that such affiant is afflicted with active tuberculosis, he may be excluded from service until the governing board of the employing district is satisfied that he is not so afflicted.

CHAPTER 1359

An act to add Section 27002.1 to the Government Code, relating to the duties of the county treasurer.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 27002.1 is added to the Government Code, to read:

27002.1. The treasurer may, in lieu of entering in books an account of the receipt and expenditure of all money received or paid out by him as provided in Section 27002, photograph, microphotograph or photocopy all receipts for money received by him and all warrants paid out by him.

Every such reproduction shall be deemed and considered an original; and a transcript, exemplification, or certified copy of any such reproduction shall be deemed and considered a transcript, exemplification, or certified copy, as the case may be, of the original.

All such photographs, microphotographs and photocopies shall be properly indexed and placed in convenient, accessible files. Each roll of microfilm shall be deemed and constitute a book, and shall be designated and numbered, and provision shall be made for preserving, examining and using it.

A duplicate of each roll of microfilm shall be made and kept in a safe and separate place.

CHAPTER 1360

An act to add Section 8969.5 to the Health and Safety Code, relating to public cemetery districts.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 8969.5 is added to the Health and Safety Code, to read:

8969.5. The trustees shall have the power to execute and deliver quitclaim deeds to real property adjacent to the property of the cemetery district, for the purpose of removing defects in and otherwise clearing up the title to such adjacent real property.

CHAPTER 1361

An act to add Section 20805 to the Education Code, relating to school district elections.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 20805 is added to the Education Code, to read:

20805. Any election called pursuant to Sections 20801 to 20804, inclusive, may be consolidated with any other election pursuant to the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code.

CHAPTER 1362

An act to amend Section 3 of Chapter 380 of the Statutes of 1959, relating to local health districts.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 3 of Chapter 380 of the Statutes of 1959 is amended to read:

Sec. 3. Chapter 6 (commencing with Section 880) of Part 2 of Division 1 of the Health and Safety Code is repealed.

Notwithstanding such repeal, the organization, existence, or powers of any district created by, or organized pursuant to, the provisions of such Chapter 6 shall remain unaffected by such repeal, and any such district shall continue to exist and

may exercise any of the powers conferred upon it by that chapter. No district shall be created or organized pursuant to that chapter after October 1, 1959.

Notwithstanding the provisions of Chapter 6 (commencing with Section 880) of Part 2 of Division 1 of the Health and Safety Code as the provisions of that chapter existed at the time of their repeal, the district board of any district created by, or organized pursuant to, such provisions, which has continued to exist thereunder shall consist of nine members.

One member shall be appointed from each city in the district, by the governing body of the city, and the remaining members shall be appointed by the board of supervisors from the unincorporated territory in the district at large.

The first additional members appointed to a district board under this section shall classify themselves by lot so that the terms of office of one-half of such members shall expire at the same time as the terms of office of incumbent members which first expire following the date of such appointments, and the terms of office of the other one-half shall expire at the same time as the terms of office of the other incumbent members. The terms of office of their successors shall be the same as for other members appointed to the district board.

CHAPTER 1363

An act to amend Section 3440 1 of the Civil Code, relating to the transfer, sale or assignment of stock in trade, in bulk.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 3440 1 of the Civil Code is amended to read:

3440 1. The sale, transfer or assignment of a stock in trade, in bulk, or a substantial part thereof, other than in the ordinary course of trade and in the regular and usual practice and method of business of the vendor, transferor, or assignor, and the sale, transfer, assignment, or mortgage of the fixtures or store equipment of a baker, cafe or restaurant owner, garage owner, cleaner and dyer, or retail or wholesale merchant, is conclusively presumed fraudulent and void as against the existing creditors of the vendor, transferor, assignor, or mortgagor, unless before the consummation of the sale, transfer, assignment, or mortgage, the vendor, transferor, assignor, or mortgagor, or the intended vendee, transferee, assignee, or mortgagee does all of the following:

(a) Records at least 10 days before the consummation of the sale, transfer, assignment, or mortgage, in the office of the

county recorder in the county or counties in which the stock in trade, fixtures, or equipment are situated, a notice of the intended sale, transfer, assignment, or mortgage, which states the name and address of the intended vendor, transferor, assignor, or mortgagor and the name and address of the intended vendee, transferee, assignee, or mortgagee. The notice shall contain a general statement of the character of the merchandise or property intended to be sold, assigned, transferred, or mortgaged, and show the date on, or after which, and the place where the purchase price or consideration is to be paid.

(b) Publishes a copy of the notice pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the judicial district in which the stock in trade, fixtures, or equipment are situated, if there is one, and if there is none in the judicial district, then in a newspaper of general circulation in the county embracing the judicial district. The publication shall be completed not less than five days before the date of the intended sale, transfer, assignment, or mortgage.

If the intended sale is to be at public auction, the notice required to be recorded and published shall state that fact, and the time, terms, and place of auction, the names and addresses of the vendor and auctioneer and a general statement of the character of the merchandise or property intended to be sold.

The sale shall not occur within 10 days from the recordation of the notice.

Any auctioneer selling the stock in trade or fixtures and store equipment of a baker, cafe or restaurant owner, garage owner, cleaner and dyer, or retail or wholesale merchant, is personally liable for all damages incurred by any creditor of the merchant if the notice is not recorded and published as required by this section.

The provisions of this section shall not apply or extend to:

(a) Any sale, transfer, or assignment of a stock in trade or to any sale, transfer, assignment or mortgage of the fixtures, or store equipment, of a baker, cafe or restaurant owner, garage owner, cleaner and dyer, or retail or wholesale merchant, made under the direction or order of a court of competent jurisdiction or by any executor, administrator, guardian, receiver, or other officer or person acting in the regular and proper discharge of official duty, or in the discharge of any trust imposed upon him by law.

(b) Any transfer or assignment, statutory or otherwise, made for the benefit of creditors generally, nor by any assignee acting under such an assignment for the benefit of creditors generally nor to any mortgage or chattel mortgage made for the benefit of creditors generally.

(c) Any sale, transfer, assignment or mortgage of any property exempt from execution.

(d) Any sale, transfer, or assignment of wines or brandies in the wineries, distilleries, or wine cellars of the makers or owners

of the wines or brandies, or other persons having possession, care, and control of the wines or brandies, and the pipes, casks, and tanks in which the wines or brandies are contained, if the sales, transfers, or assignments are made in writing and executed and acknowledged in the same form as provided for chattel mortgages, and if the sales, transfers, or assignments are recorded in the book of official records in the office of the county recorder of the county in which the wines, brandies, pipes, casks, and tanks are situated.

CHAPTER 1364

An act to add Section 2015 6 to the Code of Civil Procedure, relating to oaths and affirmations.

In effect September 15, 1961

[Approved by Governor July 8, 1961 Filed with Secretary of State July 11, 1961]

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

SECTION 1. Section 2015.6 is added to the Code of Civil Procedure, to read:

2015.6 Whenever, under any law of this State or under any rule, regulation, order or requirement made pursuant to law, an oath is required to be taken by a person appointed to discharge specific duties in a particular action, proceeding or matter, whether or not pending in court, including but not limited to a person appointed as executor, administrator, guardian, conservator, appraiser, receiver, or elisor, an unsworn written affirmation may be made and executed, in lieu of such oath. Such affirmation shall commence "I solemnly affirm," shall state the substance of the other matter required by the oath, the date and place of execution and shall be subscribed by him.

CHAPTER 1365

An act to amend Section 69895 of the Government Code, relating to superior courts.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961]

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

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

69895. In any county or city and county with a population of less than 850,000 but more than 730,000, as ascertained pursuant to Section 28020, where the secretary of the judges of the superior court is required to perform the duties of jury

commissioner pursuant to Section 69893, the salary of the secretary shall be one thousand five hundred fifty dollars ($1,550) a month.

In such a county or city and county, on the authorization of the judges, the secretary shall have one senior assistant secretary whose salary shall be eight hundred dollars ($800) a month, and three assistant secretaries whose salaries shall be seven hundred ten dollars ($710) a month. The senior assistant secretary and the assistant secretaries shall assist also in the performance of the duties of jury commissioner. The salaries of such secretaries and such assistants shall be paid by the county or city and county in which they serve.

CHAPTER 1366

An act to amend Section 42356 of the Water Code, relating to water storage district projects.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.] In effect September 15, 1961

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

SECTION 1. Section 42356 of the Water Code is amended to read:

42356. If completion of the project is not approved at the election, the board may modify the project or propose a new project, and may submit a revised report to the department. If a revised report is not so submitted within six months of such election, or within such extension of time as the department may allow, the department may enter in its records an order declaring the project abandoned.

CHAPTER 1367

An act to add Chapter 4 (commencing with Section 44900) to Part 7 of Division 14 of the Water Code, relating to water storage districts.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.] In effect September 15, 1961

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

SECTION 1. Chapter 4 (commencing with Section 44900) is added to Part 7 of Division 14 of the Water Code, to read:

CHAPTER 4. WARRANTS PAYABLE AT FUTURE TIMES

44900. If any contract or lease for the acquisition of property provides for any future payments by the district, war- Warrants payable at future time.

rants may be issued, on order of the board, for the payments, which warrants shall be made payable at the times provided in the contract or lease.

Assessment. Special or emergency

44901. When a particular purpose or emergency assessment has been authorized, warrants in an amount equal to the amount of the assessment may be issued on order of the board to carry out the purpose for which the assessment was authorized. These warrants shall be made payable at the time or times that the board estimates that they can be paid from the proceeds of the assessment.

Outstanding registered warrants

44902. Any outstanding registered warrants and their accrued interest may be refunded by the issuance of warrants payable at stated times fixed by the board. These warrants may be exchanged for the registered warrants or sold for not less than their par value to provide funds for the payment of the registered warrants or any of them and their accrued interest.

Outstanding bonds

44903. Warrants payable at a future time or times may be issued in consideration of money loaned to the district for the purchase of any of its outstanding bonds or the refinancing or retiring of any outstanding contract. The annual interest payable on these warrants shall be less than the annual interest on the bonds purchased or contract refinanced or retired with the proceeds of the warrants.

Limitations

44904. Warrants payable at a future time or times may also be issued to obtain funds or property for any lawful purpose of the district; provided, that, unless approved by the department, the total amount of warrants payable in any one year shall not exceed one-fourth of 1 percent of the total valuation of the land in the district according to the last equalized assessment roll.

Rate of interest

44905. Any warrant authorized in the preceding sections of this article shall draw interest at a rate to be fixed by the board not to exceed 6 percent per year payable annually or semiannually as the board may prescribe.

Coupons payable to bearer

44906. Coupons payable to bearer in a form and signed as prescribed by the board may be attached to warrants payable at a future date to evidence their interest.

Evidence of indebtedness

44907. Warrants of any district may be issued to evidence the indebtedness allowed to be incurred prior to the levy of the first district assessment, bearing interest fixed by the board at not more than 7 percent per year. These warrants shall be made payable on a date not later than the first day of July next after the first annual assessment in the district is levied.

Payment from sale of property

44908. If any district owns any property which it is authorized to lease or sell, its board may in the contract providing for the issuance of warrants payable at a future time, agree that the proceeds of the lease or sale of the property, not required by law to be used for other purposes, shall be allocated to the payment of these warrants.

Date payable

44909. No warrants issued pursuant to this article made payable more than five years from the date of issuance shall

be valid unless their issuance is authorized by a majority of the voters voting at an election called by the board for the purpose of determining whether or not the warrants shall be authorized.

Election

44910. Notice of the election shall be given and the election shall be held and the result determined as nearly as practicable in the manner provided for bond elections.

Legal investments

44911. All warrants issued pursuant to vote of the electors may be certified as legal investments in accordance with the provisions of Division 10 of the Water Code. The proceeds of such warrants may, with the approval of the California Districts Securities Commission, be used and applied to the purchase or redemption of any outstanding warrants of the district.

CHAPTER 1368

An act to amend Section 28130 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 28130 of the Government Code is amended to read:

28130. In counties of the 30th class the following shall receive as compensation for the services required of them by law or by virtue of their office, the following sums:

1. The auditor, eight thousand nine hundred four dollars ($8,904) a year.

2. The district attorney, twelve thousand five hundred twenty-eight dollars ($12,528) a year and he shall not engage in private law practice during his term of office.

3. Each supervisor, four thousand eight hundred dollars ($4,800) a year for all services performed by him as supervisor and member of the board of equalization, and the use of county automobiles in connection with the performance of official duties.

4. Grand jurors and trial jurors in the superior court in civil and criminal cases, shall receive as compensation for each day's attendance, per day, five dollars ($5); and trial jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, twenty-five cents ($0.25); and grand jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, fifteen cents ($0.15).

If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of the 1955 amendment of this section, such increase in compensation shall nevertheless be payable to the officers designated in this section as soon as it is legally competent to do so.

CHAPTER 1369

An act to amend Section 27603 of the Vehicle Code, relating to schoolbuses.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 27603 of the Vehicle Code is amended to read:

27603. When a motor vehicle formerly used as a schoolbus is sold to any person and is used exclusively for purposes other than the transportation of pupils pursuant to Article 2 (commencing at Section 16851) of Chapter 1 of Division 13 of the Education Code, it shall be painted by the purchaser a color different than that prescribed by the State Board of Education for schoolbuses before it is operated on any street or highway other than to have the vehicle painted or moved to a place of storage.

The provisions of this section shall not apply where the ownership of a schoolbus is transferred to a nonprofit organization under a contractual arrangement under which the ownership is required to be retransferred to the original owner within 90 days of the date of the original transfer.

CHAPTER 1370

An act to amend Section 12a of, and to add Section 13b to, the Code of Civil Procedure, relating to computation of time.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 12a of the Code of Civil Procedure is amended to read:

Holidays

12a. If the last day for the performance of any act provided or required by law to be performed within a specified period of time shall be a holiday, then such period is hereby extended to and including the next day which is not a holiday. The term "holiday" as used herein shall mean all day on Saturdays, all holidays specified in Section 6700 and 6701 of the Government Code and, to the extent provided in Section 12b of this code, all days which by terms of said Section 12b are required to be considered as holidays; provided, however, that for a period of time expiring prior to January 1, 1952, time shall be computed and extended in accordance with the provisions of this section as they existed on January 1, 1951.

This section applies also to Sections 659, 659a, 946, and 974 through 982 of this code, and the periods of time severally therein prescribed or provided for, and to all other provisions of law, however stated or wherever expressed, providing or requiring an act to be performed on a particular day or within a specified period of time. The mention of said sections herein is not intended and shall not be construed to exclude the application of this section to such other provisions of law, whether the latter are expressed in this or any other code or statute, ordinance, rule, or regulation.

Performance on Saturday

SEC. 2. Section 13b is added to said code, to read:

13b. Any act required by law to be performed on a particular day or within a specified period may be performed (but is not hereby required to be performed) on a Saturday, with like effect as if performed on a day which is not a holiday.

CHAPTER 1371

An act to add Article 6 (commencing with Section 210) to Chapter 1, Division 1, of the Streets and Highways Code, relating to locations for state freeways.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Article 6 (commencing with Section 210) is added to Chapter 1, Division 1, of the Streets and Highways Code, to read:

Article 6. Freeway Locations

Legislative purpose

210. It is the purpose of this article to outline the policies of the Legislature for the guidance of the commission and the department in determining and adopting the locations for state highways as freeways, as authorized elsewhere in this code. To the end of achieving co-ordinated planning, there should be a complete exchange of pertinent information through conferences between representatives of the department and the governing bodies of appropriate local agencies, their technical staffs, and planning personnel from the commencement of studies leading to the adoption of the freeway location to the time of construction. Recommendations of all such local agencies and the effects of the proposed freeway location upon their activities and present and future development should be considered by the department and the commission. In addition, when sufficient information has been accumulated to permit intelligent discussion, adequately publicized public meetings should be held so as to assure to all interested individuals, officials and civic or other groups an opportunity to become acquainted with the studies being made and to express their

views with respect thereto. Recommendations of the State Highway Engineer to the commission as to such freeway locations should be publicized and an opportunity offered to local governing bodies to request public hearings by the commission itself before the commission takes final action, in which event the commission should hold such hearings.

Commission: Factors to consider

211. In reaching its conclusions as to freeway locations, the commission should consider from the standpoint of the overall public interest, all information and recommendations developed in the conferences, meetings and the hearings and any information furnished to it by any local agency pursuant to the provisions of Section 75 5. Each local agency should present its official master plan or such other plans dealing with highway and transportation facilities as have been developed by the local agency and have the official approval of its legislative body to the department at or prior to the time of the meetings held by it, and in the absence of further presentations at such meetings, the department and the commission should assume that the plan or plans represent the desires and recommendations of such local agency.

Procedural resolution

212. The commission shall adopt, by resolution, a procedure outlining in detail the steps to be taken by the department and the commission to meet the policies set forth in this article. The commission shall from time to time revise such procedure whenever it finds such a revision desirable to implement the legislative policies set forth herein.

Same. Publication

213 Within 10 days after the effective date of this article, the commission shall cause to be filed and published in accordance with the Administrative Procedure Act (Chapters 4 and 5 (commencing with Sections 11370 and 11500) of Part 1 of Division 3 of Title 2 of the Government Code), copies of the procedural resolution in effect on the effective date of this article. The resolution covering such procedure adopted by the commission on February 26, 1958, and filed with the Legislature in January, 1959, pursuant to the terms of Resolutions Chapter 250, Statutes of 1957, shall be so filed unless revised by the commission prior to the effective date of this article. All revisions made subsequent to the time of filing of the first resolution shall be filed and published in the same manner. In addition to such filing and publication, the department and the commission shall furnish copies of such procedural resolutions to any person or organization requesting the same.

Same In annual report to Governor and Legislature

214 In the annual report to the Governor and the Legislature on the activities of the Department of Public Works, Division of Highways, there shall be included a copy of the procedural resolution of the commission adopted pursuant to this article, indicating any changes made during the preceding year. There shall also be included in the annual report a summary of all public meetings held by the department and of all hearings held by the commission and full information as to the adoptions of locations as freeways during the year covered by the report.

215. Failure of the department or the commission to comply with the requirements of this article shall not invalidate any action of the commission as to the adoption of a routing for any state highway, nor shall such failure be admissible evidence in any litigation for the acquisition of rights-of-way or involving the allocation of funds or the construction of the highway. Effect of failure to comply

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CHAPTER 1372

An act to amend Section 8001 of, and to add Sections 8001.5 and 8027 to, the Business and Professions Code, relating to shorthand reporters.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.] In effect September 15, 1961

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

SECTION 1. Section 8001 of the Business and Professions Code is amended to read:

8001. The terms of the members of the board in office when the amendment made to this section at the 1961 Session of the Legislature becomes effective shall expire as follows: one attorney member, December 31, 1961; two shorthand reporter members, December 31, 1962; one attorney member, December 31, 1963; and one shorthand reporter member, December 31, 1964. Thereafter appointments shall be made for a term of four years. Terms of office

SEC. 2. Section 8001.5 is added to said code, to read:

8001.5. Members of the board shall hold office until the appointment and qualification of their successors or until six months shall have elapsed since the expiration of the term for which they were appointed, whichever first occurs. No person shall serve as a member of the board for more than three consecutive terms. Vacancies occurring shall be filled by appointment for the unexpired term. Same:

SEC. 3. Section 8027 is added to said code, to read:

8027. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital or other mental hospital of any licensee for a mental illness shall operate as a suspension of the right to practice of any licensee under this chapter, such suspension to continue until restoration to or declaration of sanity or mental competence. The record of adjudication, judgment or order of voluntary commitment is conclusive evidence of such insanity or mental illness, and upon receipt of a certified copy of any such adjudication, judgment, voluntary commitment or order by the board it shall immediately suspend the license of the person adjudicated or committed. The board shall not restore such license to good standing until it shall receive competent evidence of restoration to or declaration of sanity and until it is satisfied that, with due Suspension of license: Insanity, etc

regard for the public interest, said person's right to practice may be safely reinstated; provided, that in the case of a voluntary commitment to a state hospital or other mental hospital, receipt of a certificate of discharge from such hospital and the certificate of the superintendent of said hospital that the licensee is restored to mental competency, shall constitute competent evidence of restoration to sanity. Before reinstating such person, the board may require the person to pass an oral examination to determine his present fitness to resume his practice.

Terms

SEC. 4. The Governor shall determine which of the terms presently established for members of the board shall be extended to comply with the provisions of Section 1 of this act.

CHAPTER 1373

An act to amend Sections 74802 and 74803 of the Government Code, relating to municipal courts.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 74802 of the Government Code is amended to read:

Clerk-administrative officer

74802. There shall be one clerk who shall be the administrative officer and who shall receive a minimum salary of six hundred sixty-eight dollars ($668) monthly with annual increments of thirty-three dollars ($33), thirty-five dollars ($35), thirty-seven dollars ($37) and thirty-eight dollars ($38) to a maximum of eight hundred eleven dollars ($811) monthly.

Effective January 1, 1962, the clerk shall receive a minimum salary of seven hundred one dollars ($701) monthly, with annual increments of thirty-five dollars ($35), thirty-seven dollars ($37) thirty-eight dollars ($38) and forty dollars ($40) to a maximum of eight hundred fifty-one dollars ($851) monthly.

SEC. 2. Section 74803 of said code is amended to read:

74803. The clerk may appoint:

Deputy clerks

(a) One deputy clerk who shall be assistant administrative officer and chief deputy, who shall receive a minimum salary of four hundred seventy-six dollars ($476) monthly with annual increments of twenty-three dollars ($23), twenty-five dollars ($25), twenty-six dollars ($26) and twenty-seven dollars ($27) to a maximum of five hundred seventy-seven dollars ($577) monthly.

Effective January 1, 1962, the chief deputy clerk shall receive a minimum salary of four hundred ninety-nine dollars ($499) monthly with annual increments of twenty-five dollars ($25), twenty-six dollars ($26), twenty-seven dollars ($27) and twenty-nine dollars ($29) to a maximum of six hundred six dollars ($606) monthly.

(b) Six deputy clerks IV, each of whom shall receive a minimum salary of three hundred seventy-six dollars ($376) monthly with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20) and twenty-one dollars ($21) to a maximum of four hundred fifty-four dollars ($454) monthly.

Effective January 1, 1962, deputy clerks IV shall receive a minimum salary of three hundred ninety-four dollars ($394) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21) and twenty-two dollars ($22) to a maximum of four hundred seventy-six dollars ($476) monthly.

(c) Four deputy clerks III, each of whom shall receive a minimum salary of three hundred forty-one dollars ($341) monthly with annual increments of seventeen dollars ($17), eighteen dollars ($18), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of four hundred thirteen dollars ($413) monthly.

Effective January 1, 1962, deputy clerks III shall receive a minimum salary of three hundred fifty-eight dollars ($358) monthly with annual increments of eighteen dollars ($18), eighteen dollars ($18), nineteen dollars ($19) and twenty dollars ($20) to a maximum of four hundred thirty-three dollars ($433) monthly.

(d) Four deputy clerks II, each of whom shall receive a minimum salary of three hundred ten dollars ($310) monthly with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17) and eighteen dollars ($18) to a maximum of three hundred seventy-six dollars ($376) monthly.

Effective January 1, 1962, deputy clerks II shall receive a minimum salary of three hundred twenty-five dollars ($325) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred ninety-four dollars ($394) monthly.

(e) Six deputy clerks I, each of whom shall receive a minimum salary of two hundred eighty-two dollars ($282) monthly with annual increments of fourteen dollars ($14), fourteen dollars ($14), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred forty-one dollars ($341) monthly.

Effective January 1, 1962, deputy clerks I shall receive a minimum salary of two hundred ninety-six dollars ($296) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), sixteen dollars ($16) and seventeen dollars ($17) to a maximum of three hundred fifty-eight dollars ($358) monthly.

All persons employed in the clerk's office on the effective date of the 1961 amendment of Section 74802 and this section shall receive credit for prior continuous service in this

office, and shall receive in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

All annual increments becoming due after the effective date of the 1961 amendment of this section shall be subject to the recommendation of and approval by the clerk.

CHAPTER 1374

An act to add Section 9703 to the Education Code, relating to the disposal of textbooks.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 9703 is added to the Education Code, to read:

9703. In providing for the disposition of textbooks pursuant to this article, the State Board of Education shall not require school districts to remit to the State any money received by the district from the sale of the old textbooks for use in the manufacture of paper pulp or similar substances. Any money so received by a school district shall be deposited in such fund of the school district as the governing board of the district prescribes and may be used for school district purposes.

CHAPTER 1375

An act to add Section 5161 to the Public Resources Code, relating to parks and monuments.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 5161 is added to the Public Resources Code, to read:

5161. Whenever any county owns land within the limits of any area designated as a state historical monument, it may, with the consent of the State Division of Beaches and Parks, sell such land to, or exchange such land with, any other public or private owner of land within the same area upon a determination by the board of supervisors that the sale or exchange of the land will facilitate the development of the historical monument.

CHAPTER 1376

An act to add Sections 188.8 and 188.9 to the Streets and Highways Code, relating to state highways.

[Approved by Governor July 8, 1961 Filed with Secretary of State July 11, 1961]

In effect September 15, 1961

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

SECTION 1. Section 188.8 is added to the Streets and Highways Code, to read:

Allocation

188.8. Out of the money expended pursuant to Section 188, the commission shall allocate and the department shall expend or cause to be expended in each state highway district of County Group No. 1 and in each state highway district of County Group No. 2 during the period commencing July 1, 1963, and ending June 30, 1967, and for each period of four years thereafter, not less than an amount computed as follows:

(a) The commission shall compute for each period of four years an amount equal to 70 percent of the moneys to be expended in County Groups No. 1 and No. 2, respectively, as provided in Section 188.

(b) From the amount computed for County Group No. 1 in subdivision (a) for the period ending June 30, 1967, the commission shall determine the minimum expenditure for each highway district specified in this subdivision by applying the following percentages of said amount:

District I	10.636
District II	6.620
District III	16.001
District IV	47.609
District X	10.210
The portion of District V in County Group 1	3.313
The portion of District VI in County Group 1	5.611

(c) From the amount computed for County Group No. 2 in subdivision (a) for the period ending June 30, 1967, the commission shall determine the minimum expenditure for each highway district specified in this subdivision by applying the following percentages of said amount:

District VII	63.278
District VIII	10 932
District IX	2.025
District XI	16.482
That portion of District V in County Group 2	3 587
That portion of District VI in County Group 2	3.696

For purposes of this section, state highway districts shall be those established by the department for administrative purposes as of June 30, 1960.

For each four-year period subsequent to June 30, 1967 a percentage for each state highway district as listed in subdivisions (b) and (c) shall be computed on the basis of an estimate of state highway construction needs for a 10-year period less estimates for construction expenditures budgeted prior to the commencement of the period. The revised percentages shall be used in computing minimum expenditures for each district. The first such estimate of state highway construction needs shall be filed with the Legislature at the 1965 Regular Session and published in the respective Journals of the Senate and the Assembly not later than the 15th legislative day and shall govern minimum expenditure computations for the period commencing July 1, 1967, and ending June 30, 1971. Each four years thereafter a new estimate shall be filed and published and shall govern the minimum expenditure computations for each succeeding four-year period.

The entire obligation under a contract awarded or a day labor project commenced during any of said periods shall be deemed an expenditure within the period in which such contract was awarded or day labor project commenced.

SEC. 2. Section 188.9 is added to said code, to read:

Same

188.9. Out of the moneys expended pursuant to Section 188.8 the commission shall allocate and the department shall expend or cause to be expended during the period commencing July 1, 1963 and ending June 30, 1967, and for each period of four years thereafter, not less than an amount in each county according to the following schedule:

In Alpine County, one million dollars ($1,000,000); Sierra County, one million dollars ($1,000,000); in each of the remaining counties, four million dollars ($4,000,000). Such expenditures shall be included in determining the minimum expenditures for each highway district.

If during any four-year period the commission determines that all state highway construction needs in a county included in the estimate which was the basis of the expenditure provision of Section 188.8 will be eliminated by expenditure of a lesser sum than provided for in this section, the commission shall allocate and the department shall expend or cause to be expended in such county such lesser amount during the four-year period.

CHAPTER 1377

An act to add Section 512.5 to the Public Resources Code, relating to the Department of Natural Resources.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.] In effect September 15, 1961

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

SECTION 1. Section 512.5 is added to the Public Resources Code, to read:

512.5. The Director of Natural Resources, with approval of the Director of Finance, may accept on behalf of the various divisions of the department federal grants for the purposes for which the department is established. Such grants shall be deposited in the Special Deposit Fund in the State Treasury provided for by Section 16370 of the Government Code, and may be expended under such terms and conditions as may be required by the federal government.

CHAPTER 1378

An act to add Section 502.7 to the Penal Code, relating to criminal offenses involving telephone and telegraph services.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.] In effect September 15, 1961

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

SECTION 1. Section 502.7 is added to the Penal Code, to read:

502.7. Any person who, knowingly, willfully and with intent to defraud any telephone or telegraph corporation, obtains or attempts to obtain, or aids and abets another to obtain or attempt to obtain, any telephone or telegraph services by any of the following means is guilty of a misdemeanor:

(a) By charging such service to an existing telephone number or credit card number without the authority of the subscriber thereto or the lawful holder thereof; or

(b) By charging such service to a nonexistent telephone number or credit card number, or to a number associated with telephone service which is suspended or terminated, or to a revoked or canceled (as distinguished from expired) credit card number, notice of such suspension, termination, revoca-

tion or cancellation of such telephone service or credit card having been given to the subscriber thereto or the holder thereof; or

(c) By use of a code, prearranged scheme, or other similar stratagem or device whereby said person, in effect, sends or receives information; or

(d) By rearranging, tampering with, or making connection with any facilities or equipment of a telephone company.

CHAPTER 1379

An act to amend Section 5780.2 of the Public Resources Code, relating to districts for recreation and park purposes.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 5780.2 of the Public Resources Code is amended to read:

5780.2. "Governing body," or "district board," as used in this chapter, means the board of directors of a recreation and park district.

CHAPTER 1380

An act to add Sections 4742.2 and 4742.3 to the Health and Safety Code, relating to county sanitation districts, declaring the urgency thereof to take effect immediately.

In effect immediately

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 4742.2 is added to the Health and Safety Code, to read:

4742.2. It may make and perform any agreement with any public or private corporation of any kind or any person for the joint construction, acquisition, disposition, or operation of any property or works of a kind which might be constructed, acquired, disposed of, or operated by the district.

SEC. 2. Section 4742.3 is added to said code, to read:

4742.3. Whenever a person installs sewers or other facilities for sewers and the district board determines that it is necessary that such sewers or other facilities be constructed so that they can be or will be used for the benefit of property other than that of the person making the installation and such sewers or other facilities are dedicated to the public or become the property of the district, the district board may by contract

agree to reimburse such person for such sewers or other facilities. Such contract may provide that the district may collect from any person using such sewer or other facility for the benefit of property not owned by the person making the installation a reasonable fee or charge.

Urgency

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

There are within the State and within county sanitation districts numerous areas requiring the immediate installation of sewers and sewage collection, treatment and disposal works to prevent the further contamination of waters and creation of unsanitary conditions from the disposal of sewage from private sewage disposal facilities. In order to alleviate these conditions immediately it is necessary that the powers of sanitation districts be expanded as provided in this act and that this act take effect immediately.

CHAPTER 1381

An act to amend Section 26709 of, and to add Section 26711 to, the Vehicle Code, relating to vehicle equipment.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 26709 of the Vehicle Code is amended to read:

Rear view mirror

26709. Every motor vehicle of a type subject to registration shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle.

Every bus or trolley coach, of a type subject to registration, shall be equipped with a mirror affixed to the right hand side of the bus or trolley coach which shall be so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the right hand side of the bus or trolley coach.

SEC. 2. Section 26711 is added to said code, to read:

Eyeshades' Bus, trolley

26711. Every bus or trolley coach shall be equipped with movable eyeshades of sufficient size to shade the eyes of the operator of a bus or trolley coach while it is being driven facing the sun.

CHAPTER 1382

An act to add Section 595 to the Streets and Highways Code, relating to adoption of a state highway route.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 595 is added to the Streets and Highways Code, to read:

595. Route 295 is from Route 21 near Wicks Corner to Paradise.

CHAPTER 1383

An act to add Sections 13340, 13161.5, and 14001.5 to the Education Code, relating to school district employees.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 13161.5 is added to the Education Code, to read:

Temporary teacher-assistant: Certificate

13161.5. A certificate to serve as a temporary teacher-assistant shall be issued, by the county superintendent of schools of the county in which the service is to be rendered, to the holder of a recommendation from a university or college accredited by the State Board of Education to train teachers. The certificate shall authorize the holder to serve as a teacher-assistant. No such certificate shall be granted for a period exceeding two years, nor shall the county superintendent of schools collect a fee therefor.

SEC. 2. Section 13340 is added to said code, to read:

Same: Employment

13340. The governing board of any school district may employ any qualified person who possesses a temporary certificate to serve as a teacher-assistant in a program conducted in co-operation with a California teacher training institution. No person shall be so employed unless he is enrolled as a student in a co-operating California teacher training institution at the time the service is rendered. Service by a person under a teacher-assistant certificate shall not be included in computing the service required as a prerequisite to the attainment of, or eligibility to, classification as a permanent employee of a school district. The governing board may make such payments as it deems proper for the services rendered.

Any person employed under this section shall not be subject to the provisions of Chapter 4 (commencing with Section 13801) or Chapter 5 (commencing with Section 14501) of Division 10 of this code.

SEC. 3. Section 14001.5 is added to said code, to read:

14001.5. A person employed under the provisions of Section 13340 of this code shall be excluded from membership in the retirement system. Exclusion from retirement system

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CHAPTER 1384

An act to amend Section 31720.5 of the Government Code, relating to county retirement systems.

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.] In effect September 5, 1961

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

SECTION 1. Section 31720.5 of the Government Code is amended to read:

31720.5. If a safety member or a fireman member who has completed five years or more of service under a pension system established pursuant to Chapter 4 or under a pension system established pursuant to Chapter 5 or both or under this retirement system or under the State Employees' Retirement System or under a retirement system established under this chapter in another county, and develops heart trouble, it shall be presumed in any proceeding under this chapter, by the board and the court in the absence of evidence to the contrary, that such heart trouble is an injury or disease occurring in and arising out of his employment. Should any such member die from a heart ailment, after five years or more of service, he must be in the service of the county or district or on leave of absence on account of illness at the time of his death in order to receive the benefits of this section.

As used in this section, "fireman member" means a member engaged in active fire suppression who is not classified as a safety member.

CHAPTER 1385

An act to amend Sections 790.03 and 10200 of the Insurance Code, relating to insurance.

[Approved by Governor July 8, 1961 Filed with Secretary of State July 11, 1961.] In effect September 15, 1961

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

SECTION 1. Section 790.03 of the Insurance Code is amended to read:

Unfair methods of competition

790.03. The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance.

(a) Making, issuing, circulating, or causing to be made, issued or circulated, any estimate, illustration, circular or statement misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon, or making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies, or making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates, or using any name or title of any policy or class of policies misrepresenting the true nature thereof, or making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender his insurance.

(b) Making or disseminating or causing to be made or disseminated before the public in this State, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatsoever, any statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of his insurance business, which is untrue, deceptive or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue, deceptive or misleading.

(c) Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

(d) Filing with any supervisory or other public official, or making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public any false statement of financial condition of an insurer with intent to deceive.

(e) Making any false entry in any book, report or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to whom such insurer is required by law to report, or who has authority by law to examine into its condition or into any of its affairs, or, with like intent, willfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report or statement of such insurer.

(f) Making or permitting any unfair discrimination between individuals of the same class and equal expectation

of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

SEC. 2. Section 10200 of said code is amended to read:

10200. Any life insurer may issue life, disability, term, and endowment insurance on the group plan, with or without annuities, and with premium rates less than the usual rates for such insurance. Such insurance under a franchise agreement or upon a wholesale basis may be written under rates more or less than the usual rates for such insurance. Life insurance: group plans

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CHAPTER 1386

An act to add Section 1986.5 to the Code of Civil Procedure, relating to witness fees and mileage for persons required to give depositions.

[Approved by Governor July 8, 1961 Filed with Secretary of State July 11, 1961] In effect September 15, 1961

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

SECTION 1. Section 1986.5 is added to the Code of Civil Procedure, to read:

1986.5. Any person who is subpoenaed and required to give a deposition shall be entitled to receive the same witness fees and mileage as if the subpoena required him to attend and testify before a court in which the action or proceeding is pending.

CHAPTER 1387

An act to amend Section 446 of the Streets and Highways Code, relating to co-operative agreement between the County of Imperial and the State of California.

[Approved by Governor July 8, 1961 Filed with Secretary of State July 11, 1961] In effect September 15, 1961

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

SECTION 1. Section 446 of the Streets and Highways Code is amended to read:

446. Route 146 is from:

(a) Route 187 east of Brawley to Route 64 near Blythe.

(b) Route 64 near Blythe to Route 58 near Needles

(c) Route 58 west of Needles northerly to the Nevada state line.

Notwithstanding the provisions of Section 89 of Chapter 1062, Statutes of 1959, the department shall proceed with the

construction of the unconstructed portion of said route described in subdivision (a) between the junction of Route 187 and the Imperial-Riverside county line with the lowest practical cost for a hard surfaced road and as an interim project pending the later construction of the route to proper limited access standards; provided, that prior thereto the County of Imperial enters into a co-operative agreement with the department wherein the county agrees to maintain the road between the junction of Route 187 and the Imperial-Riverside county line until a limited access highway is constructed by the department between said points. Upon the completion of construction of said interim road, and pursuant to said agreement, the county shall assume jurisdiction and all responsibilities of maintenance for the period above provided. The road shall be known and designated as the "Ben Hulse Highway."

CHAPTER 1388

An act to add Section 34322.2 to the Health and Safety Code, relative to housing.

In effect September 15, 1961

[Approved by Governor July 8, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 34322.2 is added to the Health and Safety Code, to read:

34322.2. As between applicants equally in need and eligible for occupancy of the dwelling and at the rent involved preferences shall be given in the selection of tenants as follows:

(a) To families which are to be displaced by any low-rent housing project or by any public slum clearance, redevelopment or urban renewal project, or through action of a public body or court, either through the enforcement of housing standards or through the demolition, closing, or improvement of dwelling units, or which were so displaced within three years prior to making application to such authority for admission to any low-rent housing, provided that as among such projects or actions the authority may from time to time extend a prior preference or preferences, and provided further, that, as among families within any such preference group, first preference shall be given to families of disabled veterans whose disability has been determined by the Veterans' Administration to be service connected, and second preference shall be given to families of deceased veterans and servicemen whose death has been determined by the Veterans' Administration to be service connected, and third preference shall be given to families of other veterans and servicemen;

(b) To families of other veterans and servicemen and as among such families first preference shall be given to families of disabled veterans whose disability has been determined by the Veterans' Administration to be service connected, and second preference shall be given to families of deceased veterans and servicemen whose death has been determined by the Veterans' Administration to be service connected.

CHAPTER 1389

An act to add Chapter 2 9 (commencing with Section 8180) to Division 1 of Title 2 of the Government Code, relating to Goose Lake.

[Approved by Governor July 10, 1961 Filed with Secretary of State July 11, 1961]

In effect September 15, 1961

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

SECTION 1. Chapter 2.9 (commencing with Section 8180) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 2.9. GOOSE LAKE COMPACT COMMISSION

Goose Lake Compact Commission

8180. There is in the state government a California Goose Lake Compact Commission.

8181. As used in this chapter "commission" means California Goose Lake Compact Commission.

Membership

8182. The commission shall consist of five members, the Director of Water Resources or his representative, the Director of Fish and Game, and three members appointed by the Governor from persons residing in Modoc County. The members shall be appointed from qualified persons engaged in the following fields: (a) agriculture, (b) fishing, and (c) other industries.

Expenses

8183. Each member of the commission shall be entitled to receive his actual necessary expenses while on official business of the commission.

Chairman

8184. The chairman of the commission shall be selected by the commission.

Secretary

8185. The commission shall appoint a secretary who may be one of its members and may employ such employees as it deems necessary to carry out its functions under this chapter. It may also incur necessary expenses to effectuate its purposes.

Function of commission

8186. It is the function of the commission to co-operate with a similar commission representing the State of Oregon in formulating and submitting to the legislatures of both states for their approval an interstate compact relative to the distribution and use of the waters of Goose Lake. The commission shall also co-operate with any person appointed by the

President of the United States to participate in the negotiations as a representative of the United States and to make a report thereon to the Congress.

Approval of compact

8187. No compact or agreement is binding on the State of California until it has been approved by the Legislature of this State and the Congress of the United States.

Director of Water Resources· Co-operation

8188 The Director of Water Resources shall co-operate with the commission and furnish it with such engineering data as the commission may require in carrying out the provisions of this chapter.

Travel, investigations, etc

8189. Members and employees of the commission may travel outside of the State and may hold hearings and conduct investigations within and outside the State, whenever necessary to carry out the purposes of this chapter and may acquire any available information from any governmental agency in the State of Oregon.

CHAPTER 1390

An act to amend Section 1300.17 of the Agricultural Code, relating to marketing of agricultural products.

In effect September 15, 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 11, 1961.]

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

SECTION 1. Section 1300.17 of the Agricultural Code is amended to read:

1300.17. (a) For the purpose of providing funds to defray the necessary expenses incurred by the director in the formulation, issuance, administration and enforcement of each marketing order issued hereunder, each such marketing order shall provide for the levying and collection of assessments in sufficient amounts to defray such expenses. Each marketing order shall indicate the maximum rate of any such assessment which may be collected and the proportion, if any, payable by each producer and handler directly regulated or affected by such marketing order. The advisory board appointed by the director to assist the director in administering each marketing order shall recommend to the director, from time to time, budgets to cover necessary expenses and the assessment rate necessary to provide sufficient funds. If the director finds that each such budget and assessment rate are proper and equitable and will provide sufficient moneys to defray the necessary expenses he may approve such budget and rate of assessment and order that each producer and handler so assessed shall pay to the director, at such times and in such installments as the director may prescribe, an assessment based upon the units in which such agricultural commodity is marketed, or upon any other uniform basis which the director determines to be reasonable and equitable, but in amounts which in the case of producers

will not exceed two and one-half percent (2½%) of the gross dollar volume of sales, of the commodity affected, by all such producers, regulated by such marketing order or in amounts which in the case of processors, distributors or other handlers will not exceed two and one-half percent (2½%) of the gross dollar volume of purchases of the commodity affected by the marketing order from producers or of the gross dollar volume of sales of the commodity affected by the marketing order and handled by all such processors, distributors or other handlers regulated by such marketing order during the marketing season or seasons during which such marketing order is effective.

The director may require each and every producer, processor, distributor or handler directly regulated by any marketing order to deposit with him in advance, an amount based upon the estimated number of units to be marketed by such producer or handled by such processor, distributor or handler, or upon any other uniform basis which the director determines to be reasonable and equitable, such bases to be applicable during the marketing season or seasons during which such marketing order is effective. At any time after the funds credited to the administrative account of the marketing order are sufficient to so warrant, or at the close of the marketing season, the sums so deposited shall be adjusted to the amount which is chargeable against such producer, processor, distributor or handler upon the basis of the actual number of units marketed by such producer or handled by such processor, distributor or handler, or upon the same uniform basis under which such funds were assessed by the director, during such marketing season.

(b) Each marketing order which authorizes carrying out advertising and sales promotion plans shall provide for the levying and collection of assessments in sufficient amounts to defray the expenses of such activities. Each such marketing order shall indicate the maximum rate of any such assessment and the proportion, if any, payable by each producer and handler directly regulated or affected by such marketing order. The advisory board appointed by the director to assist the director in administering each marketing order shall recommend to the director, from time to time, budgets to cover such expenses and the assessment rate necessary to provide sufficient funds. If the director finds that each such budget and assessment rate are proper and equitable and will provide sufficient moneys to defray such expenses he may approve such budget and approve and levy such assessment. Any assessments so established shall be based upon the units in which such agricultural commodity is marketed or upon any other uniform basis which the director determines to be proper and equitable. Any assessment rates established hereunder shall be in amounts not to exceed four percent (4%) of the gross dollar volume of sales by all producers or by all processors, distributors or other handlers of such agricultural commodity regulated by such marketing order during the marketing season or seasons during which such marketing order is effective.

For the purpose of providing funds to cover the costs of such advertising or sales promotion plans incurred prior to the receipt of sufficient funds from assessments as provided herein, the director may require each person so assessed to deposit with him in advance an amount not exceeding twenty-five percent (25%) of such assessment, based upon the estimated number of units of such commodity to be marketed or handled by such person, or upon any other uniform basis which the director determines to be reasonable and equitable, during such marketing season. At any time after the funds credited to the advertising or sales promotion account of the marketing order are sufficient to so warrant, or at the close of the marketing season, the sum so deposited by such person shall be adjusted to the amount which is properly chargeable against such person pursuant to the assessment authorized herein.

(c) In lieu of the assessments to defray the costs of formulation, issuance, administration and enforcement and advertising or sales promotion provided for in paragraphs (a) and (b) hereof, if the marketing order contains provisions for advertising or sales promotion as authorized in this chapter, the director may approve and fix one assessment not exceeding six and one-half percent (6½%) of the gross dollar volume of sales of such commodity by all producers, or by all processors, distributors or other handlers of such agricultural commodity regulated by such marketing order during the marketing season or seasons during which such marketing order is effective. The method and manner of assessment and collection thereof, and the limitations and restrictions applicable thereupon, shall conform in all respects with the provisions of paragraph (b) hereof, except as to the maximum amount of such assessment. In such case the advisory board shall recommend and the director may approve the proportions of such assessments which may be expended to defray the costs of formulation, issuance, administration and enforcement of the marketing order and of such advertising or sales promotion program; provided, that, the proportion of such assessments which may be allocated in such manner to defray the cost of such administrative activities for such marketing order shall in no case exceed the maximum amount authorized in paragraph (a) of this section.

(d) In the event any advisory board of any marketing order has reason to believe that the administration of a marketing order will be facilitated or the attainment of the purposes and objectives of the marketing order will be promoted thereby, the advisory board is authorized to borrow money with or without interest to carry out any provision of any marketing order authorized by this chapter, and may hypothecate anticipated assessment collections applicable to such respective provisions.

In lieu of requiring advance deposits or in order generally to provide funds for defraying administrative or advertising and sales promotion expenses until such time as sufficient moneys are collected for such purpose from the payment of assessments established pursuant to Section 1300.17 of this

chapter, the director is authorized to receive and disburse for such expense purposes contributions made by producers, processors, distributors or other handlers. Neither the board nor the director shall be held responsible for the repayment of such contributions; provided, however, that whenever collections from the payment of established assessments credited to the respective marketing order accounts are sufficient to so warrant, the board shall recommend and the director shall authorize the repayment of contributions or authorize the application of such contributions to the assessment obligations of persons who made such contributions.

(e) For the convenience of making collections of any producer assessments established pursuant to this section, the director may collect such assessments from the handlers of the commodity being regulated. Handlers paying such assessments for and on behalf of any producers are authorized to deduct such producer assessments from any moneys owed by such handlers to such producers. Any marketing order may provide that handler shall deduct producer assessments from any moneys owed by such handlers to such producers.

The director shall prescribe rules and regulations with respect to the assessment and collection of funds pursuant to the provisions of this section.

(f) Any moneys collected by the director pursuant to this chapter shall be deposited in a bank or banks, or other depository, approved by the Director of Finance, allocated to each marketing order under which they are collected, and, except as provided in subdivision (i) of this section, disbursed by the director only for the necessary expenses incurred by the advisory board and approved by the director with respect to each marketing order. Funds so collected shall be deposited and disbursed in conformity with appropriate rules and regulations prescribed by the director. The expenditure of such funds shall be exempt from the provisions of Section 16003 of the Government Code. All such expenditures by the director shall be audited at least every two years by the Department of Finance and a copy of such audit shall be delivered within 30 days after the completion thereof to the Governor, the Director of Agriculture and the Controller. Any moneys in the State Treasury to the credit of the "State Marketing Act Trust Fund" shall be withdrawn and deposited in accordance with the provisions of this paragraph.

Any moneys remaining in such fund, allocable to any particular agricultural commodity affected by a marketing order, at the discretion of the director, may either be refunded at the close of each fiscal period used by the advisory board for budgetary purposes, or upon recommendation of the advisory board and with the approval of the director, all or a portion of such moneys may be carried over into the next succeeding fiscal period whenever the director finds that such moneys are required to defray subsequent expenses under the marketing order. Any refund made pursuant to this paragraph shall be

on a pro rata basis made to persons from whom or on whose behalf the assessments being refunded were collected; provided, that upon termination by the director of any marketing order, any balances remaining and not required by the director to defray the expenses of such marketing order, shall be returned by the director upon a pro rata basis, to all persons from whom or on whose behalf such assessments were collected; provided further, however, that if the director finds that the amounts so returnable are so small as to make impractical the computation and remitting of such pro rata refund to such persons, the director may use the moneys in such fund to defray the expenses incurred by him in the formulation, issuance, administration or enforcement of any subsequent marketing order for such commodity. Thereafter, if there are any such moneys remaining which have not been used by the director as hereinabove provided, same shall be withdrawn from the approved depository and paid into the State Treasury as unclaimed trust moneys.

(g) Moneys deposited by the director pursuant to this section, which the director determines are available for investment, may be invested or reinvested by the State Treasurer in any of the securities described in Article 1 (commencing at Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code, or placed in a bank as provided in Chapter 4 (commencing at Section 16500), Part 2, Division 4, Title 2 of the Government Code, and handled in the same manner as money in the State Treasury. Any increment received from such investment or reinvestment or deposit shall be remitted to the director for allocation, upon a proper and equitable basis, to each of the marketing orders concerned, and deposited and disbursed as provided in subdivision (f) of this section. The State Treasurer may deduct from such remittance an amount equal to the reasonable costs incurred in carrying out the provisions of this subdivision or may bill the director for such costs and the director shall pay such costs from moneys collected pursuant to this chapter.

(h) Any checks or warrants drawn against the funds of any marketing order remaining unclaimed or uncashed for a period of six months from date of issuance shall be canceled and the money retained for disbursement to the original payee or claimant upon satisfactory identification for a period of one year from the time the checks or warrants are canceled. The money so retained, if not claimed within the period of one year, shall be credited to the then currently operating marketing order for the commodity under which the funds so retained were collected. If there is no marketing order then in effective operation for the commodity, the funds shall be credited to the unexpended balance, if any, of the last previous marketing order for the commodity. In the event there is no marketing order then in current operation, or no balance

exists from any previous marketing order to which the funds may be credited, the funds so retained shall be deposited in the State Treasury as unclaimed trust moneys.

(i) Notwithstanding the provisions of Section 28, each marketing order or agreement shall be charged amounts computed by the director as required to reasonably provide for services to be rendered to such marketing orders by the department. Such amounts shall be subject to approval by the advisory board concerned, shall be included in each budget recommended to and approved by the director pursuant to subdivision (a) of this section, and shall be withdrawn as required by the director and paid into the Department of Agriculture Fund in the State Treasury and expended only for the necessary expenses incurred by the director in the administration of this chapter.

CHAPTER 1391

An act to add Chapter 21 (commencing with Section 5500) to Division 6 of the Agricultural Code, relating to the California Table Grape Commission, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1961 Filed with Secretary of State July 11, 1961.] In effect immediately

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

SECTION 1. Chapter 21 (commencing with Section 5500) is added to Division 6 of the Agricultural Code, to read:

CHAPTER 21. THE CALIFORNIA TABLE GRAPE COMMISSION

Article 1. Declarations and Purposes

5500. (a) Grapes produced in California for fresh human consumption comprise one of the major agricultural crops of California, and the production and marketing of such grapes affects the economy, welfare, standard of living and health of a large number of citizens residing in this State. Declaration

(b) Increased plantings of vineyards and improved cultural practices for the production of California grapes for fresh human consumption have increased and will continue to increase the production thereof and unless the fresh human consumption of California grapes is increased by the expansion of existing markets and the development of new markets, the interests of the fresh grape industry of California, and the public interest of the people of this State, will be adversely affected.

(c) The preparation for market and marketing of fresh grapes for human consumption in excess of reasonable and

normal market demands therefor, disorderly marketing of such grapes, improper preparation for market, the lack of uniform grading and classification of such grapes, and the lack of minimum standards of quality of such grapes, unfair methods of competition in marketing thereof, and the inability of individual producers to maintain or expand present markets or to develop new or larger markets for such grapes results in an unreasonable and unnecessary economic waste of the agricultural wealth of this State.

(d) Such conditions and the accompanying waste jeopardize the future continued production of adequate supplies of fresh grapes for human consumption for the people of this and other states, and prevent producers from obtaining a fair return for their labor, their farms and their production. As a consequence, the purchasing power of such producers has been in the past, and may continue to be in the future unless such conditions are remedied, low in relation to that of other people engaged in other gainful occupations within the State, and they are thereby prevented from maintaining a proper standard of living and from contributing their fair share to the support of the necessary governmental and education functions, thus tending to increase unfairly the tax burden of other citizens of the State.

(e) These conditions vitally concern the health, peace, safety and general welfare of the people of this State. It is therefore necessary and expedient in the public interest to protect and enhance the reputation of California fresh grapes for human consumption in intrastate, interstate and foreign markets, and to otherwise act so as to eliminate unreasonable and unnecessary economic waste of the agricultural wealth of this State.

(f) The promotion of the sale of fresh grapes for human consumption by means of advertising, dissemination of information on the manner and means of production, and the care and effort required in the production of such grapes, the methods and care required in preparing and transporting such grapes to market, and the handling of the same in consuming markets, research respecting the health, food and dietetic value of California fresh grapes and the production, handling, transportation and marketing thereof, the dissemination of information respecting the results of such research, instruction of the wholesale and retail trade with respect to handling thereof, and the education and instruction of the general public with reference to the various varieties of California fresh grapes for human consumption, the time to use and consume each variety and the uses to which each variety should be put, the dietetic and health value thereof, and the regulation of quality of such grapes to be introduced into market, all serve to increase the consumption thereof and to expand existing markets and create new markets for fresh grapes, and prevent agricultural waste, and is therefore in the interests of the welfare, public economy and health of the people of this State.

(g) It is hereby declared to be the policy of this State to aid producers of California fresh grapes in preventing economic waste in the marketing of their commodity, to develop more efficient and equitable methods in such marketing, and to aid such producers in restoring and maintaining their purchasing power at a more adequate, equitable and reasonable level.

(h) The production and marketing of grapes produced in California for fresh human consumption is declared to be affected with a public interest; the provisions of this chapter are enacted in the exercise of the police power of this State for the purpose of protecting the health, peace, safety and general welfare of the people of this State.

Purposes

5501. The purposes of this chapter are:

(a) To enable producers of this State of fresh grapes for human consumption more effectively to correlate the marketing of their agricultural commodities with market demands therefor.

(b) To establish orderly marketing of such grapes.

(c) To provide for uniform grading and proper preparation of such grapes for market and to maintain quality standards therefor.

(d) To provide methods and means for the maintenance and expansion of present markets or for the development of new or larger markets for such grapes grown within this State, and the prevention, modification, or elimination of trade barriers which obstruct the free flow of such grapes to market.

(e) To eliminate or reduce economic waste in the marketing of grapes produced in California for fresh human consumption.

(f) To restore and maintain adequate purchasing power for the producers of this State of grapes for fresh human consumption.

Article 2. Definitions and General Provisions

Definitions

5520. As used in this chapter, the following words have the following meanings set forth hereafter unless otherwise apparent from the context:

"Cartwright Act"

5521. "Cartwright Act" means the act set forth in Chapter 2 (commencing with Section 16700), Part 2, Division 7 of the Business and Professions Code.

"Unfair Practices Act"

5522. "Unfair Practices Act" means the act set forth in Chapter 4 (commencing with Section 17000), Part 2, Division 7 of the Business and Professions Code.

"Fresh grapes," "table grapes"

5523. "Fresh grapes" also designated "table grapes" means any and all varieties of grapes produced in the State of California shipped for fresh human consumption, but does not include grapes delivered to a processor for processing or grapes processed by a processor or grapes delivered to a winery for winemaking or grapes produced for use in the making of wine.

"Producer"

5524. "Producer" means any person engaged within this State in the business of producing or causing to be produced

for market "fresh grapes." A producer may also be a shipper.

"Shipper" 5525. "Shipper" means any person engaged within this State in shipping fresh grapes, whether as owner, agent, or otherwise. A shipper may also be a producer.

"Processor" 5526. "Processor" and derivatives therefrom, means every person and every plant within this State to whom or to which grapes are delivered for the purpose of drying, dehydrating, canning, pressing, crushing, extracting, cooking, quick freezing, or for use in producing or manufacturing a product or manufactured article.

"Person" 5527. "Person" means any individual, firm, corporation, association, or any other business unit, and shall, for purposes of this chapter, include any state agency which engages in any of the commercial activities regulated pursuant to the provisions of this chapter.

"Director" 5528. "Director" means the Director of Agriculture.

"Advertising and sales promotion" 5529. "Advertising and sales promotion" means, in addition to the ordinarily accepted meaning thereof, trade promotion and activities for the prevention, modification or removal of trade barriers which restrict the free flow of fresh grapes to market and may include the presentation of facts to, and negotiations with, state, federal or foreign governmental agencies on matters which affect the marketing of such grapes.

"U S No 1 Grade" 5530. "U.S. No. 1 Grade" means fresh table grapes graded No. 1 in accordance with standards promulgated by the United States Department of Agriculture published in 25 Federal Register 7177 effective August 15, 1960.

"Commission" 5531. "Commission" means the California Table Grape Commission.

"Commissioner" 5532. "Commissioner" means any member of the commission.

"Districts" 5533. "Districts" shall consist of:

District 1 District 1. (Southern California) (Coachella Valley-Borrego)

Includes all that area of California south of a line described as beginning at the point of intersection of the shore line of the Pacific Ocean with the northern boundary line of San Diego County; thence northeasterly along the northern boundary of San Diego County to the point of intersection with the western boundary of Riverside County; thence northerly along the said western boundary of Riverside County to the northern boundary of said Riverside County; thence easterly along the said northern boundary of Riverside County to the point of intersection with the California-Arizona state boundary.

District 2 District 2. (Shafter, Bakersfield, Arvin)

Includes all that area of California north of the northern boundary of District No. 1 and south of a line described as beginning at the intersection of the shore line of the Pacific

Ocean with a line projected due west from the intersection of U.S. Highway No. 466 and California State Highway No. 1; thence easterly along said U.S. Highway No. 466 to the town of Famoso; thence from Famoso northeasterly along the Famoso to Woody County Road to the town of Woody; thence along a line due north to a point on the northern boundary of Kern County; thence easterly along the said northern boundary of Kern County and along the northern boundary of San Bernardino County to the point of intersection with the California-Nevada state boundary.

District 3. (Earlimart, Terra Bella, Delano, McFarland) District 3

Includes all that area of California north of the northern boundary of District No. 2 and south of a line described as beginning at the point of intersection of the shore line of the Pacific Ocean with the westerly projection of the north line of Township 23 south, M.D. B. & M.; thence easterly along the said north line of Township 23 south projected to the point of intersection with the Principal San Bernardino Meridian; thence due east along a line to the point of intersection with the California-Nevada state boundary.

District 4. (Visalia, Exeter, Porterville) District 4

Includes all that area of California north of the northern boundary of District No 3 and south of a line described as beginning at the point of intersection of the shore line of the Pacific Ocean with the westerly projection of the north line of Township 18 south, M.D. B. & M.; thence easterly along the said north line of Township 18 south projected to the point of intersection with the Principal San Bernardino Meridian; thence southerly along the said Principal San Bernardino Meridian to the Fifth Standard Parallel north, S.B. B. & M.; thence easterly along the said Fifth Standard Parallel north to the point of intersection with the California-Nevada state boundary.

District 5. (Reedley, Dinuba, Orange Cove) District 5

Includes all that area of California north of the northern boundary of District No. 4 and south of a line described as beginning at the point of intersection of the shoreline of the Pacific Ocean with the Fourth Standard Parallel south, M. D. B. & M.; thence easterly along the said Fourth Standard Parallel south to the point of intersection with the southerly projection of McCall Road in Fresno County; thence northerly along the said McCall Road to the point of intersection with Rose Avenue in Fresno County; thence easterly along the said Rose Avenue and along the easterly projection thereof to the

point of intersection with the main channel of Kings River; thence northerly along the said Kings River to the point of intersection with California State Highway Sign Route No. 180; thence easterly along the said California State Highway Sign Route No. 180 to the point of intersection with the Fresno County boundary; thence due east along a line to the point of intersection with the California-Nevada state boundary.

District 6

District 6. (Madera, Fresno, Sanger)

Includes all that area of California north of the northern boundary of District 5 and south of a line described as beginning at the point of intersection of the shoreline of the Pacific Ocean with the northern boundary of Monterey County; thence easterly along the said northern boundary of Monterey County to the northern boundary of San Benito County; thence easterly along the said northern boundary of San Benito County to a point on the western boundary of Merced County; thence northeasterly along the said western boundary of Merced County to the northern boundary of Merced County; thence easterly along the said northern boundary of Merced County to a point on the northern boundary of Mariposa County; thence easterly along the said northern boundary of Mariposa County to the eastern boundary of Madera County; thence southerly along the said eastern boundary of Madera County to a point on the western boundary of Mono County; and also including all of the area in Mono County, California.

District 7

District 7. (Northern California) (Lodi)

Includes all that area of California north of the northern boundary of District No. 6.

Article 3. The California Table Grape Commission

Table Grape Commission

5550. There is hereby created the California Table Grape Commission to be thus known and designated. The commission shall be composed of 21 fresh grape producers appointed by the director from the nominees selected as provided by this article.

Powers

5551. The California Table Grape Commission shall be and is hereby declared and created a corporate body. It shall have the power to sue and be sued, to contract and be contracted with, and to have and possess all of the powers of a corporation. It shall adopt a corporate seal. Copies of its proceedings, records and acts, when certified by the secretary and authenticated by the corporate seal, shall be admissible in evidence in all courts of the State, and shall be prima facie evidence of the truth of all statements therein.

Officers

5552. The commission shall appoint a manager, a treasurer and a secretary. The compensation of such officers shall be fixed by the commission and they shall serve at the pleasure

of the commission with such powers and duties as may be delegated to them by the commission. No such officer shall occupy two offices nor shall he be a member of the commission.

Members

5553. The members of the commission shall be natural persons, each of whom shall be a citizen and resident of this State over the age of 25 years, and each of whom, as an individual, partner or employee of a producer or producers, is and has been actively engaged in growing fresh grapes within this State for a period of at least five years. Not more than two members shall be persons employed by, or connected in a proprietary capacity with, the same corporation, firm, partnership, association or business organization; provided further, that not more than one member in any one district shall be so employed or connected. The qualifications of members of the commission, as herein set forth, must continue during their term of office.

5554. Each of the seven districts shall be represented by three members.

Terms of office

5555. The regular term of office of the members of the commission shall be three years from the date of appointment and until their successors are appointed, except that of the first members of each district, one shall serve for one year, one shall serve for two years and one shall serve for three years, with the determination of the term of each such member to be made by lot. Thereafter, their successors shall serve the regular term of office.

Election

5556. Each member nominee for each district shall be elected by a plurality of votes cast by producers in the district. Each producer who has grown fresh grapes in a district in the year preceding any election shall be entitled to two votes in such district, one for each of two nominees. In the first election after the effective date of this chapter, each producer entitled to vote in a district shall be entitled to six votes in such district, one for each of the six nominees, and the six nominees receiving the greatest number of votes shall be nominated for appointment as the members for such district for the initial terms hereunder. In the event of a tie vote which shall result in failure to nominate two persons for each commission membership available, there shall be another election held only between those nominees, the tie vote for whom resulted in such failure to so nominate the required number of nominees.

Proxy vote

5558. A nonprofit co-operative marketing association may vote by proxy for any member, if so authorized in writing. Such proxy shall be revocable at will.

List of producers

5559. Immediately after the effective date of this chapter, the State Director of Agriculture shall establish a list of producers in each district. Such list of producers may be established from lists of such persons whose names and addresses appear on file in the Department of Agriculture. In establishing such lists of producers, the director may issue a notice to shippers, requiring them to file with the director a certified

report showing the name and mail address of the shipper, and the correct names and mail addresses of producers whose producing operations are located within each district from whom the shipper received fresh grapes during the next preceding season. Notice to such shippers shall be published by the director for a period of not less than five days in a newspaper of general circulation published in each district, and shall be mailed to all shippers of record with the department. The lists of producers shall be filed by shippers within 10 days from the last date of publication of the notice.

Omission from list

5559.5. The commission or the director in preparing a list of producers to be used under this chapter, may omit from such list any person who makes only casual sales or sales as a result of activities other than a commercial farm business venture. Any person so omitted from such list shall not be subjected to the provisions, including the payment of any assessments, of this chapter and shall not be qualified as a producer under this chapter.

Any person omitted from a list pursuant to this section may be included on any subsequent list if found qualified as a producer at the time of preparing such list.

Checking, etc., lists

5560. In addition, the director may obtain lists of producers whenever and in such manner as he may deem necessary or advisable, for the purpose of checking, comparing or correcting such lists. Such producer lists shall, subject to any proper corrections, be final and conclusive in making determinations relative to the number and qualifications of producers entitled to vote for nominees, in a referendum, or those persons qualified as producers for any other purpose.

Inclusion on list

5561. Any producer producing fresh grapes, whose name does not appear upon the director's list of producers affected, may have his name established thereon by filing with the director a signed statement, advising that he produced such fresh grapes in the next preceding season, and giving the quantity produced in each district and the quantity delivered to shippers or introduced into trade.

Nominations for commissioners

5562. Upon establishment of such lists of producers, the Director of Agriculture shall call meetings of producers in each district, for the purpose of nominating persons to be appointed to the office of commissioner. At each such district meeting for the nomination of members, the director or a representative authorized by him shall preside, and receive nominations, and at the conclusion of each such meeting shall announce the names of the persons nominated at the meetings and the time, the manner and instructions for voting by mail. Thereafter, within 10 days after each such meeting, the director shall mail to all producers ballots for the election of nominees for members in the respective districts, with instructions for voting by mail. All votes shall be required to be delivered to the Director of Agriculture or mailed for delivery within 10 days after issuance of ballots by the director.

Election of nominees

Appointment

5563. Upon expiration of the voting period, the Director of Agriculture shall tabulate all votes and shall announce the names of those persons nominated for appointment as members of the commission from each district and shall appoint one of the two nominees from each district as a member of the commission, provided that in the appointment of the first members of the commission after this chapter becomes effective the director shall appoint three of the six nominees from each district as members of the commission to serve in accordance with Section 5555.

Nonreceipt of notice

5564. Nonreceipt of notice of a meeting for the nomination of commissioners or of ballots shall not invalidate any such meeting, nomination or election.

List of qualified producers

5565. Subsequent to the first election after the effective date of this chapter, the commission shall compile and maintain a list of qualified producers and shall, at least 30 days prior to the date set for any meeting for nomination to office of commissioner, certify such list to the director, and such list shall constitute the list of producers qualified to vote in any such election.

Meetings

5566. Subsequent to the first election after the effective date of this chapter, meetings shall be called by the director for the purpose of nominating candidates to the office of commissioner not more than 90 nor less than 60 days prior to the expiration of the term of office of such commissioner, and thereafter persons shall be nominated for such office and appointed as hereinbefore set forth.

Vacancies

5567. In the event the office of a commissioner becomes vacant due to failure to qualify, resignation, disqualification, death or for any other reason, such position shall be filled by a special election for nomination, conducted in the manner herein provided for general elections and appointment by the director. Vacancies occurring within six months prior to a regular district election may remain vacant until the next regular election. Commission members nominated at special elections shall serve the unexpired term of the office to which they are appointed.

Quorum

5568. A majority of the members of the commission at any meeting shall constitute a quorum for the transaction of all business and the carrying out of the duties of said commission. Unless otherwise fixed by the commission, the vote of a majority of members present at a meeting at which there is a quorum shall constitute the act of the commission.

Compensation of commissioners

5569. No commissioner shall receive a salary. Each commissioner shall receive the sum of twenty-five dollars ($25) per day for each day spent in actual attendance on, or in traveling to and from, meetings of the commission or on special assignment for the commission, together with actual expenses incurred in carrying out the provisions of this chapter. Traveling expenses shall be reimbursed at the rate allowed to state

employees per mile traveled by automobile or actual fare when traveling by airplane, railway or other manner or transportation.

Moneys received: Disposition

5570. All moneys received by any person from the assessments levied under the authority of this chapter or otherwise received by the commission shall be paid to it, shall be deposited in such banks as the commission may designate, and shall be disbursed by order of the commission through such agent or agents as it may designate for that purpose. Any such agent or agents shall be bonded by a fidelity bond, executed by a surety company authorized to transact business as such in the State of California, in favor of the commission, conditioned upon the faithful performance of his duties, and in addition, as to such treasurer, the strict accounting of all funds of the commission, in the penal sum of not less than fifty thousand dollars ($50,000).

Payment of claims

5571. The State of California shall not be liable for the acts of the commission or its contracts. Payment of all claims arising by reason of the administration of this chapter or acts of the commission shall be limited to the funds collected by the commission. No member of the commission or any employee or agent thereof shall be personally liable on the contracts of the commission nor shall a commissioner or employees of such commission be responsible individually in any way to any producer or shipper or any other person for errors in judgment, mistakes or other acts, either of commission or omission, as principal, agent or employee, except for their own individual acts of dishonesty or crime. No commissioner shall be held responsible individually for any act or omission of any other member of such commission. The liability of the commissioners shall be several and not joint, and no commissioner shall be liable for the default of any other commissioner.

Personal liability

Powers and duties of commission

5572. The powers and duties of the commission shall include the following; provided, however, that no action of the commission, or any member thereof, under this section or any other provision of this chapter, including, but not limited to, the expenditure of any money, shall be valid unless first approved by the director:

(a) To elect a chairman, and from time to time such other officers as it may deem advisable, and to delegate to such officers such administrative duties as may appear advisable.

(b) To adopt and from time to time alter, rescind, modify and amend all proper and necessary rules, regulations and orders for the exercise of its powers and the performance of its duties, including rules for regulation of appeals from any rule, regulation or order of the commission.

(c) To administer and enforce this chapter, and to do and perform all acts and exercise all powers incidental to or in connection with or deemed reasonably necessary, proper or advisable to effectuate the purposes of this chapter.

(d) To employ, and at its pleasure discharge, a manager, treasurer, secretary, employees and necessary personnel, including attorneys engaged in the private practice of the law, fix their compensation and terms of employment, prescribe their duties, and to incur such expenses as it may deem reasonably necessary and proper to properly perform such of its duties as are authorized herein.

The Attorney General shall aid and assist the commission on its request and shall undertake such judicial proceedings as requested by the commission to undertake on its behalf.

(e) To establish offices and incur expense, and to enter into any and all contracts and agreements, and to create such liabilities and borrow such funds in advance of receipt of assessments as may be necessary, in the opinion of the commission, for the proper administration and enforcement of this chapter and the performance of its duties.

(f) To keep accurate books, records and accounts of all of its dealings, which books, records and accounts shall be open to inspection and audit by the Department of Finance of the State of California or other state officer charged with the audit of operations of departments of the State of California.

(g) To investigate and prosecute civilly violations of this chapter and to file complaints with appropriate law enforcement agencies or officers for criminal violations of this chapter.

(h) To promote the sale of fresh grapes by advertising and other means for the purpose of maintaining and expanding present markets and creating new and larger intrastate, interstate and foreign markets for fresh grapes; to educate and instruct the public with respect to fresh grapes; and the uses and time to use the several varieties, and the healthful properties and dietetic value of fresh grapes.

(i) In the discretion of the commission, to educate and instruct the wholesale and retail trade with respect to proper methods of handling and selling fresh grapes; to arrange for the performance of dealer service work providing display and other promotional materials; to make market surveys and analyses; and to present facts to and negotiate with state, federal and foreign agencies on matters which affect the marketing and distribution of fresh grapes; and to undertake any other activities which the commission may determine appropriate for the maintenance and expansion of present markets and the creation of new and larger markets for fresh grapes.

(j) In the discretion of the commission, to make in the name of the commission contracts to render service in formulating and conducting plans and programs, and such other contracts or agreements as the commission may deem necessary for the promotion of the sale of fresh grapes.

(k) In the discretion of the commission, to conduct, and contract with others to conduct, scientific research, including the study, analysis, dissemination and accumulation of information obtained from such research or elsewhere respecting the marketing and distribution of fresh grapes, the production,

storage, refrigeration, inspection and transportation thereof, to develop and discover the dietetic value of fresh grapes and to develop and expand markets, and to improve cultural practices and product handling so that the various varieties may be placed in the hands of the ultimate consumer in the best possible condition In connection with such research, the commission shall have the power to accept contributions of, or to match, private, state or federal funds that may be available for these purposes, and to employ or make contributions of funds to other persons or state or federal agencies conducting such research.

(*l*) To determine, subject to the limitations provided in Section 5600, not later than May 1 of each year, the assessment for the following 12 months' period beginning May 1st and ending April 30th.

(m) In the discretion of the commission, to publish and distribute without charge a bulletin or other communication for dissemination of information relating to the fresh grape industry to producers and shippers

Referendum

5573. The provisions of this chapter except Sections 5550, 5551, 5553, 5554, 5555, 5556, 5558 to 5565, inclusive, shall not become operative until the commission finds, in a referendum conducted by the commission in which at least 40 percent of the total number of producers established by the director as marketing 40 percent of the total volume marketed by all producers on the list established pursuant to Sections 5559 to 5562, inclusive, during the last completed marketing season participate, one or more of the following:

(a) That not less than 65 percent or more of the producers as certified by the commission in accordance with Section 5565, who voted in such referendum, voted in favor of the provisions of this chapter, and that such producers so voting marketed 51 percent or more of the total quantity of table grapes marketed in the preceding marketing season by all of the producers who voted in such referendum; or

(b) That 51 percent or more of such producers who voted in such referendum voted in favor of the provisions of this chapter and that such producers so voting marketed 65 percent or more of the total quantity of table grapes marketed in the preceding marketing season by all of the producers who voted in such referendum.

The commission shall establish a period in which to conduct such referendum which shall not be less than 10 days nor more than 60 days, and may prescribe such additional procedure as may be necessary to conduct such referendum.

Nonreceipt of a ballot shall not invalidate such referendum.

If the commission finds that such favorable vote has been given as herein provided, it shall so certify to the director and give notice thereof by publication in a newspaper of general circulation in each district in accordance with Section 6066 of the Government Code and shall mail a copy of such notice to all producers and shippers whose names and addresses may

be on file with the commission. All provisions of this chapter shall become effective upon completion of publication and 15 days after such certification to the director.

If the commission finds that such assent has not been given as herein provided, it shall so certify to the director, who shall declare the operation of the provisions of this chapter and of the commission suspended upon the expiration of the current marketing season ending April 30, 1963 Thereupon, the operations of the commission shall be wound up and funds distributed in the manner provided in Sections 5662 and 5663 of this chapter.

Shipper advisory committee

5574. The commission shall appoint a shipper advisory committee of five members appointed from shippers at large to advise the commission on the exercise of its powers and duties under this chapter. Such members shall be natural persons, each of whom shall be citizens and residents of this State, over the age of 25 years, each of whom, as an individual, partner or employee of a shipper or shippers, is and has been actively engaged in shipping fresh grapes in this State for a period of at least five years.

Article 4. Minimum Standards

U S No 1 Grade

5580. The U.S. No. 1 Grade is hereby declared to be the normal minimum standard of quality for each variety of California fresh grapes, except that maturity requirements with respect to sugar content may comply with State of California minimum standardization requirements if such minimum requirements are lower than U.S. No. 1 Grade requirements and shall comply with State of California minimum standardization requirements with respect to sugar content if such requirements are higher than U.S. No 1 Grade requirements. Such normal minimum standard of quality may be reviewed and emergency adjustment thereof made lowering or raising such minimum standard for any variety or varieties in any district or districts as hereinafter set forth.

Review of normal minimum standard

5581. Upon the request of any one or more producers in any district or districts alleging that an emergency exists as to a variety or varieties of grapes in such district or districts, the commission may determine that such normal minimum standard shall be subject to review. Upon such determination, the commission shall, within 10 days thereafter, hold a hearing at some central point within the district or districts allegedly affected by such emergency.

Hearing

5581.1. If, upon the request of a producer made in accordance with Section 5581, any two commissioners from the district of such a producer and the chairman of the commission or other person designated by the commission, shall certify to the commission that an immediate hearing is necessary to prevent irreparable damage to producers of such variety or varieties in such district, and the commission has not in such marketing season theretofore held an immediate hearing in

accordance with this Section 5581.1, the commission shall hold such a hearing within three days thereafter to review such normal minimum standard.

Findings

5582. If, upon such hearing, it shall be made to appear:

(a) That by reason of weather conditions, insect infestation, unusual vine or bunch development or other unusual condition, substantial amounts of grapes or a variety thereof in such district or districts will not meet the normal minimum standard in one or more respects; and

(b) That such failure to meet the normal minimum standard is of a minor nature and is not of such substantial nature as to, and does not, affect the basic quality and marketability of such grapes; and

(c) That a lowering in such normal minimum standard by waiver of such defect or defects above described will not damage the California fresh grape industry, nor be contrary to the policy or policies of this chapter; and

(d) That agricultural waste is occurring or about to occur; and

(e) That a waiver of such normal minimum standard as to such variety or varieties in such district or districts will prevent such waste; and

(f) That such a reduction in normal minimum standard may be made without permitting unreasonable profits to any person, and that such grapes so affected cannot be marketed at a reasonable profit otherwise than by such reduction, it shall make written findings to that effect, and the normal minimum standard shall be lowered accordingly; provided, that such standard shall not be lowered below any minimum shipping standard provided by any state or federal law or regulations.

If the commission shall find against the existence of any of the facts required to be present under this section, it shall not lower the normal minimum standard.

Hearing
Higher minimum standard

5583. Upon written request of 10 percent in number of the qualified producer voters in any district producing a specific variety of fresh grapes, the commission shall, within five days thereafter, hold a hearing at some central point within the district to determine if a referendum shall be conducted to establish a higher minimum standard for such variety in such district.

Findings

5584. If upon such hearing, it shall be made to appear:

(a) That the economic stability of the agricultural industry concerned is being, or is about to be, imperiled by prevailing market conditions; and

(b) That agricultural waste is occurring or is about to occur; and

(c) That a higher standard for such variety in such district will advance the public welfare without injustice to any producer, and that the proposed higher standard may be instituted without permitting unreasonable profits to the producers

and will prevent threatened economic waste; it shall make written findings to that effect and shall, within five days thereafter, conduct a referendum among the producers in such district of such variety or varieties to determine if the higher standard requested by such petition, or any standard between such higher standard and such normal minimum standard, shall be placed in effect. Such referendum shall be conducted by written ballot under rules and regulations established by the commission and each such producer of such variety in such district shall be entitled to one vote. Upon determination by the commission that a majority of such producers voting, approve such higher standard for such variety in such district the commission shall so certify to the director and such higher standard shall thereupon become effective.

Change in standard: Duration

5585. Any adjustment lowering or raising the minimum standard in accordance with Sections 5581, 5582, 5583 and 5584 shall remain in effect for the current marketing season only.

Hearing to review normal minimum standard

Notice of a hearing to review the normal minimum standard shall be given, under rules and regulations to be established by the commission, by radio, telegram, mail, newspaper advertisement or other medium of communication, or any combination thereof, and for such period of time as will in the discretion of the commission convey reasonable notice of such hearing to the largest number of growers and shippers in such district and to the commissioners. Nonreceipt by any person of notice of such a hearing to be held shall not invalidate such hearing or the findings or any decision of the commission.

Minimum standard: Shipment from storage

5585.5. The commission may establish by regulation a minimum standard for grapes which shall be met at the time of shipment from storage. Storage, as used in this section, means the holding of grapes for more than 48 hours between the time of packing and the time of shipment.

Such minimum standard for grapes at the time of shipment from storage may not be more restrictive than the normal minimum standard and shall be established by the commission only if it finds:

(a) By reason of weather conditions, insect infestation, unusual vine or bunch development, or other unusual condition, there is occurring, or it is likely that there will occur, abnormal breakdown of stored grapes.

(b) That the economic stability of the agricultural industry is imperiled or is about to be imperiled by such conditions.

(c) That the imposition of such standards is necessary for the protection of consumers and will advance the public welfare without injustice to producers and without permitting unreasonable profits to producers.

Shipment of below-standard grapes prohibited

5586. No grapes shall be shipped which do not meet the minimum standard adjusted as herein provided at either time of packing, if so marked, or thereafter at any time prior to

shipment. Grapes packed in consumer packages as such packages are authorized in this code and so marked, shall meet the same minimum standard as adjusted, except for size of bunches.

Inspection certificates

5587. The commission shall arrange for the issuance of, or may adopt, such inspection certificates or other evidence of compliance as the commission deems necessary or proper to insure compliance with, and enforcement of, this act or any rule or regulation adopted pursuant hereto.

Inspection

5588. The commission shall require that all fresh grapes shipped in California be inspected for compliance with such normal minimum standard as it may be adjusted. The commission may obtain the services of a recognized inspection agency or may employ its own inspectors to provide inspection service as may be required; or the commission may enter into arrangements with the State Bureau of Fruit and Vegetable Standardization, county agricultural commissioners, or other state or federal agencies for the purpose of performing such inspection service and co-ordinating the inspection and certification of fresh grapes prepared for market or marketed.

Article 5. Assessments and Records

Assessment fixed by commission

5600. There is hereby levied and imposed upon all fresh grapes shipped during the marketing season, commencing May 1, 1962, and ending April 30, 1963, and in each marketing season thereafter, an assessment as fixed by the commission at that amount determined by the commission as reasonably necessary to pay all obligations incurred or to be incurred in accordance with this chapter and as reasonably necessary to carry out the objects and purposes of this chapter; provided, that during the first marketing season such assessment shall not exceed 1.0345 mills per pound (10.345¢ per 100 pounds) net weight when shipped, whether in bulk or loose in boxes or any other container or packed in any style package, and in subsequent marketing seasons such assessment shall not exceed 1.7241 mills per pound (17.241¢ per 100 pounds), computed on net weight when shipped, whether in bulk or loose in boxes or in any other container or packed in any style package.

Exemption

There shall be exempt from such assessments all shipments of 150 pounds or less of fresh grapes sold or shipped by a producer direct to the consumer.

Record of fresh grapes shipped

5601. Every shipper shall keep a complete and accurate record of all fresh grapes shipped by him and the producer thereof. Such records shall be in simple form and contain such information as the commission shall by regulation or rule prescribe. Such records shall be preserved by such shipper for a period of two years and shall be offered and submitted for inspection at any reasonable time upon written demand of the commission or its duly authorized agent.

Statement of grapes shipped

5602. Every shipper shall, at such times as the commission may by rule or regulation require, file with the commission a return, under oath, on forms to be prescribed and furnished by the commission, stating the quantity of fresh grapes shipped by him during the period or periods of time prescribed by the commission, the names of producers in each district for which such shipper has shipped, and such further information as may be necessary in the discretion of the commission to carry out the object and purposes of this chapter.

Statements confidential

5603. All information obtained by the commission from shippers shall be confidential and shall not be disclosed except when required in a judicial proceedings.

Assessments: Payment

5604. All assessments imposed by this chapter shall be due and payable and shall be paid to the commission by each shipper. The commission shall, by rule or regulation, prescribe the time and method of payment thereof

Collection of assessments

5605. All such assessments shall be paid to the commission by the shipper first shipping such fresh grapes. Every shipper is authorized to collect such assessments from a producer, and shall deduct the assessment from any moneys owed to any such producer Every shipper shall be primarily and personally liable for the payment of any such assessment, and failure of the shipper to collect the same from any producer shall not exempt any shipper from such primary liability. Any shipper who fails to file a return or pay any assessment within the time required shall thereby forfeit to the commission a penalty of 10 percent of the amount of such assessment determined to be due, but if the commission is satisfied that the delay was excusable, may remit all or any part of such penalty Such penalty shall be paid to the commission and shall be available for expenditure in the same manner as an assessment.

Article 6. Actions and Penalties

Actions

5650. The commission may, if it believes a violation of this chapter or any rule or regulation has occurred, or in the event of nonpayment of any assessment, bring an action in its name for collection of such assessment, civil penalties or for injunctive relief, including specific performance, of any obligation imposed by this chapter or any rule or regulation issued hereunder, or both, against any person violating any provisions of this chapter or any rule or regulation duly issued by the commission hereunder.

If it appears to the court, upon any application for a temporary restraining order or upon the hearing of any order to show cause why a preliminary injunction should not be issued or upon the hearing of any motion for a preliminary injunction, or if the court shall find in any such action that any defendant therein is violating or has violated any provision of this chapter or any rule or regulation duly issued by the commission hereunder, then the court shall enjoin such defendant from committing further violations and may compel

specific performance of any obligation imposed by this chapter or any rule or regulation issued by the commission hereunder.

In any such action, it shall not be necessary to allege or prove that an adequate remedy at law does not exist.

In any such action or proceeding, the court shall award reasonable attorney's fees incurred by the commission therein and shall, upon entry of any final judgment, enjoin any such shipper from further shipping until payment of any judgment entered for money and from further violating or aiding in violation of this chapter or any rule or regulation of the commission.

Appeal to director

5650.5. Any person aggrieved by any action of the commission may appeal to the director. The director shall review the record of the proceedings before the commission. If the director finds that the record shows by substantial evidence that the commission's action was not an abuse of discretion or illegal, he shall dismiss such appeal. If he finds such action is not substantially sustained by the record, was an abuse of discretion, or illegal, he may reverse the action of the commission.

Judicial review

Any such decision of the director is subject to judicial review upon petition of the commission or any party aggrieved by the decision.

Exhausting administrative remedies

5651. Any person subject to this chapter and allegedly aggrieved hereby or by any rule, regulation or order of the commission shall comply with and exhaust the appeal procedure prescribed, in accordance with this chapter, by the rules and regulations of the commission, before application to any court for relief therefrom. The decision of the commission, in accordance with such rules and regulations, unless arbitrary or without evidentiary support, shall be final and conclusive.

Commencement of action

5652. Any such action may be commenced either in the county in which the defendant or any of the defendants reside or in which any act or omission or part thereof complained of occurred.

Misdemeanor

5653. It shall be a misdemeanor for:

(a) Any person to violate or aid in the violation of any provision of this chapter or any rule or regulation of the commission.

(b) Any person to willfully render or furnish a false or fraudulent report, statement or record required by the commission pursuant to the provisions of this chapter or any rules or regulations of the commission.

(c) Any person engaged in the shipping of table grapes or in the wholesale or retail trade thereof to fail or refuse to furnish to the commission or its duly authorized agents, upon request, information concerning the name and address of the persons from whom he has received table grapes, regulated hereby, and the quantity and quality of such commodity so received.

Agents of the commission. Inspection

5654. Agents of the commission, upon specific written authorization signed by the chairman or secretary of the commission, shall have the right to inspect the premises, books, records, documents and all other instruments of any carrier, railroad, truck, boat, grower, shipper, dealer or retailer for the purpose of enforcing this chapter and collecting the assessments levied under authority of this chapter. In the event of refusal of any person to allow such inspection, the commission may apply to any court for the issuance of a subpoena to compel such inspection.

Public nuisance

5655. Any lot of fresh grapes which is not in compliance in all respects with the provisions of this chapter or rules and regulations issued hereunder is hereby declared to be a public nuisance and the commission, its agents, employees and inspectors under the supervision of the commission or other enforcing officer may proceed against such lot as provided for in Section 785 for fruits, nuts or vegetables.

Article 7. Suspension of Operations

Suspension of provisions

5660. Upon the finding of 11 of the members of the commission that the operation of the provisions of this chapter has not tended to effectuate its declared purposes, the commission may recommend to the director that the operation of this chapter shall be suspended; provided, that any such suspension shall not become effective until the expiration of the marketing season then current. The director shall, upon receipt of such recommendation, or upon a petition being filed with him requesting such suspension, signed by 20 percent of the producers, cause a referendum to be conducted among producers as certified by the commission in accordance with Section 5566, to determine if such operation and the operations of the commission shall be suspended, and shall establish a referendum period, which shall not be less than 10 nor more than 60 days. The director is authorized to prescribe such additional procedure as may be necessary to conduct such referendum.

Findings of director

5661. At the close of the referendum period established, the director shall tabulate the ballots filed during said period. If at least 40 percent of the total number of producers, as established by the director as marketing 40 percent of the total volume marketed by all producers on the list established pursuant to Sections 5559 to 5562, inclusive, during the last completed marketing season, participate in the referendum and the director finds either:

(a) Sixty-five percent or more of the producers who voted in the referendum voted in favor of such suspension, and the producers so voting marketed 51 percent or more of the total quantity of table grapes marketed in the preceding marketing season by all of the producers who voted in the referendum; or

(b) That 51 percent or more of the producers who voted in the referendum voted in favor of such suspension, and that the producers so voting marketed 65 percent or more of the total quantity of table grapes marketed in the preceding season by all of the producers who voted in the referendum;

Declaration of suspension

the director shall declare the operation of the provisions of this chapter and of the commission suspended, effective upon expiration of the marketing season then current.

5662. Upon and after the effective date of suspension of the operation of the provisions of this chapter and of the commission, as herein provided, the operations of the commission shall be wound up and any and all moneys remaining held by the commission, collected by assessment and not required to defray the expenses of winding up and terminating operations of the commission, shall be returned upon a pro rata basis to all persons from whom assessments were collected in the immediately preceding current marketing season; provided further, however, that if the commission finds that the amounts so returnable are so small as to make impractical the computation and remitting of such pro rata refund to such persons, any such moneys remaining and any moneys remaining after payment of all expenses of winding up and terminating operations shall be withdrawn from the approved depository and paid into the State Treasury as unclaimed trust moneys.

Winding up and terminating operation Funds

Notice

5663. Upon suspension of the operation of this chapter and of the commission, as aforesaid, a notice thereof shall be posted on a public bulletin board to be maintained by the director in his office, and a copy of such notice shall be published in a newspaper of general circulation in each district. It shall also be the duty of the commission to mail a copy of the notice of suspension to all producers and shippers affected by such suspension whose names and addresses are on file with the commission.

Article 8. Miscellaneous

Application to common carriers

5670. Nothing in this chapter contained shall apply to any order, rule or regulation issued or issuable by the Public Utilities Commission or the Interstate Commerce Commission with respect to operation of common carriers.

Defense to certain actions

5671. In any civil or criminal action or proceeding for violation of the Cartwright Act (Section 16700, Business and Professions Code, and following), the Unfair Practices Act (Section 17000, Business and Professions Code, and following), the Fair Trade Act (Section 16900, Business and Professions Code, and following), Section 1673 of the Civil Code, or any rule of statutory or common law against monopolies or combinations in restraint of trade, proof that the act complained of was done in compliance with the provisions of this chapter or a rule or regulation of the commission issued under this chapter and in furtherance of purposes and provisions of this chapter, shall be a complete defense to such action or proceeding.

5672. Except as otherwise expressly provided herein, a copy of each rule, regulation or order of general application to producers or shippers promulgated by the commission shall be filed with the director and shall become effective upon expiration of 15 days after such filing; provided, that any certification or order raising or lowering the normal minimum standard shall become effective immediately upon filing with the director. This section shall not apply to administrative acts, orders and decisions of the commission or rules or regulations for the conduct of the internal affairs and obligations of the commission. Effective date Rules of general application

5673. The commission shall reimburse to the Director of Agriculture all expenses incurred by him in the supervision of elections and all other matters wherein action by the Director of Agriculture is required hereby. Director of Agriculture' Expenses

5674. This chapter shall be liberally construed. If any section, clause or part of this chapter is for any reason held to be unconstitutional or invalid as applied to any person or as applied under certain circumstances, such decision shall not affect the remaining portions of this chapter nor the application of this chapter to other persons or under other circumstances. Construction

Article 9. Termination

5675. The provisions of this chapter shall not be effective after April 30, 1968, except that the operations of the commission shall be wound up as provided in Section 5662 Termination date

SEC. 2. There is hereby appropriated fifteen thousand dollars ($15,000) from the General Fund to the Director of Agriculture for the purpose of conducting the election at which the first members of the commission are nominated and the referendum pursuant to Section 5573, as added to the Agricultural Code by this act. Appropriation

Such funds as are expended under this appropriation shall be repaid to the General Fund by the California Table Grape Commission if the referendum is favorable to the operation of the commission. If the referendum is unfavorable, the Director of Agriculture shall levy an assessment pursuant to Article 5 (commencing with Section 5600), Chapter 21, of Division 6 of the Agricultural Code, sufficient to repay such funds and pay the costs of collecting the assessment. For purposes of this assessment the director shall have all the powers granted by said Article 5 to the California Table Grape Commission. Repayment

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

In order to provide for the proper marketing of table grapes during the 1961 growing season, it is necessary that this act be in effect immediately.

CHAPTER 1392

An act to amend Section 69591 of the Government Code, relating to superior courts.

In effect September 15, 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Section 69591 of the Government Code is amended to read:

69591. In the County of Orange there shall be 13 judges of the superior court.

SEC. 2. Upon the effective date of this act the Governor shall appoint four judges in addition to the eight judges now holding office. The other additional judge shall be appointed by the Governor on July 1, 1962.

CHAPTER 1393

An act to amend Section 651 of, and to add Section 527.1 to, the Agricultural Code, relating to milk and imitation milk products.

In effect September 15, 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

"Imitation milk product"

SECTION 1. Section 651 of the Agricultural Code is amended to read:

651. As used in this division, "imitation milk product" means any substance, mixture or compound, other than milk or milk products, intended for human food, made in imitation of milk or any milk product. Proof that any fat or oil other than milk fat has been combined with any milk product and that the resulting substance, mixture, or compound has the outward appearance and semblance in taste and otherwise of a milk product and is sold for use without further processing shall be prima facie proof that such substance, mixture, or compound is an "imitation milk product." This section shall not apply to any substance, mixture, or compound in which the presence of oil or fat other than milk fat is expressly permitted and provided for in this division.

SEC. 2. Section 527.1 is added to said code, to read:

"Milk products"

527.1. As used in Chapters 1 to 10, inclusive (commencing with Section 440), of this division, "milk products" include milk, cream, sour cream, half and half, ice cream, ice milk, butter, cheese, milk fat or butterfat, skim milk or nonfat milk, evaporated milk, evaporated cream, sterilized flavored drink, sterilized flavored milk, sterilized cream, sterilized milk, nonfat

dry milk, dried milk, milk drink mix, milk drink, buttermilk, cultured buttermilk, modified milk, concentrated milk, concentrated skim milk, sour cream dressing, yogurt, cream topping, eggnog, ice cream mix, ice milk mix and any other products prepared or manufactured from milk or cream for which standards of composition are established by or pursuant to said chapters.

CHAPTER 1394

An act to add Section 3363 to the Labor Code, relating to workmen's compensation.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 3363 is added to the Labor Code, to read:

3363. Each member registered with the Department of Fish and Game as an active member of the reserve fish and game warden program of the department is an employee of the department for the purposes of this division, and is entitled to receive compensation from the department in accordance with the provisions thereof.

CHAPTER 1395

An act to amend Sections 4825, 4829, 4848, 4852, 4900, 4901, 4902, and 4905 of, and to add Sections 4901.1 and 4901.2 to, the Business and Professions Code, relating to veterinary medicine.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 4825 of the Business and Professions Code is amended to read:

4825. It is unlawful for any person to practice veterinary medicine or any branch thereof in this State unless at the time of so doing, such person holds a valid, unexpired, and unrevoked license as provided in this chapter.

Veterinary medicine: License

SEC. 2. Section 4829 of said code is amended to read:

4829. Any license granted to any person to practice veterinary medicine, or any branch thereof, in this State issued under any preceding act relating to veterinary medicine shall remain in force until the renewal fee becomes due and thereafter so long as the holder complies with the provisions of this

License under preceding act

chapter relating to the renewal of the license and not otherwise. Notwithstanding the payment of this fee his license at any time may be suspended or revoked as provided in Article 4 of this chapter.

SEC. 3. Section 4848 of said code is amended to read:

Issuance of license

4848. The board shall by means of examination, ascertain the professional qualifications of all applicants for licenses to practice veterinary medicine in this State and shall issue a license to every person which it finds to be qualified on payment of the initial license fee prescribed by this chapter.

No license shall be issued to anyone who has not demonstrated his competency by examination.

SEC. 4. Section 4852 of said code is amended to read:

Change of place of practice

4852. Every person holding a license issued under the provisions of this chapter who changes his place of practice shall notify the board of his new address within 30 days after moving to such address. The board shall not renew the license of any person who fails to comply with the provisions of this section unless such person pays the penalty fee prescribed in Section 4905. An applicant for the renewal of a license shall specify in his application whether he has changed the address of his place of practice and the board may accept such statement as evidence of such fact.

SEC. 5. Section 4900 of said code is amended to read:

Expiration of license

4900. Licenses issued under this chapter before August 1, 1962, expire at 12 p.m. on July 31, 1962, if not renewed. Licenses renewed on or after July 31, 1962, and before September 1, 1963, and licenses issued after July 31, 1962, and before September 1, 1963, expire at 12 p.m. on August 31, 1963, if not renewed. Thereafter, licenses expire at 12 p.m. on August 31 of each odd-numbered year if not, in each instance, renewed.

To renew an unexpired license, the licensee shall, on or before the date on which it would otherwise expire, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

SEC. 6. Section 4901 of said code is amended to read:

Renewal

4901. Except as otherwise provided in this chapter, an expired license may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the expiration date provided in Section 4900 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

The provisions of this article, as amended by the Legislature at its 1961 Regular Session govern the renewal after September 30, 1961, and the fees payable therefor, of all licenses issued under this chapter, regardless of when issued. A license which, under the law in effect before October 1, 1961, became suspended because of the failure of its holder to pay the renewal fee shall be considered to have expired on the date that it became suspended.

SEC. 7. Section 4901.1 is added to said code, to read:

Suspended license

4901.1. A license which was suspended before October 1, 1961, for a reason other than the failure of its holder to renew it, and a license suspended after September 30, 1961, for any reason which under the law in effect after that date, constitutes a basis for suspension, is subject to expiration, and shall be renewed as provided in this chapter, but such renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity in violation of the order or judgment by which it was suspended.

SEC. 8. Section 4901.2 is added to said code, to read:

Revoked license

4901.2. A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 9. Section 4902 of said code is amended to read:

Failure to renew. New license

4902. A person who fails to renew his license within five years after its expiration may not renew it, and it shall not be restored, reissued, or reinstated thereafter, but such person may apply for and obtain a new license if:

(a) He is of good moral character,

(b) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension,

(c) He takes and passes the examination, if any, which would be required of him if he were then applying for a license for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he is qualified to practice veterinary medicine, and

(d) He pays all of the fees that would be required of him if he were then applying for the license for the first time.

The board may, by regulation, provide for the waiver or refund of all or any part of the examination fee in those cases in which a license is issued without an examination pursuant to the provisions of this section.

SEC. 10. Section 4905 of said code is amended to read:

Fees

4905. The following fees shall be collected by the board and the same shall be credited to the Board of Examiners in Veterinary Medicine Contingent Fund:

(a) The fee for filing an application for examination is twenty dollars ($20).

(b) The initial license fee is as follows:

(1) For licenses issued before September 1, 1963, five dollars ($5),

(2) For licenses issued after August 31, 1963, an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license is issued less than one year before the date on which it will expire, then the fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(c) The renewal fee shall be fixed by the board for renewal for the period ending on August 31, 1963, at not more than twelve dollars and fifty cents ($12.50) nor less than seven dollars and fifty cents ($7.50) for renewal for each biennial renewal period thereafter at not more than twenty-five dollars ($25), nor less than fifteen dollars ($15).

(d) The delinquency fee is eight dollars ($8).

(e) The fee for issuance of a duplicate license is two dollars and fifty cents ($2.50).

(f) The board may make a charge for records, transcripts, and other official documents pertaining to the affairs of the board.

(g) The fee for failure to report a change in the place of practice is ten dollars ($10).

Operative date

SEC. 11. This act shall become operative on October 1, 1961.

CHAPTER 1396

An act to amend Sections 1511 and 1557 of the Welfare and Institutions Code, relating to aid to needy children.

In effect September 15, 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Section 1511 of the Welfare and Institutions Code is amended to read:

Amount of aid

1511. (a) For each needy family which includes one or more needy children qualified for aid under this chapter, except as provided in Section 1557, there shall be paid the sums specified in the following table, or so much thereof as is necessary for the adequate care of the needy family:

Number of needy children in the same home	Maximum aid
1 child	$145
2 children	168
3 children	215
4 children	256
5 children	291
6 children	320
7 children	343
8 children	360
9 children	371

Plus $5 per child for each additional child.

If, when and during such times as the United States government increases or decreases its contributions in assistance of needy children in this State above or below the amount paid on January 1, 1961, the amounts specified in the above table shall be increased or decreased by an amount equal to such increase or decrease by the United States government.

(b) For children receiving foster care who are qualified for aid under the provisions of this chapter, except as provided in Section 1557, there shall be paid the sum necessary for the adequate care of each child, but not to exceed in any month the product of eighty dollars ($80) multiplied by the number of children in each county receiving foster care. The State shall pay 67.5 percent and the county shall pay 32.5 percent of the aid furnished for the adequate care of such children.

(c) As used in this chapter, "foster care" means care in a boarding home or institution.

SEC. 2. Section 1557 of said code is amended to read:

1557. An institution maintaining a needy child may make application to the State Department of Social Welfare for aid for the child. Upon receipt of documents and facts establishing the eligibility of a needy child under this chapter, the Director of Social Welfare shall award aid to such child to be paid to the institution in an amount not to exceed 67.5 percent of eighty-five dollars ($85) per month, or so much thereof as is necessary for the adequate care of the child. Application by institution

SEC. 3. This act shall become operative January 1, 1962. Operative date

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CHAPTER 1397

An act to add Article 4 (commencing with Section 11190) to Chapter 2 of Title 1 of Part 4 of the Penal Code, relating to disposition of prisoners.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 4 (commencing with Section 11190) is added to Chapter 2 of Title 1 of Part 4 of the Penal Code, to read:

Article 4. Western Interstate Corrections Compact

Western Interstate Corrections Compact

11190. The Western Interstate Corrections Compact as contained herein is hereby enacted into law and entered into on behalf of this State with any and all other states legally joining therein in a form substantially as follows:

WESTERN INTERSTATE CORRECTIONS COMPACT

ARTICLE I

Purpose and Policy

Purpose and policy

The party states, desiring by common action to improve their institutional facilities and provide programs of sufficiently high quality for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of co-operation with one another, thereby serving the best interests of such offenders and of society. The purpose of this compact is to provide for the development and execution of such programs of co-operation for the confinement, treatment and rehabilitation of offenders.

ARTICLE II

Definitions

As used in this compact, unless the context clearly requires otherwise:

"State" (a) "State" means a state of the United States, or, subject to the limitation contained in Article VII, Guam.

"Sending state" (b) "Sending state" means a state party to this compact in which conviction was had.

"Receiving state" (c) "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction was had.

"Inmate" (d) "Inmate" means a male or female offender who is under sentence to or confined in a prison or other correctional institution.

"Institution" (e) "Institution" means any prison, reformatory or other correctional facility (including but not limited to a facility for the mentally ill or mentally defective) in which inmates may lawfully be confined.

ARTICLE III

Contracts

Contracts: Provisions

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement

of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

1. Its duration.

2 Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance.

3. Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on accounts thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.

4. Delivery and retaking of inmates.

5. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

Enlargement of institution

(b) Prior to the construction or completion of construction of any institution or addition thereto by a party state, any other party state or states may contract therewith for the enlargement of the planned capacity of the institution or addition thereto, or for the inclusion therein of particular equipment or structures, and for the reservation of a specific per centum of the capacity of the institution to be kept available for use by inmates of the sending state or states so contracting. Any sending state so contracting may, to the extent that moneys are legally available therefor, pay to the receiving state, a reasonable sum as consideration for such enlargement of capacity, or provision of equipment or structures, and reservation of capacity. Such payment may be in a lump sum or in installments as provided in the contract.

Compact as part of contract

(c) The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

ARTICLE IV

Procedures and Rights

Confinement in another state

(a) Whenever the duly constituted judicial or administrative authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary in order to provide adequate quarters and care or desirable in order to provide an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

Access

(b) The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

Jurisdiction over inmates

(c) Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III.

Reports and records

(d) Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and certify said record to the official designated by the sending state, in order that each inmate may have the benefit of his or her record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state

Treatment of inmates

(e) All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be cared for and treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.

Hearings to which inmate is entitled

(f) Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving state shall act solely as agents of the

sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state. Costs of records made pursuant to this subdivision shall be borne by the sending state.

Release of inmate

(g) Any inmate confined pursuant to this compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

Rights of inmate

(h) Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

Rights of parent, guardian, etc.

(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

ARTICLE V

Acts Not Reviewable in Receiving State; Extradition

Acts not reviewable in receiving state

(a) Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is suspected of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

Extradition

(b) An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

ARTICLE VI

Federal Aid

Federal aid

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision provided that if such program or activity is not part of the customary correctional regimen the express consent of the appropriate official of the sending state shall be required therefor.

ARTICLE VII

Entry Into Force

Force and effect of compact

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two contiguous states from among the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. For the purpose of this article, Alaska and Hawaii shall be deemed contiguous to each other; to any and all of the States of California, Oregon and Washington; and to Guam. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states, or any other state contiguous to at least one party state upon similar action by such state. Guam may become party to this compact by taking action similar to that provided for joinder by any other eligible party state and upon the consent of Congress to such joinder. For the purposes of this article, Guam shall be deemed contiguous to Alaska, Hawaii, California, Oregon and Washington.

ARTICLE VIII

Withdrawal and Termination

Withdrawal and termination

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until two years after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

ARTICLE IX

Other Arrangements Unaffected

Other arrangements. Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of co-operative institutional arrangements.

ARTICLE X

Construction and Severability

Construction. The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Severability.

Transfer of California inmates. 11191. Any court or other agency or officer of this State having power to commit or transfer an inmate (as defined in Article II(d) of the Western Interstate Corrections Compact) to any institution for confinement may commit or transfer such inmate to any institution within or without this State if this State has entered into a contract or contracts for the confinement of inmates in said institution pursuant to Article III of the Western Interstate Corrections Compact, but no inmate sentenced under California law may be transferred from an institution within this State to an institution without this State, unless he has executed, in the presence of the warden or other head of the institution in this State in which he is confined, a written consent to the transfer. An inmate may not revoke such consent.

Enforcement. 11192 The courts, departments, agencies and officers of this State and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions including but not limited to the making and submission of such reports as are required by the compact.

Adult Authority, etc.: Hearings. 11193. The Adult Authority, or the Board of Trustees, California Institution for Women as appropriate or its duly authorized representative is hereby authorized and directed

to hold such hearings as may be requested by any other party state pursuant to Article IV(f) of the Western Interstate Corrections Compact.

Director of Corrections. Contracts

11194. The Director of Corrections is hereby empowered to enter into such contracts on behalf of this State as may be appropriate to implement the participation of this State in the Western Interstate Corrections Compact pursuant to Article III thereof. No such contract shall be of any force or effect until approved by the Director of Finance. Such contracts may authorize confinement of inmates in, or transfer of inmates from, only such institutions in this State as are under the jurisdiction of the Department of Corrections, and no such contract may provide for transfer out of this State of any person committed to the custody of the Director of the Youth Authority. No such contract may authorize the confinement of an inmate, who is in the custody of the Director of Corrections, in an institution of a state other than a state specifically named in Article VII of the Western Interstate Corrections Compact as set forth in Section 11190. The Director of Corrections, subject to the approval of the Adult Authority or the Board of Trustees of the California Institution for Women, as appropriate, must first determine, on the basis of an inspection made by his direction or otherwise, that an institution of another state is a suitable place for confinement of prisoners committed to his custody before entering into a contract permitting such confinement, and shall, at least annually, redetermine the suitability of such confinement. In determining the suitability of such institution of another state, the director shall assure himself that such institution maintains standards of care and discipline not incompatible with those of the State of California and that all inmates therein are treated equitably, regardless of race, religion, color, creed or national origin.

Rights of released prisoner

11195. Every prisoner released from a prison without this State to which he has been committed or transferred from this State pursuant to the compact shall be entitled to the same benefits, including, but not limited to money and tools, as are allowed to a prisoner released from a prison in this State.

Severability

11196. The provisions of this article shall be severable and if any phrase, clause, sentence, or provision of this article is declared to be unconstitutional or the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of this article and the applicability thereof to any other state, agency, person or circumstance shall, with respect to all severable matters, not be affected thereby It is the legislative intent that the provisions of this article be reasonably and liberally construed.

CHAPTER 1398

An act to add Chapter 1 (commencing with Section 26001) to Division 21 of the Health and Safety Code, relating to the misbranding and adulteration of cosmetics.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Chapter 1 (commencing with Section 26001) is added to Division 21 of the Health and Safety Code, to read:

CHAPTER 1. COSMETICS

Article 1. General Provisions

"Cosmetic" 26001. "Cosmetic" means (a) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (b) articles intended for use as a component of any such articles. The term shall not include soap.

"Label" 26002. "Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

"Immediate container" 26003. "Immediate container" does not include package liners.

"Labeling" 26004. "Labeling" means all labels and other written, printed, or graphic matter (a) upon any article or any of its containers or wrappers, or (b) accompanying such article.

Misleading label 26005. If an article is alleged to be misbranded because the labeling is misleading, then in determining whether the labeling is misleading there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, or any combination thereof, but also the extent to which the labeling fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling relates under the conditions of use prescribed in the labeling thereof or under such conditions of use as are customary or usual.

"Contaminated with filth" 26006. "Contaminated with filth" applies to any cosmetic not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contamination.

Scope

26007. The provisions of this chapter regarding the selling of cosmetics, shall be considered to include the manufacture, production, processing, packing, exhibition, offering, possessing, and holding of any such article for sale; the sale, dispensing, and giving of any such article; and the supplying or applying of any such articles in the conduct of any cosmetic establishment.

"Package"

26008. "Package" includes any phial, bottle, jar, demijohn, carton, bag, case, can, box or barrel or any receptacle, vessel or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer or dealer, for enclosing or containing any cosmetic.

"Color additive"

26009. The term "color additive" means a material which:

(a) Is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source, and

(b) When added or applied to a cosmetic, or to the human body or any part thereof, is capable (alone or through reaction with other substance) of imparting color thereto; except that such term does not include any material which the department, by regulation, determines is used (or intended to be used) solely for a purpose or purposes other than coloring.

"Color"

(c) The term "color" includes black, white, and intermediate grays.

"Federal act"

26010. "Federal act" means the Federal Food, Drug, and Cosmetic Act.

"Department"

26011. "Department" means the State Department of Public Health.

Applicability of provisions

26012. The provisions of this chapter do not apply to cosmetics which are subject to the Federal Food, Drug, and Cosmetic Act unless such cosmetics have been declared to be adulterated or misbranded by the United States Food and Drug Administration. (21 U.S.C. 301, et seq.).

Short title

The provisions of this chapter may be known as the California Cosmetic Act.

Article 2. Adulteration

Adulterated cosmetic

26021. A cosmetic shall be deemed to be adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual; provided, that this provision shall not apply to coal-tar hair dye, the label of which bears the following legend conspicuously displayed thereon: "Caution—this product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows: to do so may cause blindness," and the labeling of which bears

adequate directions for such preliminary testing. For the purposes of this Section 26022(d) and Section 26035, the term "hair dye" shall not include eyelash dyes or eyebrow dyes.

26022. A cosmetic shall be deemed to be adulterated: Same

(a) If it consists in whole or in part of any filthy, putrid, or decomposed substance.

(b) If it has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

(c) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(d) If it is not a hair dye and it is, or it bears or contains, a color additive which is unsafe within the meaning of the federal act.

Article 3. Misbranding

26031. A cosmetic shall be deemed to be misbranded if its labeling is false or misleading in any particular. False label

26032. A cosmetic shall be deemed to be misbranded if in package form, unless it bears a label containing (a) the name and place of business of the manufacturer, packer, or distributor; and (b) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided, that under subdivision (b) of this section reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the department. Label contents

26033. A cosmetic shall be deemed to be misbranded if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. Placement of words, etc

26034. A cosmetic shall be deemed to be misbranded if its container is so made, formed, or filled as to be misleading. Misleading container

26035. A cosmetic shall be deemed to be misbranded if it is a color additive unless its packaging and labeling are in conformity with such packaging and labeling requirements applicable to such color additive, as may be contained in regulations adopted by the department. This section shall not apply to packages of color additives which, with respect to their use for cosmetics, are marketed and intended for use in or on hair dyes as defined in Section 26021. Color additives

Article 4. Prohibitions

26041. The following acts and the causing thereof within the State of California are hereby prohibited: Prohibited acts

(a) The manufacture, sale, or delivery, holding or offering for sale of any cosmetic that is adulterated or misbranded.

(b) The adulteration or misbranding of any cosmetic.

(c) The receipt in commerce of any cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise.

(d) The dissemination of any false advertisement.

(e) The refusal to permit entry by a duly qualified representative of the department for inspection, or to permit the taking of a sample of a cosmetic suspected of being adulterated or misbranded.

(f) The giving of a guaranty or undertaking which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by, and containing the name and address of the person residing in the State of California from whom he received in good faith the cosmetic.

(g) The removal or disposal of a detained or embargoed article in violation of this chapter.

(h) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a cosmetic, if such act is done while such article is held for sale and results in such article being misbranded.

(i) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of this act.

Article 5. Administration

Misdemeanor

26050. (a) Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars ($25) or more than five hundred dollars ($500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

If the violation is committed after a prior conviction of such a person under this section, such person shall be subject to imprisonment for not more than one year in the county jail, or a fine of not more than one thousand dollars ($1,000), or both such imprisonment and fine.

(b) No person shall be subject to the penalties of subsection (a) of this section, for having violated Section 26041(a) or (c) if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the State of California from whom he received in good faith the article, to the effect that such article is not adulterated or misbranded within the meaning of this act, designating this act.

(c) No publisher, radiobroadcast licensee, or agency or medium for the dissemination of an advertisement, except the

manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this section by reason of the dissemination by him of such false advertisement, unless he has refused, on the request of the department to furnish the department the name and post office address of the manufacturer, packer, distributor, seller or advertising agency, residing in the State of California who cause him to disseminate such advertisement.

Administration

26051. The provisions of this chapter shall be administered by the department in accordance with the provisions of Article 6 (commencing with Section 26320) of Chapter 2 of Division 21 of the Health and Safety Code, and the department shall have all of the powers granted to the board in that article, and for this purpose a cosmetic shall be deemed a drug as that term is used in that article.

CHAPTER 1399

An act to amend Sections 8937.1 and 8938.2 of, and to add Section 8958 to, the Business and Professions Code, relating to yacht and ship brokerage.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 8937.1 of the Business and Professions Code is amended to read:

Transfer of title

8937.1. Any person purchasing used yachts or ships for resale must transfer actual title to any such yacht or ship into his name and have in his possession, subject to inspection by the commission, a good and sufficient bill of sale or other fit evidence of title if such person wishes to claim exemption under this chapter.

SEC. 2. Section 8938.2 of said code is amended to read:

Surety bond

8938.2. Every applicant for a broker's license or renewal thereof shall deposit with the commission a good and sufficient surety bond issued by a company authorized to do business in this State in the amount of two thousand five hundred dollars ($2,500) and in such form and on such conditions as the commission may require for the protection of persons with whom said applicant may deal as a licensee, or in lieu thereof bonds of the United States government of a cash value of two thousand five hundred dollars ($2,500).

SEC. 3. Section 8958 is added to said code, to read:

Insanity, etc.: Suspension of license

8958. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital or other mental hospital of any licensee for a mental illness may operate as a suspension of the right of any licensee to engage in business under this chapter, the suspension to continue

until restoration to or declaration of sanity or mental competence. The record of adjudication, judgment or order of voluntary commitment is conclusive evidence of such insanity or mental illness, and upon receipt of a certified copy of any such adjudication, judgment, voluntary commitment or order, the commission may immediately suspend the license of the person adjudicated or committed. The commission shall not restore such license to good standing until it shall receive competent evidence of restoration to or declaration of sanity and until it is satisfied that, with due regard for the public interest, said person's right to engage in business may be safely reinstated. Provided, that in the case of a voluntary commitment to a state hospital or other mental hospital, receipt of a certificate of discharge from such hospital and the certificate of the superintendent of said hospital that the licensee is restored to mental competency, shall constitute competent evidence of restoration of sanity Before reinstating such license, the commission may require the person to pass an oral examination to determine his present fitness to resume his practice.

Application of provisions

SEC. 4 The provisions of Section 2 of this act relating to the filing of a bond shall apply to every application made after December 1, 1961 for a new license, for the reinstatement of a license, or for the renewal of an existing license.

CHAPTER 1400

An act to amend Sections 2402 and 3255 of the Education Code, and to add Section 2195.5 to Article 3 (commencing with Section 2191) of Chapter 4 of Division 5 of, and to amend Section 1102 of the Education Code as added by Assembly Bill No. 463 of the 1961 Regular Session, relating to school district organization.

In effect September 15, 1961

[Approved by Governor July 10, 1961 Filed with Secretary of State July 12, 1961]

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

SECTION 1. Section 2402 of the Education Code is amended to read:

Denial of exclusion

2402. (a) If, by the exclusion of the elementary school district, the assessed valuation of the property of the high school district would be less than twenty-five million dollars ($25,000,000), except where an elementary school district has become severed from the other districts comprising the high school district, or, (b) if by the exclusion of the elementary school district the outstanding bonded indebtedness of the district would exceed 5 percent of the value of the taxable property remaining in the district, the county superintendent of schools shall refuse to call an election for the purpose of determining whether the elementary school district shall be excluded.

SEC. 2. Section 3255 of said code is amended to read:

3255. Except as otherwise provided in this article, and notwithstanding the provisions of Section 937, the county superintendent of schools having jurisdiction may call and set the date for an election for the purpose of electing the governing board of the district on the same date that the election is held for adopting or rejecting the plans and recommendations for the formation of a new district. The call for both elections shall be issued at the same time. The election shall be called, held, and conducted as are elections for members of governing boards of elementary school districts. Election

SEC. 3. Section 2195.5 is added to Article 3 (commencing with Section 2191) of Chapter 4 of Division 5 of the Education Code as added by Assembly Bill No. 463 of the 1961 Regular Session, to read:

2195.5. (a) If, by the exclusion of the elementary school district, the assessed valuation of the property of the high school district would be less than twenty-five million dollars ($25,000,000), except where an elementary school district has become severed from the other districts comprising the high school district, or, (b) if by the exclusion of the elementary school district the outstanding bonded indebtedness of the district would exceed 5 percent of the value of the taxable property remaining in the district, the State Board of Education shall disapprove the proposed transfer. Denial of exclusion

SEC. 4. Section 1102 of said code, as proposed to be added by Assembly Bill No. 463 of the 1961 Regular Session, is amended to read:

1102. In newly formed unified school districts and junior college districts, there shall be no interim governing board, but the county superintendent of schools having jurisdiction over the district shall proceed in accordance with this section to call an election for the purpose of choosing the first governing board of the district. In junior college districts, the call shall be issued not later than 30 days after the formation of the district; in unified school districts formed pursuant to Section 1853, the call shall be not later than the fourth Friday of December next succeeding the formation of the district. The superintendent shall set the date of the election in his call; provided, that in the case of unified school districts formed pursuant to Section 1853, such date shall be not later than the third Tuesday in April next succeeding the call In unified districts formed pursuant to Chapter 6 (commencing with Section 2401) of Division 5 of this code, the superintendent may issue the call on the same date as the call for, and set the date of an election on the same date as, the election for the adoption or rejection of the plans and recommendations for the formation of the new district. The newly elected members shall take office on the third Monday following their election. Election

Effect: Assembly Bill No. 463

SEC. 5. Sections 3 and 4 of this act shall become operative only if Assembly Bill No. 463 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 463 takes effect; at which time Section 2402 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 1401

An act to amend Section 18742 of the Business and Professions Code, relating to boxing and wrestling.

In effect September 15, 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Section 18742 of the Business and Professions Code is amended to read:

18742. Every club holding a license to conduct boxing contests, or sparring or wrestling matches shall have at its own expense in attendance at every boxing contest, or sparring or wrestling match, a physician approved by the commission who has had not less than three years' medical practice, who shall observe the physical condition of the boxers and wrestlers, and advise the referee with regard thereto.

One hour before the contestants enter the ring such physician shall certify in writing over his signature, as to the contestants' physical condition to engage in such contest or match. A report of the medical examinations shall be filed with the commission not later than 24 hours after the termination of a contest or match. The physician's report of the examination shall include specific mention as to the condition of the contestant's heart, nerves and brain.

The services of the club physician or physicians shall be paid according to a schedule of fees adopted by the commission. These fees shall be paid by the club to the commission and the commission shall remit the payment to the physician.

CHAPTER 1402

An act to appropriate twenty thousand dollars ($20,000) from the General Fund for the development of a medical education plan by the Coordinating Council on Higher Education.

In effect September 15, 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. The sum of twenty thousand dollars ($20,000) is hereby appropriated from the General Fund to the Coordi-

nating Council on Higher Education to develop, in co-operation with the State Department of Public Health, the Board of Regents of the University of California, representatives of private medical centers, and representatives of the public, a plan for the expansion of medical education in the State of California during the next 10 years, taking into account the several communities in California which afford opportunities for the establishment of new medical schools, the needs for physicians, the need for grants-in-aid to increase enrollment in private medical schools, the need for scholarships and loans to selected financially needy students, and the possible assistance from the federal government.

CHAPTER 1403

An act to add Section 6872 to the Business and Professions Code, relating to collection agencies.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 6872 is added to the Business and Professions Code, to read:

6872. The superior court in and for the county wherein any person carries on, or attempts to carry on, business as a collection agency without first having obtained a license pursuant to this chapter, or carries on such business after the revocation or expiration of any license or during the period of suspension of any license, may, on application of the director, issue an injunction or other appropriate order restraining such conduct.

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that no undertaking shall be required and the director shall not be required to allege facts necessary to show or tending to show lack of an adequate remedy at law or irreparable injury.

CHAPTER 1404

An act adding Section 22.3 to the Civil Code, relating to the tort liability of governmental entities.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 22.3 is added to the Civil Code, to read:

22.3. The doctrine of governmental immunity from tort liability is hereby re-enacted as a rule of decision in the courts

of this State, and shall be applicable to all matters and all governmental entities in the same manner and to the same extent that it was applied in this State on January 1, 1961 This section shall apply to matters arising prior to its effective date as well as to those arising on and after such date.

As used in this section, the doctrine of "governmental immunity from tort liability" means that form of the doctrine which was adopted by statute in this State in 1850 as part of the common law of England, subject to any modifications made by laws heretofore or hereafter enacted and including the interpretations of that doctrine by the appellate courts of this State in decisions rendered on or before January 1, 1961.

SEC 2. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 3. Section 1 of this act shall remain in effect until the 91st day after the final adjournment of the 1963 Regular Session of the Legislature, and shall have no force or effect on and after that date.

SEC. 4. (a) On or after the 91st day after the final adjournment of the 1963 Regular Session of the Legislature, an action may be brought and maintained in the manner prescribed by law on any cause of action which arose on or after February 27, 1961 and before the 91st day after the final adjournment of the 1963 Regular Session, and upon which an action was barred during that period by the provisions of this act, if and only if both of the following conditions are met: (1) a claim based on such cause of action has been filed with the appropriate governmental body in the manner and within the time prescribed for the filing of such claims in Division 3 5 (commencing with Section 600) of Title 1 of the Government Code, and (2) the bringing of the action was barred solely by the provisions of this act and is not barred by any other provision of law enacted subsequent to the enactment of this act.

(b) The statute of limitations otherwise applicable to the bringing of an action allowed pursuant to subdivision (a) of this section shall commence to run on or after the 91st day after the final adjournment of the 1963 Regular Session of the Legislature.

(c) Nothing in this section shall be deemed to permit an action on, or to permit reinstatement of, a cause of action that is barred prior to the effective date of this act or as to which a claim has not been filed with the appropriate governmental body as required by law.

CHAPTER 1405

An act to add Section 5718.5 to the Education Code, relating to schools.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.] In effect September 15, 1961

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

SECTION 1. Section 5718.5 is added to the Education Code, to read:

5718.5. The State Board of Education shall establish criteria and standards for graded classes in grades 13 and 14.

CHAPTER 1406

An act to amend Section 22607 of the Education Code, relating to the California State Colleges.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.] In effect September 15, 1961

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

SECTION 1. Section 22607 of the Education Code is amended to read:

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

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

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

trustees on and after July 1, 1961, shall be filled by appointment made solely at the discretion of the trustees. The trustees shall establish and adjust the salaries and classifications of all academic, nonacademic, and administrative positions and neither Section 18004 of the Government Code nor any other provision of law requiring approval by a state officer or agency for such salaries or classifications shall be applicable thereto. In establishing and adjusting such salaries, consideration shall be given to the maintenance of the state colleges in a competitive position in the recruitment and retention of qualified personnel in relation to other educational institutions, private industry or public jurisdictions which are employing personnel with similar duties and responsibilities. The establishment and adjustment of salaries for nonacademic employees shall be in accordance with the standards prescribed in Section 18850 of the Government Code. The trustees, however, shall make no adjustments which require expenditures in excess of existing appropriations available for the payment of salaries. The provisions of Chapter 9 (commencing at Section 24201) of Division 18 of this code relating to appeals from dismissal, demotion or suspension shall be applicable to academic employees.

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

SEC. 2. Notwithstanding the provisions of Section 9605 of the Government Code, the amendments to Section 22607 of the Education Code effected by this act shall prevail over and be given full effect as against any other act adding, amending, or repealing said Section 22607 at the 1961 Regular Session in conflict therewith; and this act shall, as against any other such act, as to said Section 22607. be deemed for all purposes to have been enacted and chaptered after such other act.

CHAPTER 1407

An act to add Sections 25.6 and 25.7 to the Civil Code, relating to rights and duties of minors.

In effect September 15, 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Section 25.6 is added to the Civil Code, to read:

Married minors: Medical care

25.6. Notwithstanding any other provision of the law, any minor who has contracted a lawful marriage may give consent to the furnishing of hospital, medical and surgical care to such

minor, and such consent shall not be subject to disaffirmance because of minority. The consent of the parent, or parents, of such a person shall not be necessary in order to authorize hospital, medical and surgical care. For the purposes of this section only, subsequent judgment of annulment of such marriage or judgment of divorce shall not deprive such person of his adult status once attained.

SEC. 2. Section 25.7 is added to said code, to read:

25.7. Notwithstanding any other provision of the law, any minor who is on active duty with any of the armed services of the United States of America may give consent to the furnishing of hospital, medical and surgical care to such minor, and such consent shall not be subject to disaffirmance because of minority. The consent of the parent, or parents, of such a person shall not be necessary in order to authorize hospital, medical and surgical care. Minors in the armed services· Medical care

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CHAPTER 1408

An act to amend Section 28111 of the Government Code, as enacted by Chapter 43, Statutes of 1961, relating to compensation for services in counties.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.] In effect September 15, 1961

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

SECTION 1. Section 28111 of the Government Code, as enacted by Chapter 43, Statutes of 1961, is amended to read:

28111 In a county of the 11th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand dollars ($10,000) a year.

(b) The district attorney, sixteen thousand dollars ($16,000) a year. He shall devote his entire time during office hours to the work of the county and the State and is prohibited from engaging in private work within office hours.

(c) Each supervisor, eight thousand dollars ($8,000) a year for all services. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid for the use of the automobile the following sums:

(1) In supervisorial districts containing five hundred (500) miles of road or less, fifty dollars ($50) a month.

(2) In supervisorial districts containing more than five hundred (500) miles, but less than seven hundred fifty (750) miles of road, seventy-five dollars ($75) a month.

(3) In supervisorial districts containing road mileage in excess of seven hundred fifty (750) miles, one hundred dollars ($100) a month.

(d) Grand jurors and trial jurors in the superior court, municipal court, and justice courts, five dollars ($5) a day while engaged in the performance of the duties required of them by law, and mileage at the rate of fifteen cents ($0.15) per mile one way only.

The county officers provided for in this section shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and expenses set forth, except that the members of the board of supervisors, auditor, and district attorney shall be allowed all actual expenses which are necessary to the performance of their duties. The expenses and the salaries designated in this section for such officers, except as specifically provided, shall be full and complete compensation for giving their entire time and attention to the duties required of them by law or which are for any reason imposed upon or performed by them under the laws of or on behalf of the United States, this State, any political subdivision thereof, or any public corporation.

All other fees, statutory mileage, or other remuneration or compensation of any kind or character received by such officers or their deputies from the United States, this State, any political subdivision thereof, or any public corporation shall be paid into the county treasury, except that this requirement does not apply to that portion of any fees collected which is authorized by statute to be paid to other persons or is necessarily diverted to other persons for the purpose of carrying out the objects of the statute.

CHAPTER 1409

An act to add Article 12.5 (commencing with Section 70125) to Chapter 5, Title 8, of the Government Code, relating to superior court reporters.

In effect September 15, 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Article 12.5 (commencing with Section 70125) is added to Chapter 5, Title 8 of the Government Code, to read:

Article 12.5. Official Reporters in Counties With a Population of 95,000 and Under 120,000

Phonographic reporters

70125. In each county having a population of more than 95,000 and less than 120,000, as determined by the 1960 federal census, to assist the court in the transaction of its judicial business, a majority of the judges of the superior court for such county may appoint as many regular official phonographic reporters as necessary to report the proceedings in

the court. The number of reporters so appointed shall not exceed at any one time the number of judges provided by law for the court. The reporters shall hold office during the pleasure of a majority of the judges of the court.

Pro tempore official reporter

70126. A judge of the superior court may appoint a pro tempore official reporter, to serve as the convenience of the court may require, when an official reporter is unavailable.

Compensation

70127. Each regular official reporter shall be paid an annual salary of seven thousand two hundred dollars ($7,200), and each pro tempore official reporter shall be paid per day the amounts prescribed in Article 9 (commencing with Section 69941), Chapter 5, Title 8 for the days he is actually on duty under order of the court.

Fees

70128. Except in criminal cases, the fees prescribed in Article 9 (commencing with Section 69941), Chapter 5, Title 8, shall be paid for the services of a court reporter. The fees for reporting testimony and proceedings in contested cases and for reporting default or uncontested actions or proceedings shall be paid to the county clerk and deposited in the county treasury. All other fees prescribed in Article 9, Chapter 5, Title 8, shall be paid to the reporter rendering the service and retained by him.

CHAPTER 1410

An act to repeal Chapter 2419 of the Statutes of 1957, relating to the consolidation and revision of the Education Code

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Chapter 2419 of the Statutes of 1957 is repealed.

CHAPTER 1411

An act to add Section 1623 to the Education Code, relating to reorganization of school districts.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1623 is added to the Education Code, to read:

1623. If all of the territory of any school district becomes part of two or more school districts of any type, and the inclusion in the two or more new school districts of the several

portions of territory comprising the original school district is effective for all purposes on the same date, the county superintendent of schools having control shall assume responsibility for:

(a) Completing all records and reports of the original district.

(b) Paying all outstanding obligations, except obligations resulting from contracts which are to be assumed by a succeeding district.

(c) Preparing for proper filing all records of the district required to be kept permanently by the provisions of any applicable code.

(d) Distributing records as provided in Section 1622.

(e) Employing an auditor as required in Section 17206.

(f) Discharging such other functions as he shall deem necessary to the dissolution of the district.

In discharging these duties the county superintendent may request the services of employees of the former district and the succeeding districts shall release such employees to the county superintendent for the purpose of accomplishing the requirements of this section. The salaries of such employees and all other necessary expenses of completing the requirements of this section shall be charged against the accumulated funds of the dissolved district prior to the final distribution of such funds to the succeeding districts.

CHAPTER 1412

An act to amend Section 2188.1 of the Revenue and Taxation Code, relating to the assessment of improvements to real property.

In effect September 15, 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Section 2188.1 of the Revenue and Taxation Code is amended to read:

2188.1. Every tax on improvements assessed to a person other than the assessee of the land on which they are located may become a lien on the real property of the owner of such improvements or be assessed on the unsecured roll. In order for such tax on improvements to be a lien on any parcel of real property of the owner of such improvements, the fact of such lien must be indicated on the secured roll where any such parcel of real property is listed.

CHAPTER 1413

An act to amend Section 18632 of, to repeal Sections 18633 and 18634 of, and to add Section 18637 to, the Business and Professions Code, relating to the Athletic Commission Fund.

[Approved by Governor July 10, 1961 Filed with Secretary of State July 12, 1961]

In effect September 15, 1961

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

SECTION 1. Section 18632 of the Business and Professions Code is amended to read:

18632. All moneys received by the commission under the provisions of this chapter shall be accounted for and reported by detailed statements furnished by the commission to the State Controller at least once a month, and at the same time such moneys shall be remitted to the State Treasurer and shall be deposited in the Athletic Commission Account in the General Fund in the State Treasury.

Athletic Commission Account

SEC. 2. Section 18633 of said code is repealed.

Repeal

SEC. 3. Section 18634 of said code is repealed.

Repeal

SEC. 4. Section 18637 is added to said code, to read:

18637. The Athletic Commission Fund in the State Treasury is abolished. The Controller, on the effective date of this section, shall transfer the balance in that fund to the Athletic Commission Account in the General Fund. Any reference in state law to the Athletic Commission Fund shall be construed to refer to the Athletic Commission Account in the General Fund.

Abolition of Athletic Commission Fund

CHAPTER 1414

An act to amend Section 16574 of the Public Utilities Code, relating to public utility districts.

[Approved by Governor July 10, 1961 Filed with Secretary of State July 12, 1961]

In effect September 15, 1961

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

SECTION 1. Section 16574 of the Public Utilities Code is amended to read:

16574. The board of directors or other officers of the district shall not incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this division. Any debt or liability incurred in excess of such express provisions is absolutely void, excepting that such debt limitations may be exceeded where the district finances waterworks or sewage disposal facilities by means of a bond issue and makes provision to pay the indebtedness out of revenues received over a period not to exceed 40 years, in which event the limitation of indebtedness set forth in Section 16573 of this code shall not be applicable to such bonds so additionally secured by such revenue.

CHAPTER 1415

An act to add Section 21370 to the Vehicle Code, relating to construction of state highways upon new alignment.

In effect September 15, 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Section 21370 is added to the Vehicle Code, to read:

21370. The Department of Public Works, or its duly authorized representatives with the approval of the department, while engaged in the construction of a state highway upon new alignment may restrict the use of and regulate the movement of traffic upon any highway intersecting the project at or near the place of intersection whenever such work interferes with or endangers the safe movement of traffic through the work.

CHAPTER 1416

An act to amend Section 4000 of, and to add Section 4001 to, the Welfare and Institutions Code, relating to aid to the disabled.

In effect September 15, 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Section 4000 of the Welfare and Institutions Code is amended to read:

Definitions

4000. When used in this chapter the following words shall have the meanings ascribed to them in this section:

(a) "Needy disabled person" means a person who meets the eligibility requirements set forth in this chapter and who is both permanently impaired and totally disabled.

(b) "Permanently impaired and totally disabled" means suffering from a major physical or a major mental impairment or a combination of both which is verifiable by medical findings and appears reasonably certain to continue throughout the lifetime of the individual without substantial improvement. Such permanently impaired and totally disabled person shall not be qualified under this chapter unless he needs care regularly.

A person needing care regularly is one who is in need of physical assistance with the daily regimen or whose mental or physical impairment makes continuous supervision essential.

SEC. 2. Section 4001 is added to said code, to read:

Purpose of chapter

4001. It is the object and purpose of this chapter to provide persons whose dependency results from disability defined

by Section 4000 with assistance and services which will encourage them to make greater efforts to achieve self-care and to enlarge their opportunities for independence.

SEC. 3. This act shall become operative January 1, 1962. Operative date

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CHAPTER 1417

An act to amend Sections 18905, 19301, 19533, 19533.1 and 19534, and to repeal Section 19539, of the Government Code, relating to performance reports in the state civil service.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.] In effect September 15, 1961

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

SECTION 1. Section 18905 of the Government Code is amended to read:

18905. The order in which names appear on re-employment lists shall be determined by the relative order of the scores determined as for layoff in accordance with this part and board rules. Order of names

SEC. 2. Section 19301 of said code is amended to read:

19301. The system of performance reports shall be designed to permit as accurately and fairly as is reasonably possible, the evaluation by his appointing power of each employee's performance of his duties. The evaluation shall be set forth in a performance report, the form for which shall be prescribed or approved by the board. The board may investigate administration of the system and enforce adherence to appropriate standards. Performance reports

SEC. 3. Section 19533 of said code is amended to read:

19533. Layoff shall be made in accordance with the relative seniority of the employees in the class of layoff. Except as otherwise provided in this part, in determining seniority scores, one point shall be allowed for each complete month of full-time state service in the class of layoff or demotion and in classes that, at the time notice of layoff is given, have the same or a higher maximum salary. One-half point shall be allowed for each complete month of full-time state service in all other classes. Board rules shall establish: (a) the extent to which seniority credits may be granted for less than full-time service; (b) the seniority credit to be granted for service in a class that has been abolished, combined, divided, or otherwise altered under the authority of Section 18802; (c) the basis for determining the sequence of layoff whenever the class and subdivision of layoff includes employees whose service is less than full time; and (d) such other matters as are necessary or advisable to the operation of the provisions of this chapter. Layoffs

For professional, scientific, administrative, management, and executive classes the board shall prescribe standards and methods by rule whereby employee efficiency shall be combined with seniority in determining the order of layoff and the order of names on re-employment lists. Such standards and methods may vary for different classes, and shall take into consideration the needs of state service and practice in private industry and other public employment.

SEC. 4. Section 19533.1 of said code is amended to read:

Separations by reason of reinstatement of employee

19533.1. Separations that are necessary by reason of reinstatement of an employee or employees after recognized military service as provided for in Section 19390 shall be made by layoff. In making such separations, the regular method of determining the order of layoff shall be used unless this would result in the layoff of an employee who has been reinstated in the class and subdivision of layoff under the provisions of Section 19390, and in the retention of an employee who was appointed in the class and subdivision of layoff during the time such a reinstated employee was on military leave. Under such circumstances, seniority shall not be counted as provided in Section 19533. Instead, service in the subdivision of layoff that qualifies under Section 19533 for credit at the rate of one point a month is the only state service that shall be counted.

Whenever such a layoff results in the demotion to a lower class of an employee who has been reinstated after recognized military service as provided in Section 19390, the resulting layoff, if any, in the lower class shall be made as though that reinstated employee had been in that lower class at the time he went on military leave.

Any layoff occurring within one year after reinstatement of an employee after recognized military service shall be presumed to have been necessary by reason of reinstatement of an employee or employees under Section 19390.

SEC. 5. Section 19534 of said code is amended to read:

Preference for veterans

19534. Employees in the class under consideration, up to the number of positions to be abolished or discontinued, shall be laid off in the order as determined under the provisions of this part. As between two or more such employees who have the same score veterans shall have preference in retention. Other ties shall be resolved according to board rule which shall take into consideration other matters of record before names are drawn by lot.

Repeal

SEC. 6. Section 19539 of said code is repealed.

CHAPTER 1418

An act to amend Section 16058 of the Vehicle Code, relating to security following accident.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961]

In effect September 15, 1961

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

SECTION 1. Section 16058 of the Vehicle Code is amended to read:

16058. Evidence of insurance or bond coverage shall be submitted in conformance with the requirements of Section 16060. In the event of notice to the department by the company which issued one of the above stated policies or bonds that coverage was not in effect, then the policy or bond shall not operate to establish an exemption as provided for by Section 16057.

CHAPTER 1419

An act to amend Section 1203.03 of the Penal Code, relating to placement of defendant in diagnostic facility of the Department of Corrections.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961]

In effect September 15, 1961

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

SECTION 1. Section 1203.03 of the Penal Code is amended to read:

1203.03. (a) In any case in which a defendant is convicted of an offense punishable by imprisonment in the state prison, the court, if it concludes that a just disposition of the case requires such diagnosis and treatment services as can be provided at a diagnostic facility of the Department of Corrections, may order that defendant be placed temporarily in such facility for a period not to exceed 90 days, with the further provision in such order that the Director of the Department of Corrections report to the court his diagnosis and recommendations concerning the defendant within the 90-day period.

(b) The Director of the Department of Corrections shall, within the 90 days, cause defendant to be observed and examined and shall forward to the court his diagnosis and recommendation concerning the disposition of defendant's case.

(c) The Department of Corrections shall accept such person if it has adequate staff and facilities to provide such services and if there is in effect a contract made, pursuant to subdivision (f) of this section, with the county of the referring court. No such person shall be transported to any facility under the jurisdiction of the Department of Corrections until the direc-

tor has notified the referring court of the place to which said person is to be transported and the time at which he can be received.

(d) The sheriff of the county in which an order is made placing a defendant in a diagnostic facility pursuant to this section, or any other peace officer designated by the court, shall execute the order placing such defendant in the center or returning him therefrom to the court. The expense of such sheriff or other peace officer incurred in executing such order is a charge upon the county in which the court is situated.

(e) It is the intention of the Legislature that the diagnostic facilities made available to the counties by this section shall only be used for the purposes designated and not in lieu of sentences to local facilities.

(f) The Director of Corrections may enter into contracts, with the approval of the Director of Finance, with any county of this State, upon request of the board of supervisors thereof, wherein the Department of Corrections agrees to provide diagnostic and treatment services and temporary detention during the period of study, to the county for selected cases of persons eligible for commitment to the Department of Corrections The county shall reimburse the State for the cost of such services, such cost to be determined by the Director of Finance. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June, the amounts due under any contract authorized by this section and the county treasurer, at the time of settlement with the State in such months, shall pay to the State Treasurer upon order of the Controller the amounts found to be due.

(g) In any case in which a defendant has been placed in a diagnostic facility pursuant to this section and, in the course of his confinement, he is determined to be suffering from a remediable condition relevant to his criminal conduct, the department may, with the permission of defendant, administer treatment for such condition. If such treatment will require a longer period of confinement than the period for which defendant was placed in the diagnostic facility, the Director of Corrections may file with the court which placed defendant in the facility a petition for extension of the period of confinement, to which shall be attached a writing signed by defendant giving his consent to the extension. If the court finds the petition and consent in order, it may order the extension, and transmit a copy of the order to the Director of Corrections.

CHAPTER 1420

An act to amend Section 7044 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.] In effect September 15, 1961

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

SECTION 1. Section 7044 of the Business and Professions Code is amended to read:

7044. This chapter does not apply to owners of property, building or improving structures thereon, or appurtenances thereto, for the occupancy of such owner and not offered for sale, provided that the building does not contain more than three dwelling units in one of which the actual owner resides.

In all actions brought under this chapter, proof of the sale or offering for sale of such structures by the owner-builder within one year after completion of same is presumptive evidence that such structure was undertaken for purposes of sale.

CHAPTER 1421

An act to amend Sections 11566 and 11592 of the Business and Professions Code, relating to subdivision maps and setting of monuments.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.] In effect September 15, 1961

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

SECTION 1. Section 11566 of the Business and Professions Code is amended to read:

11566. The survey and final map shall be made by a registered civil engineer or licensed surveyor, who shall set sufficient durable monuments so that another engineer or surveyor may readily retrace the survey. He shall also set such additional monuments as may be required by local ordinance. Monuments need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes to the governing body a bond or cash deposit guaranteeing the payment of the cost of setting the monuments, all as provided by Section 11592. Survey and final map by registered civil engineer or licensed surveyor

SEC. 2. Section 11592 of said code is amended to read:

11592. A certificate by the engineer or surveyor responsible for the survey and final map is required. His certificate shall give the date of the survey and state that the survey was made by him or under his direction, and that the survey is true and complete as shown. Certificate

The certificate shall also state that the monuments are of the character and occupy the positions indicated, or that they will be set in such positions and on or before a specified later date. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

In the event that the certificate states that the monuments will be set on or before a specified later date, the subdivider shall furnish to the governing body a bond or cash deposit, in an amount equal to the estimated cost of setting such monuments, guaranteeing payment of the cost thereof, but not in excess of the amount of the bond or deposit.

Within five days after the setting of final monuments has been completed by the engineer or surveyor, he shall give written notice to the subdivider, and to the city engineer or the county engineer or such other public official or employee authorized to receive such notices, that the final monuments have been set.

Upon payment to the engineer or surveyor for setting the final monuments, the subdivider shall present to the governing body evidence of such payment and receipt thereof by the engineer or surveyor, together with a request that his bond be released or that his cash deposit be returned. At the earliest possible date thereafter, said bond shall be released or said cash deposit shall be returned to the depositor.

In lieu of the above procedure as it involves a cash deposit, the governing body may pay the engineer or surveyor for the setting of the final monuments from said cash deposit, if so requested by the depositor.

If the subdivider does not present evidence to the governing body that he has paid the engineer or surveyor for the setting of the final monuments, and if the engineer or surveyor notifies the governing body that he has not been paid by the subdivider for the setting of the final monuments, the governing body shall, within three months from the date of said notification, pay to the engineer or surveyor the amount of the bond or cash deposit.

CHAPTER 1422

An act to add Section 11030.2 to the Government Code, relating to expenses of state officers and employees.

In effect September 15 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Section 11030.2 is added to the Government Code, to read:

11030.2. Any state officer or employee when working overtime at his headquarters on state business may receive his actual and necessary expenses, during his regular work week, subject to rules and regulations adopted by the Board of Con-

trol limiting the amount of the expenses and prescribing the conditions under which the expenses may be paid; provided, however, that each state agency may determine the necessity for and limit such expenses of its employees in such manner as does not conflict with and is within the limitations prescribed by the Board of Control.

CHAPTER 1423

An act to amend Section 5512 of, and to add Section 5512.5 to, the Financial Code, relating to savings and loan associations.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5512 of the Financial Code is amended to read:

Similar names

5512. If the commissioner finds that the name of the association is the same as one already adopted or appropriated by any association then existing in this State, or so similar thereto as to be likely to mislead the public, he shall refuse to issue the certificate. The commissioner may presume that the use of any word or words in the name of the association the same as or similar in spelling or sound to any word or words already adopted, appropriated, or used in its corporate name by any association then existing in this State, except the words: "the," "and," "mutual," "guaranty," "guarantee," "building," "loan," "savings," or "association," constitutes such similarity of names as to be likely to mislead the public.

SEC. 2. Section 5512.5 is added to said code, to read:

Reservation of name

5512.5. Upon filing an application for approval of proposed articles of incorporation with the commissioner under Section 5507, or upon filing an amendment to the articles changing the name of a proposed association, the incorporators shall file an application for a certificate of reservation of the name of the proposed association as set forth in the articles of incorporation with the Secretary of State pursuant to Section 310 of the Corporations Code. The application filed with the Secretary of State shall recite the fact of the pendency of the application filed under Section 5507 and the Secretary of State shall issue a certificate of reservation upon such an application for a certificate and upon payment of any required fee. Notwithstanding the provisions of Section 310 of the Corporations Code, the name contained in the certificate of reservation shall be reserved to the applicant until the commissioner refuses to issue a certificate of approval, or, if a certificate of approval is issued, as long as the certificate of approval continues in force or effect, or for a period of up to one year from the date when the application is filed in accordance with this article,

pending the applicant's fulfillment of any requirements precedent to opening for business. The Secretary of State may, upon the request of the applicant and the approval of the commissioner, extend the reservation of the name for an additional six months.

If a license is issued by the commissioner pursuant to Article 2 of this chapter, the license shall be in the name reserved.

CHAPTER 1424

An act to amend Section 2611 of the Business and Professions Code, and to amend Section 2611 of said code, as proposed to be amended by Senate Bill No. 874 of the 1961 Regular Session, and Section 2461 of said code, as proposed to be added by Senate Bill No. 874 of the 1961 Regular Session, relating to the practice of physical therapy.

In effect September 15, 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Section 2611 of the Business and Professions Code is amended to read:

Annual registration fee

2611. Each person granted registration under the provisions of this chapter shall pay to the board on or before the first day of January of each year an annual registration fee to be fixed by the board at not more than six dollars ($6) nor less than one dollar ($1).

SEC. 2. Section 2611 of said code, as proposed to be amended by Senate Bill No. 874 of the 1961 Regular Session, is amended to read:

Provisions applicable

2611. The provisions of Chapter 5, Article 15 (commencing at Section 2450) apply to the issuance, and govern the expiration and renewal of certificates issued under this chapter and the fees payable therefor.

SEC. 3. Section 2461 of said code, as proposed to be added by Senate Bill No. 874 of the 1961 Regular Session, is amended to read:

Fee schedule

2461. The amount of fees prescribed in connection with certificates of registration as a physical therapist is as follows:

(a) The application fee is twenty-five dollars ($25).

(b) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty (50) percent of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

(c) The renewal fee shall be fixed by the board at not more than twelve dollars ($12) nor less than two dollars ($2).

SEC. 4. Sections 2 and 3 of this act become operative only if Senate Bill No. 462 and Senate Bill No. 874 are both enacted by the Legislature at its 1961 Regular Session and become operative, and in such case at the same time as the said bills become operative, at which time Section 1 of this act is repealed.

Effect: Stats 1961, Ch 400, and Stats. 1961, Ch 1281

CHAPTER 1425

An act to amend Section 18743.5 of the Business and Professions Code, relating to boxing and wrestling.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 18743.5 of the Business and Professions Code is amended to read:

18743.5. No referee shall be assigned to direct or control a boxing match or sparring contest who, within the preceding six months, has not participated in a district referees' clinic at which the rules and regulations of the commission and problems relating to refereeing have been discussed. The commission is authorized to pay the necessary traveling expenses and other necessary expenses of a referee while in attendance at the clinic.

CHAPTER 1426

An act to amend Section 34274 of the Health and Safety Code, relating to employment of commissioners.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 34274 of the Health and Safety Code is amended to read:

34274. A commissioner shall not be regularly employed by the authority to which he is appointed during his tenure of office, but may receive per diem payment for attendance at not more than four meetings per month of the authority, which shall not exceed twenty-five dollars ($25) per day and shall receive necessary traveling and subsistence expenses, incurred in the discharge of his duties.

CHAPTER 1427

An act to add Article 3.5 (commencing with Section 13870) to Chapter 9 of Division 6 of the Public Utilities Code, relating to annexation of public agencies by municipal utility districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Article 3.5 (commencing with Section 13870) is added to Chapter 9 of Division 6 of the Public Utilities Code, to read:

Article 3.5. Annexation Without Election

Sewage disposal only

13870. Any public agency or any portion thereof may, for sewage disposal purposes only, be annexed to a district without an election in the manner provided in this article.

Petition for annexation

13871. A petition describing the territory of the public agency or portion thereof proposed to be annexed and requesting that proceedings be taken for its annexation shall be signed by all of the owners of the real property described therein, verified by the affidavit of one of the petitioners, addressed to the board, and filed with the secretary of the district. If a portion of the territory consists of public highways, streets, roads or paths, it shall not be necessary to secure the signatures to the petition of the owners only of the real property occupied by such public highways, streets, roads or paths.

Proceedings and resolution

13872. Proceedings shall thereafter be taken and a hearing held in substantial compliance with the provisions of Chapter 10 (commencing with Section 14051) of Division 6 relating to the annexation of unincorporated territory except that no election shall be held within the territory proposed to be annexed. Upon the passage of a resolution by the board declaring the territory annexed, and upon approval of the annexation and passage of such a resolution by a majority vote of the legislative body of the public agency, and the filing of a certified copy thereof with the Secretary of State, the territory shall be deemed annexed to the district.

Urgency

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

In order to allow a public agency or any portion thereof, for sewage disposal purposes only, to be annexed to a municipal utility district without an election, and in order to allow the completion of needed construction and improvements after such annexation and before the rainy season begins, it is necessary that this act take effect immediately.

CHAPTER 1428

An act to add Section 22016 to the Government Code, relating to coverage of public employees in the federal old-age, survivors and disability insurance program, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1961 Filed with Secretary of State July 12, 1961.] In effect immediately

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

SECTION 1. Section 22016 is added to the Government Code, to read:

22016. For the purposes of this part, persons employed by the county superintendent of schools and whose salaries are paid from the county school service fund are county employees. The cost of any elections and the employer's contribution for such employees under this part are proper charges against the county school service fund and such contribution shall be requisitioned and paid to the State as provided in Section 22550.5 of this code.

This section does not constitute a change in, but is declaratory of, pre-existing law and all action heretofore taken by a county board of supervisors for coverage under the federal old-age, survivors and disability insurance program of employees of the county superintendent of schools whose salaries are paid from the county school service fund, in accordance with state and federal law, is hereby ratified, confirmed and validated.

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

A question has arisen under the State Employees' Retirement Law as to the proper agency to act as the governing body for the purposes of including within the federal old-age survivors and disability insurance program, employees of county superintendents of schools, who are paid from county school service funds. This act will clarify the law in that regard and will validate actions previously taken in this respect. It is necessary that this act take effect immediately in order to enable the affected school employees to participate in the federal program at the earliest opportunity and to protect the rights of those employees already included in the federal system.

CHAPTER 1429

An act to amend Section 22504 of the Vehicle Code, relating to schoolbus stops.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 22504 of the Vehicle Code is amended to read:

22504. (a) Upon any highway in unincorporated areas no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park, or leave the vehicle off such portion of the highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of the stopped vehicle shall be available from a distance of 200 feet in each direction upon the highway. This section shall not apply upon a highway where the roadway is bounded by adjacent curbs.

(b) This section shall not apply to the driver of any vehicle which is disabled in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the roadway.

(c) When, in the judgment of the governing board of a school district, it is necessary for the safety of pupils being transported to and from schools to authorize a school bus stop at a place where there is not a clear view of the stop from a distance of 200 feet in each direction along the highway, such stop may be authorized by and with the approval of the California Highway Patrol. The Department of Public Works, in respect to state highways, and local authorities, in respect to highways under their jurisdiction, shall place sufficient signs along the highway to give adequate notice to motorists that they are approaching such bus stops.

CHAPTER 1430

An act to amend Sections 5780.1, 5780.12, 5780.15, 5781.4, 5781.20, 5781.21, 5781.22, 5783, 5783.5, 5784.4, 5784.5, 5784.8, 5784.14, 5784.15, 5784.18, 5784.19, 5784.20, 5784.21, 5784.26, 5784.29, 5784.30, 5784.32, and 5784.33 of the Public Resources Code, relating to recreation and park districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect immediately

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

SECTION 1. Section 5780.1 of the Public Resources Code is amended to read:

5780.1. "Supervising authority," as used in this chapter, means the board of supervisors of the county in which lies the territory within the district or proposed district. If the territory is composed of one or more cities only, either at the time it was created or at any time thereafter by annexations, withdrawals of territory or otherwise, the city council of the largest city, as determined by the last United States census or by a special census taken pursuant to the provisions of Chapter 17 (commencing at Section 40200), Part 2, Division 3, Title 4 of the Government Code, shall be the supervising authority. If all the territory of the district or proposed district lies within one city, the city council shall be the supervising authority. "Supervising authority"

SEC. 2. Section 5780.12 of said code is amended to read:

5780.12. When a district is organized or reorganized pursuant to the provisions of this chapter, the clerk of the supervising authority shall, in addition to the filing required by Section 58133 of the Government Code, comply with the provisions of Sections 54900, 54901, and 54902 of the Government Code. Compliance with provisions

SEC. 3. Section 5780.15 of said code is amended to read:

5780.15. Any district previously organized or reorganized under the provisions of this chapter or any statutory predecessor of this chapter, shall submit to the Secretary of State an affidavit reciting the facts of such organization or reorganization, together with certified copies of any documentary proof of such organization or reorganization, and a description of the boundaries of such district, and shall specify one of the methods of selecting the board of directors of the district, provided for in Section 5781.4. Upon receipt of the affidavit the Secretary of State shall issue to the district board of such district a certificate evidencing the existence of such district under such organization or reorganization. Affidavits Certificate

Not less than twenty (20) days nor more than forty (40) days after receipt by the governing board of the certificate evidencing the existence of the district, the governing board of the district shall call for elections in accordance with Article 5 (commencing with Section 5783) of this chapter, whenever the affidavit specifies that the method of selecting the governing board shall be by election. Elections

At such election the three nominees receiving the largest vote shall be considered as having been elected for four-year terms and the two nominees receiving the fourth and fifth largest number of votes shall be considered as having been elected for two-year terms. Vote

Upon qualification of the members of the governing board selected, in accordance with the provisions of this chapter, the terms of all members of the governing board holding office under any statutory predecessor of this chapter shall expire

Methods of selecting board

SEC. 4. Section 5781.4 of said code is amended to read:

5781.4. The petition or resolution shall specify one of the following methods of selecting the board of directors of the district:

(a) That the board of directors shall be composed of the supervising authority.

(b) That the board of directors shall have five members appointed by the board of supervisors and by the mayors of the cities included wholly or partly in the district and shall specify the terms of office of members to be appointed.

If unincorporated territory and territory of but one city is included in the district, three members of the board of directors shall be appointed by the board of supervisors of the county in which the district is formed, unless the population of the city or part in the district exceeds that of the unincorporated territory included in the district, in which event three members of the board of directors appointed by the mayor of the city and two members appointed by the board of supervisors of the county in which the district is formed shall constitute the district board of directors.

Whenever unincorporated territory and all or parts of two or more cities are included in the district one director shall be appointed by the board of supervisors. The remaining members shall be selected by majority vote of the mayors of the cities included wholly or partly within the district.

If the district contains no unincorporated territory, the district board of directors shall consist of five directors appointed by the mayor of the city, or mayors of the cities included wholly or partly within the district. If only two cities or parts thereof are in the district, two district board members shall be appointed by the mayor of the city having the lesser population, and three members by the mayor of the city having the greater population. If more than two cities are included wholly or partly within a district, the members of the district board shall be selected by majority vote of the mayors of such cities.

The members of the board of directors of the board first appointed shall serve for four-year terms and for two-year terms and shall determine by lot which three members shall serve for four-year terms and which of two members shall serve for two-year terms.

(c) That the board of directors shall be elected as provided in this chapter.

Division of district into divisions

SEC. 5. Section 5781.20 of said code is amended to read:

5781.20. Each district may be divided into five divisions. The establishment of the divisions and the boundaries thereof shall be made by the supervising authority, who shall make such division if requested by a resolution passed by a majority of the board of directors and in the manner set forth in such resolution, or upon a petition signed by a majority of eligible voters within the boundaries of the district. The resolution or

petition shall be filed with the board of supervisors at least 100 days before the next general district election.

SEC. 6. Section 5781.21 of said code is amended to read:

Hearing

5781.21. Within 30 days after filing of the petition or the resolution requesting the establishment of divisions with the supervising authority, it shall hold a hearing and shall hear any evidence produced to establish the validity of the petition or resolution and such further evidence as may be necessary to divide the district into five divisions as nearly equal in area or in population as may be practicable.

SEC. 7. Section 5781.22 of said code is amended to read:

Order establishing divisions

5781.22. Within 10 days after said hearing, the supervising authority, if it determines that the resolution or petition is valid, shall forthwith order the establishment of five divisions in the district as nearly equal in area or in population as may be practicable and shall file a copy of said order with the board of directors of the district.

SEC. 8. Section 5783 of said code is amended to read:

Election

5783. The supervising authority shall, after initiation of proceedings pursuant to Section 5781.3, cause an election to be called, and the provisions of Section 58171 of the Government Code notwithstanding, notice of each election shall be given as provided in Article 1 (commencing with Section 58000), Chapter 1, Division 1, Title 6 of the Government Code.

SEC. 9. Section 5783.5 of said code is amended to read:

Election expenses

5783.5. The expense of the election held relative to the formation of a district shall be paid by the county, city, cities or county and city or cities, included in the proposed district, if the proposition fails to carry, but if the formation is approved such expense shall be a charge against the district and repaid to the county from the first moneys collected by the district. The expense of all other elections shall be a charge against the district.

SEC. 10. Section 5784.4 of said code is amended to read:

Final budget

5784.4. The district board shall report the final budget to the supervising authority concerned, after the budget hearing but not later than the first day of July of each year, after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases, or additions.

SEC. 11. Section 5784.5 of said code is amended to read:

Tax levy

5784.5. The supervising authority shall, at the time the county taxes are levied, levy a tax upon all the property taxable by the district, to meet the amount set forth in the final budget submitted by the district board. The tax shall not, however, exceed a rate of fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation, exclusive of taxes levied or required to be levied under Section 5784 30.

SEC. 12. Section 5784.8 of said code is amended to read:

Same: Computation and assessment

5784.8. The taxes so levied shall be computed and entered on the assessment roll and collected at the same time and in the same manner as county or city taxes, and when collected

shall be placed in the treasury of the supervising authority concerned for use of the district. All laws applicable to the levy, collection and enforcement of county or city taxes are applicable to such taxes.

SEC. 13. Section 5784.14 of said code is amended to read:

Election

5784.14. The board of directors of the district shall call, or cause to be called, hold, and conduct the election. Except as provided in this section, the election shall be called, held, and conducted by the board of directors of the district in as nearly the same manner as is practicable as are elections for boards of directors. Notices of the election shall be posted or publication completed at least 30 days before the election. In addition, the clerk of the supervising authority, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district is located, shall, at least 10 days before the day fixed for the election, mail to each registered voter residing within the district, a card designating the polling place and time of the election and stating the purposes of the election. Such statement shall contain only the following:

Statement of election

Contents

(a) The amount of the proposed decrease or increase in the maximum tax rate.

(b) A brief summary of the issues involved.

SEC. 14. Section 5784.15 of said code is amended to read:

List of precincts

5784.15. At least 60 days before the date of the election the board of directors of the district shall furnish the clerk of the supervising authority or registrar of voters with a list of precincts established for the election and the polling place in each such precinct, together with a copy of the statement of the purposes of the election in the form in which it is to appear on the card.

The costs incurred by the clerk of the supervising authority or registrar of voters in connection with this section shall be paid out of the funds of the district.

SEC. 15. Section 5784.18 of said code is amended to read:

Treasurer of district

5784.18. The treasurer of the supervising authority shall act as the treasurer of the district, and shall receive no compensation for the receipt and disbursement of money of the district.

SEC. 16. Section 5784.19 of said code is amended to read:

Claims for money or damages against district

5784.19. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. All claims against the district shall be audited, allowed, and paid by the district board by warrants drawn on the treasurer. As an alternative, the district board may instruct the auditor of the supervising authority to audit, allow and draw his warrant on the treasurer, for all legal claims presented to him and authorized by a majority of the district board. The treasurer shall pay the warrants in the order in which they are presented.

SEC. 17. Section 5784.20 of said code is amended to read:

5784.20. A county or city may loan any of its available funds to a district. Loans from county or city

SEC. 18. Section 5784.21 of said code is amended to read:

5784.21. When any warrant of the district, properly drawn on any fund in the official custody of the treasurer, is presented to the treasurer for payment, and it is not paid for want of funds, the treasurer shall endorse thereon "not paid for want of funds" and the date and time of presentation and sign his name thereto From that time until paid the warrant bears interest at the rate of 5 percent a year. Warrants not paid for want of funds

SEC. 19. Section 5784.26 of said code is amended to read:

5784.26. Bonds issued pursuant to this chapter shall be issued as follows: Bonds

(a) The district board may fix a date, not more than five years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, a part, to be determined by the district board, which shall be not less than one-fortieth of the indebtedness of such issue or series shall be payable annually at a date and place specified; provided, however, the bonds or any issue or series may be made to mature and become payable in approximately equal total annual installments of interest and principal, during the term of the bonds computed from the first year in which any part of the principal shall mature to the date of final maturity which annual installments may vary one from the other in amounts not exceeding in any year more than 5 percent of the total amount of the bonds of such issue or of the series thereof then proposed to be issued. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

(b) The district board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series The maturity of each series shall comply with this chapter.

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on the issuance of such bonds.

(d) The denomination of the bonds shall be fixed by the district board, but shall not be less than one hundred dollars ($100) or more than one thousand dollars ($1,000) each.

(e) The bonds shall be signed by the presiding officer of the district board and by the treasurer. Signatures may be facsimile by use of an engraved or lithographed signature.

(f) Interest coupons shall be numbered consecutively and signed by the treasurer in like manner as the bonds.

SEC. 20. Section 5784.29 of said code is amended to read:

5784.29. The proceeds of sale of all bonds so issued shall be deposited with the treasurer and shall be withdrawn therefrom only upon the order of the district board or pur- Proceeds of sale of bonds

suant to its directions and only for carrying out of the purposes for which the bonds were issued.

Special tax

SEC. 21. Section 5784.30 of said code is amended to read:

5784.30. A special tax shall be levied and collected for the payment of interest on bonds and for the retirement of bonds issued pursuant to this chapter and said special tax shall be in addition to all other taxes levied for district purposes. The tax shall be collected in the same manner and at the same time as county or city taxes. All money derived from such tax shall be kept by the treasurer in a special bond service fund and shall be paid by the treasurer for the purchase of any matured bond or interest coupon upon presentation thereof.

Rate of tax

SEC. 22. Section 5784.32 of said code is amended to read:

5784.32. The governing body shall, in fixing the rate of the tax for bonds issued under this chapter, allow not to exceed 15 percent for anticipated delinquencies.

If the governing body fails to do so, the auditor shall fix the rate of the tax for bonds issued under this chapter.

Costs

SEC. 23. Section 5784.33 of said code is amended to read:

5784.33. All costs incurred by the supervising authority in connection with the issuance of bonds pursuant to this chapter shall be reimbursed to it by the district issuing the bonds.

Urgency

SEC. 24. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is presently a considerable amount of confusion as a result of the lack of provision for changeover and reorganization of boards of districts which are reorganized as, or come under the law regarding recreation and park districts, and a lack of provision for termination of existing terms so that much of the action of boards not yet reorganized or even reorganized but having no statutory method which to follow, is clouded.

As a result of these clouds, potential bond issues for development and even tax rate levies might be in jeopardy. This act would provide a procedure by which the membership of the board of directors of a district reorganized or coming under the laws regarding recreation and park districts would be determined. It is, therefore imperative that this act take effect immediately.

CHAPTER 1431

An act to add Section 14215.5 to the Health and Safety Code, relating to local fire districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.] In effect immediately

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

SECTION 1. Section 14215.5 is added to the Health and Safety Code, to read:

14215.5. A resolution by the district board annexing territory to a district where no protest is made against such change, or a resolution calling an election to decide whether a proposed annexation shall occur where the requisite number of petitioners have protested the annexation, shall not become effective unless and until the resolution is submitted to, and approved by the board of supervisors, which shall approve the resolution if it determines that the best interests of the people of the district and the county as a whole will be served by the annexation. Resolution: When effective

SEC. 2. Section 14215.5 of the Health and Safety Code, as added by this act, is applicable to all proceedings for the annexation of territory to local fire districts pending on the effective date of this act. Law applicable

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

It has come to the attention of the Legislature that there are, at present, annexation proceedings under way for the annexation of large areas of noncontiguous territory to various local fire districts in which, although all present legal requirements are being complied with, the residents of the areas proposed to be annexed to the district are not being given adequate notice of the proceedings or an adequate opportunity to protest the annexation of their property to such districts.

The Legislature has also determined that the people of the county in which a local fire district is located have an interest in whether or not territory should be annexed to the district which is not adequately protected by the provisions of the present law. The Legislature has, therefore, determined that for the preservation of the public peace, health, and safety it is imperative that no territory be annexed to any local fire district unless and until the board of supervisors of the county in which the district is located determines that the best interests of the people of the district and the county as a whole will be served by the annexation. It is, therefore, imperative that the act take effect immediately.

CHAPTER 1432

An act to amend Section 10103 of the Streets and Highways Code, relating to the Municipal Improvement Act of 1913, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Section 10103 of the Streets and Highways Code is amended to read:

10103. The provisions of Chapter 2 (commencing with Section 5115) of Part 3 of Division 7 of this code providing for the construction of work and the levy of an assessment by a city within a county or by a county within a city, are incorporated in this division as if fully set out herein. Upon obtaining the consent required in that chapter, a city may construct improvements and levy an assessment in a county or in another city, a county may construct improvements and levy an assessment within a city, and a public corporation may construct improvements and levy an assessment outside of its boundaries either within a city or within a county. If no assessment is to be levied outside the boundaries of the city, county, or public corporation conducting the assessment proceedings, the proposed resolution of intention need not be submitted or approved and the consent required shall be obtained prior to the ordering of the improvement.

Urgency

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

It is necessary that the provision for exercise of extraterritorial jurisdiction be more clearly stated in the Municipal Improvement Act of 1913. Clarity of the law is essential to the conduct of bonding proceedings in order to obtain merchantable legal opinions supporting the legality of bonds and to avoid wasteful interpretative litigation. Many areas are in urgent need of improvements which can be most economically constructed and financed under said act as single projects, regardless of territorial boundaries, during the spring and summer of 1961, before the advent of winter rains. It is, therefore, imperative that this act take effect immediately.

CHAPTER 1433

An act to add Section 15137 to the Government Code, relating to the state teletype system.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 15137 is added to the Government Code, to read:

15137. The Attorney General shall lease facilities and equipment to connect the state teletype system with the police department of the City of Lompoc if the city assumes the cost of connecting to the system and the annual cost of operating such extension.

CHAPTER 1434

An act to add Section 1956.5 to the Government Code, relating to insurance against the liability of local public agencies.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1956.5 is added to the Government Code, to read:

1956.5. A county, city, district, or any other public agency or public corporation may insure itself against any liability, other than a liability which may be insured against pursuant to Division 4 of the Labor Code, either by self insurance or in any insurer authorized to transact such insurance in the State. The premium for such insurance is a proper charge against such county, city, district or other public agency or public corporation.

CHAPTER 1435

An act creating the San Gorgonio Pass Water Agency, and prescribing its boundaries, organization, operation, management, financing and other powers and duties.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. This act is designated, and may be cited and referred to as, the "San Gorgonio Pass Water Agency Law." Short title

San Gorgonio Pass Water Agency

SEC. 2. The San Gorgonio Pass Water Agency, hereinafter referred to as the "agency," is hereby created, organized and incorporated and shall be managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied, and may include contiguous or noncontiguous parcels of both unincorporated and incorporated territory, other than territory included in any public district having identity of purpose or substantially identity of purpose without the prior consent of such public district, evidenced by resolution duly adopted by the governing board thereof, and shall include all territory lying within the following described boundaries:

Boundaries

All that real property situate in the County of Riverside, State of California, more particularly described as follows:

Beginning at the northwest corner of Section 16, T. 2 S., R. 3 W., S.B.B. & M.;

Thence south on the west boundary of said Section 16 to the southwest corner thereof;

Thence east on the south boundary of said Section 16 to the southeast corner thereof;

Thence south on the east boundary of Section 22, said Township and Range, to the west quarter section corner thereof;

Thence east on the east and west quarter section line of said Section 22 to the east quarter section corner thereof;

Thence south on the east boundary of said Section 22 to the southeast corner thereof;

Thence east on the north boundary of Section 26, said Township and Range, to the northeast corner thereof;

Thence south on the west boundary of Section 25, said Township and Range, to the west quarter section corner thereof;

Thence east on the east and west quarter section line of said Section 25 to the east quarter section corner thereof;

Thence south on the range line between R. 2 W. and R. 3 W. to the southwest corner of Section 30, T. 2 S., R. 2 W., S.B.B. & M.;

Thence east on section lines 2 miles to the northeast corner of Section 32, said last mentioned Township and Range;

Thence south on the east boundary of said Section 32 to the east quarter section corner of Section 33, T. 2 S., R. 2 W.;

Thence east on the east and west quarter section line of said Section 33 to the east quarter section corner thereof;

Thence south on the east boundary of said Section 33 to the southeast corner thereof;

Thence east on the Township line between T. 2 S. and T. 3 S. to the northwest corner of Section 2, T. 3 S., R. 2 W., S B.B. & M.;

Thence south on the west boundary of said Section 2 to the west quarter section corner thereof;

Thence east on the east and west quarter section line of said Section 2 to the east quarter section corner thereof;

Thence south on the east boundary of said Section 2 to the southeast corner thereof;

Thence east on the north boundary of Section 12, said last mentioned Township and Range, to the northeast corner thereof;

Thence south on the Range line between R. 1 W. and R. 2 W. to the west quarter section corner of Section 7, T. 3 S., R. 1 W., S.B.B. & M.;

Thence east on the east and west quarter section line of said Section 7 to the east quarter section corner thereof;

Thence south on the east boundary of said Section 7 to the southeast corner thereof;

Thence east on the north boundary of Section 17, said last mentioned Township and Range, to the northeast corner thereof;

Thence south on the east boundary of said Section 17 to the southeast corner thereof;

Thence east along section lines to the northeast corner of Section 24, said last mentioned Township and Range;

Thence south along the San Bernardino Meridian to the west quarter Section corner of Section 19, T. 3 S., R. 1 E., S.B.B. & M.;

Thence east on the east and west quarter section line of said Section 19 to the east quarter section corner thereof;

Thence south on the east boundary line of said Section 19 to the southeast corner thereof;

Thence east on the north boundary of Section 29, said last mentioned Township and Range, to the northeast corner thereof;

Thence south along section lines to the southwest corner of Section 4, T. 4 S., R. 1 E., S.B.B. & M.;

Thence east on the north boundary of Section 9 to the northeast corner thereof;

Thence south on the east line of said Section 9, to the northwest corner of Section 10, T. 4 S., R. 1 E., S.B.B. & M.;

Thence east on section lines 3 miles to the northeast corner of Section 12, T. 4 S, R. 1 E., S.B.B. & M.;

Thence south on the east line of said Section to the Southeast corner of said Section;

Thence east on section lines 4 miles to the southeast corner of Section 10, T. 4 S., R. 2 E., S B.B. & M.;

Thence north on section lines 14 miles to a point on the northerly boundary of the County of Riverside at the northeast corner of Section 3, T. 2 S., R. 2 E., S.B B. & M.;

Thence westerly, southerly and westerly on the northerly boundary of the County of Riverside to the point of beginning; and including that portion of the City of Cabazon comprising Section 23, Township 3 South, Range 2 East, San Bernardino Base and Meridian.

Divisions

SEC. 3. The board of directors shall, at its first meeting, or as soon thereafter as practicable, divide the agency into five divisions, which shall be as nearly as practicable equal in area.

Directors

Such divisions shall be numbered first, second, third, fourth and fifth. One director shall be elected for each division by the voters thereof at the next general agency election following the organization of the agency, and two directors at large shall be elected at such election by the voters of the agency as a whole. Each director elected or appointed for a division shall be an elector in that division, and each director at large shall be an elector or the owner of real property in the agency. Each director elected or appointed for a division is herein called a "divisional director," and each of the two directors elected or appointed for the agency at large is herein called a "director at large." The two offices of directors at large shall respectively be known as "director at large No. 1" and "director at large No. 2."

Relocation of boundaries

SEC. 4. Whenever a sufficient change in the area of the agency occurs which makes it desirable in the opinion of the board of directors of the agency to relocate the boundaries of any division or divisions, the board of directors shall, by resolution, relocate the boundary lines of the division or divisions so as to equalize as nearly as may be practicable the area in the respective divisions. At the time of or after each annexation of territory to the agency the board of directors shall designate by resolution the division of which such annexed territory shall be a part. No change in division lines shall be made within four (4) months next preceding the election of any divisional director nor shall such change in division lines work a forfeiture of the office of any director. Whenever such change is made in the division lines, each divisional director then in office, until his office becomes vacant by expiration of his term, or otherwise, shall continue to be the director for the division bearing the number of his division as formerly located, even though such divisional director is not a resident or owner of real property within the relocated division.

Board of directors

SEC. 5. The board of directors of the agency organized under this act shall consist of seven members. The Board of Supervisors of Riverside County shall appoint the first board of directors, each of whom shall be a resident or owner of real property within the agency, and shall hold office until his successor is elected. Following the creation of the five divisions of the agency by the first board of directors, and at the first agency election thereafter, all successors of the first board shall be elected or chosen at the time and in the manner hereinafter provided.

Election of directors

Terms of office

(a) Each director elected or appointed at the first general agency election shall hold office for the term of four (4) years from and after the date of his taking office as herein provided, and until the election and qualification of his successor; except that the five divisional directors elected or appointed at the first general agency election shall classify themselves by lot, so that two of them shall hold office until the qualification of and taking office by their successors elected at an election held the next succeeding even-numbered year, and so that three

shall hold office until the qualification of and taking office by their successors at an election held in the second successive even-numbered year, and except that the two directors at large elected or appointed at such first general agency election shall classify themselves by lot so that one shall hold office until the qualification of and taking office by his successor elected at an election held the next succeeding even-numbered year, and the other shall hold office until the qualification of and taking office by his successor elected at an election held in the second successive even-numbered year.

Elections consolidated with direct primary election

(b) The elections of directors shall be held at the time of the direct primary election and shall be consolidated therewith. Each candidate for director who at such election receives votes on a majority of all the ballots cast for candidates for the office for which he seeks nomination shall be elected to such office. If at such primary election, as to any such office, none of the candidates receives such majority, the two candidates who receive the highest number of votes cast on all the ballots cast for candidates for such office, shall be the candidates for such office at the ensuing agency election, which latter election shall be held at the same time as the next succeeding general election and shall be consolidated therewith. Candidates shall declare their candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuance of certificates of election for county officers are made, declared, held, and conducted, and issued, so far as consistent with the provisions of this act and except as otherwise herein expressly provided. Directors elected hereunder, except the first board of directors, shall take office at the same time provided by the Government Code for county officers. Said election held at the same time of the direct primary election and consolidated therewith shall be known as the general San Gorgonio Pass Water Agency election and each other election which may be held by authority of this act or the Elections Code or other law applicable thereto shall be known as a special San Gorgonio Pass Water Agency election.

Appointment as director

SEC. 6. If, on the 65th day prior to the day fixed for the agency general election, only one person has been nominated for each office or member of the board of directors to be filed at that election, or if no person has been nominated for any one or more of said offices, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the agency or a greater portion thereof is situated, at a regular or special meeting held prior to the day of election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons who have been nominated, or if no person or persons have been nominated, any qualified person or persons. The per-

son appointed shall qualify and take office and serve exactly as if elected at an agency general election.

In such case the publication provided for in Article 6 (commencing at Sec. 2699), Chapter 2, Division 5 of the Elections Code shall, instead of calling an election, state that no election is to be held but that the board of supervisors will either appoint those nominated for the positions of directors or appoint a qualified person or persons to the office or offices for which no one has been nominated, as the circumstances may warrant.

Persons eligible to vote

SEC. 7. No person shall vote at any agency election held under the provisions of this act who is not a voter within the meaning of the Elections Code, residing in the agency, and in the case of divisional directors in the division of the agency in which he casts his vote. For the purpose of registering voters who shall be entitled to vote at agency elections, the county clerk or registrar of voters is authorized, in any county in which there is the agency, to indicate upon the affidavit of registration whether the voter is a voter of the agency.

In case the boundary line of the agency crosses the boundary line of a county election precinct only those voters within such agency and within such precinct who are registered as being voters within the agency shall be permitted to vote, and for that purpose the county clerk or registrar of voters is hereby empowered to provide two sets of ballots within such precincts, one containing the names of candidates for office in said agency, and the other not containing such names, and it shall be the duty of the election officers in such precincts to furnish only those persons registered as voters within such agency with the ballots upon which are printed the names of the candidates for office in the agency.

Elections Code applicable

SEC. 8. The provisions of the Elections Code so far as they may be applicable shall govern all general agency elections and all special agency elections, except as in this act otherwise provided.

Ballots

In counties in which the agency is located the county clerk or registrar of voters is hereby given authority, and he hereby is authorized to have printed upon the official ballots provided for voters at elections for directors a heading in the same form as that provided by the Elections Code for non-

Form

partisan officers, which heading shall be marked "San Gorgonio Pass Water Agency," with the following subheading: "For Director at Large No. _____ (here inserting the number of the office)—Vote for One" and if the office of divisional director is to be voted on in that year in the division in question, then also with the subheading: "For a Member of the Board of Directors, Division _____ (here inserting the number of the division)—Vote for One." Beneath each such subheading shall appear the names of the candidates for the office of the agency shown in such subheading, with the appropriate blank space for the writing in of the name of a candidate, if desired by the voters, and with a voting square opposite the space. The ballots thus provided shall be furnished by the precinct officers only to those voters within their

respective precincts who shall appear on the register as duly registered voters, within the agency, and in precincts which lie partly within such agency and partly without the precinct board shall be supplied with two kinds of ballots by said county clerk or registrar of voters, one of which shall contain the matters hereinabove set forth for the use of voters of the agency, and the other of which shall be without such heading containing the names of candidates for the office of members of the board of directors, and which shall be furnished to those voters who are not voters of the agency and who are voters of the precinct.

Canvass

SEC. 9. The board of directors of agency shall call and canvass all elections involving matters of initiative, recall and referendum and shall call all other elections which it is authorized to canvass.

Election officers

The governing body calling or conducting any election under the provisions of this act shall fix the compensation to be paid the officers of the election and shall designate the precincts and polling places for each division of the agency and shall designate the precincts and polling places for each division of the agency and shall appoint the officers of such election, who shall consist of one inspector, one judge, and two clerks, unless in case of consolidated elections, other officers of election are required by law.

Voting precincts

The voting precincts for any such election may be established and the boundaries thereof fixed and described by such governing body, or such voting precincts may consist of either the regular election precincts or portions thereof within the agency established for holding state or county elections, or a consolidation of any or all of such regular election precincts or portions thereof last established. If any agency election is consolidated with any state or county election, then the voting precincts, polling places, and election officers for the agency election shall be the same as those established for such state or county election.

Recall

SEC. 10. Every incumbent of an elective office, whether elected by popular vote for a full term, or chosen by the board of directors to fill a vacancy, is subject to recall by the voters of the agency organized under the provisions of this act in accordance with the recall provisions of the Elections Code of the State with reference to cities.

Meetings of the board

SEC. 11. The board of directors shall be the governing body of the agency. It shall hold its first meeting as soon as possible after the appointment and certification of the first board of directors; it shall choose one of its members president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the board of directors whether regular or special shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. At its first meeting in the month

of January of each odd-numbered year, the board of directors shall choose one of its members president.

Ordinances, etc

SEC. 12. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the San Gorgonio Pass Water Agency as follows:". Each of the members of the board of directors shall receive for each attendance at the meetings of the board twenty dollars ($20). No directors, however, shall receive pay for more than three meetings in any calendar month. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be qualified to fill such vacancy and shall hold office for the remainder of the unexpired term.

Compensation

Informality in proceedings

SEC. 13. No informality in any proceeding not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the legal existence of said agency and all proceedings in respect thereto shall be held to be valid and in every respect legal and incontestable.

Assistants and employees

SEC. 14. The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint by a majority vote a secretary, treasurer and auditor, and define their duties and fix their compensation. The board may employ such additional assistants and employees, and such engineers, attorneys and professional and other consultants as they may deem necessary to efficiently maintain and operate said agency. Each shall serve at the pleasure of the board.

Powers of the agency

SEC. 15. The agency incorporated as herein provided, shall have the power:

1. To have perpetual succession;

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

3 To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the agency;

5. To acquire, or contract, to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair or otherwise improve any waterworks or waterworks system acquired by it as herein authorized.

6. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor.

7. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference; also to sell water under the control of the agency to any city, or any company or public agency serving a city, which city is located wholly or partially within the agency, for distribution only within such city; and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers,

8. To supply and deliver agency water to publicly owned and operated golf courses and other publicly owned and operated recreational facilities and to public schools, school districts and public school properties, and to fix and establish special rates, terms and conditions for the use and sale of water for each of these purposes; provided, however, that this provision shall not be construed to indicate legislative intent either for or against the existence of any power of the agency to furnish water to other persons, firms or corporations at just and reasonable rates;

9. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the agency or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation, provided that the use to which such property is to be devoted by the agency must be pleaded and proven by the agency to be a more necessary public use than that to which it is then appropriated, as a condition to the exercise of such right of eminent domain. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a city; provided, the agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of

property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. In no event shall the agency have or exercise the power of eminent domain with respect to property situated outside the boundaries of the agency;

10. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

11. To issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further that the maturity shall not be later than three years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in the agency but shall not otherwise exceed the lesser of either one million dollars ($1,000,000) or 2 percent of the assessed valuation of the taxable property in the agency, or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate;

12. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor;

13. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential;

14. To prescribe and define by ordinance, the restrictions, prohibitions and exclusions referred to in subdivision 13 hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such

newspaper it shall be posted within said time in three public places within the agency;

15. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers;

16. In case of condemnation proceedings the board shall proceed in the name of the agency;

17. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

18. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein; provided, however, that all waters of the Whitewater River system are excluded from the provisions hereof, except such waters of said system as may be lawfully acquired by the San Gorgonio Pass Water Agency.

19. Subject to the limitations in subdivision 9 of this section, to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. Particularly, but not exclusively, the agency may contract with the State of California for delivery of water under the State Water Plan. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, The Metropolitan Water District of

Southern California, or other public district of this State. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

20. To commence, maintain, intervene in, compromise and assume the costs of any action or proceeding, in the name of the agency, involving or affecting the ownership or use of water or water rights within the agency, used or useful for any purpose of the agency, or a common benefit to the lands within the agency or its inhabitants.

21. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end an agency may become a party to such contract and pay from the agency funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

22. To issue bonds under Section 28 of this act for the purpose of providing money required to be paid by this agency to the State of California or any agency thereof under any contract which shall be made with it, or as all or part of the terms and conditions under which the corporate area of the agency may be annexed to and become a part of any metropolitan water district organized under the Metropolitan Water District Act. The amount of said bonds may include expenses

of all proceedings for the authorization, issuance and sale of the bonds.

23. To issue revenue bonds for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to agencies formed under this act.

24. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the agency. In the application of said Improvement Act of 1911 to proceedings instituted by the agency, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of the agency.

(b) "Municipality" and "city" shall mean the agency.

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

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the agency.

(g) "Mayor" shall mean the president of the board of directors of the agency.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the Secretary of the San Gorgonio Pass Water Agency.

25. To disseminate information concerning the activities of the agency; and in instances in which it shall be found by two-thirds vote of the board of directors to be necessary for the protection of agency rights and properties to disseminate information concerning such rights and properties, also concerning matters which in the judgment of the board may adversely affect such rights and properties; provided, that expenditures during any fiscal year for such purposes shall not exceed one cent ($0.01) for each one hundred dollars ($100) of assessed valuation of such agency.

Same

SEC. 15.1. The agency shall have the power to construct, operate and maintain works to develop hydroelectric energy, for use by the agency in the operation of its works or as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diversion and transmission of water and to enter into contracts for the sale of such energy for a term not to exceed 50 years.

Such energy may be marketed only at wholesale to any public agency or private entity, or both, or the federal or state government.

Same

SEC. 15.2. In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

Same: Exercise of by directors

SEC. 16. All powers, privileges and duties vested in or imposed upon the agency incorporated hereunder shall be exercised and performed by and through the board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the officers created hereby and by the board of directors acting hereunder.

The board of directors shall have the power:

Powers of board of directors

(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.

(2) To fix the location of the principal place of business of the agency and the location of all offices and departments maintained hereunder.

(3) To prescribe by ordinance a system of business administration and to create any and all necessary offices and to establish and re-establish the powers and duties and compensation of all officers and employees and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the agency.

(4) To prescribe by ordinance a system of civil service.

(5) To delegate and redelegate by ordinance to officers of the agency power to employ clerical, legal and engineering assistants and labor, and under such conditions and restrictions as shall be fixed by the directors, power to bind the agency by contract.

(6) To prescribe a method of auditing and allowing or rejecting claims and demands.

(7) All contracts for any improvement or unit of work, when the cost according to the estimate of the engineer will exceed ten thousand dollars ($10,000), shall be let to the lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract shall be let as a single unit for the whole of the work, or divided into severable convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as

stated in such call. The board shall require the successful bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material. The bonds shall comply with Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost of the work does not exceed ten thousand dollars ($10,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board may have the work done by force account without advertising for bids. The agency may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds ten thousand dollars ($10,000), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

(8) To fix the rates at which water should be sold, and to establish different rates for different classes or conditions of service; provided, that rates shall be uniform for like classes or conditions of service throughout the agency, but any special water rate fixed in accordance with terms and conditions of annexation fixed by the board under the provisions of Section 36 or 37 hereof, shall be deemed to be a rate for a different class or condition of service.

Finding of emergency, etc

SEC. 17. A finding by the board of directors upon the existence, threat, or duration of an emergency or shortage of water or upon the matter of necessity or any other matter or condition referred to in subdivisions 13 or 14 of Section 15 of this act, shall be made by resolution or ordinance, and shall be prima facie evidence of the fact or matter so found, and such fact or matter shall be presumed to continue unchanged unless and until a contrary finding shall have been made by the board by resolution or ordinance. Such finding shall be received in evidence in any civil or criminal proceeding in which it may be offered, and shall be proof and evidence of the fact or matter found until rebutted or overcome by other sufficient evidence received in such proceeding. Copy of any resolution or ordinance setting forth such finding shall, when certified by the secretary of the agency, be evidence that the finding was made by the agency as shown by the resolution or ordinance and certification.

Publication

SEC. 18. From and after the publication or posting of any ordinance as provided in subdivision 14 of Section 15 of this act, it is hereby declared to be and it shall be a misdemeanor for any person, firm or corporation to use or apply water received from the agency contrary to or in violation of such

restriction or prohibition, until such ordinance shall have been repealed or such emergency or threatened emergency shall have ceased, and upon conviction thereof such person, firm or corporation shall be punished by being imprisoned in the county jail for not more than 30 days or by fine of not more than three hundred dollars ($300), or by both such fine and imprisonment.

Actions

SEC. 19. The agency may at any time after execution of any contract authorized by paragraph 19 of Section 15 bring an action in the superior court in the county where the greater part of the land of the agency is situated to determine the validity of the contract. The action is in rem. Jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in a newspaper of general circulation published in the county where the action is pending and designated by the court in which the action is pending. Jurisdiction is complete 10 days after the completion of the publication of summons. Before the expiration of the 30 days after jurisdiction is acquired any person interested may appear and contest the validity of the contract. If no action has been brought by the agency pursuant to this section the agency taxpayer may at any time within 30 days after the execution of such contract, or within 30 days after the effective date of this act, whichever is later, bring an action in such superior court to determine the validity of the contract. The agency shall be the defendant. If more than one action is pending at the same time concerning similar contests provided for by this section, they shall be consolidated and tried together. The rules of pleading and practice not inconsistent with the provisions of this section are applicable to all actions provided for by this section. In an action provided for by this section, the court shall disregard any irregularity or omission which does not affect the substantial rights of the parties. The action shall be speedily tried. The judgment shall declare the contract either valid or invalid. The motion for a new trial of any action provided by this section shall be heard and determined within 10 days from the filing of the notice of intention. The costs of any hearing or contest may be allowed and apportioned between the parties or taxed to the losing party. Any party may appeal at any time within 30 days after the entry of the judgment. The appeal shall be heard and determined within three months from the taking of the appeal. No contest of any thing or matter herein provided shall be made other than in the time and manner herein specified.

Same

SEC. 19.5. An action to determine the validity of any contract authorized by paragraph 19 of Section 15 may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. This section shall become operative only if Assembly Bill No. 1412 is enacted by the Legislature at its 1961 Regular Session, in which case it shall supersede Section 19 of this act.

Prohibited interests

SEC. 20. Except as herein provided, no director of the agency shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, and no officer or employee of any agency shall in any manner be interested, directly or indirectly, in any contract made by such officer or employee pursuant to discretionary authority vested in him, or in the benefits to be derived therefrom. For any violation of this section, such director or other officer or employee of the agency shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Neither this section nor any other law shall, however, be deemed to invalidate any contract or instrument, nor to establish or define any misdemeanor or other crime, merely because such director or other officer or employee shall have any interest in such contract or instrument, or shall derive any benefit therefrom, if such director before authorization of such contract by the board shall have disclosed his interest therein to the board in writing, and,

Penalty

(a) If such director or other officer or employee shall own or control, directly or indirectly, not more than 5 per centum of the outstanding stock or securities of the contracting corporation; or

(b) If such contract or instrument shall be entered into pursuant to the provisions of any ordinance or regulation of the agency of uniform application, and which ordinance or regulation shall have become effective prior to the making or execution of such contract or instrument.

Duties of officers

SEC. 21. The president and secretary in addition to the respective duties imposed on them by law shall perform such duties as may be imposed on them by the board of directors. The treasurer, or such other person or persons as may be authorized by the board of directors, shall draw checks or warrants to pay demands when such demands shall have been audited and approved in the manner prescribed by the board of directors.

Depository

The board of directors shall designate a depository or depositories to have the custody of the funds of the agency, all of which depositories shall give security sufficient to secure the agency against possible loss, and who shall pay the warrants drawn by the treasurer for demands against the agency under such rules as the directors may prescribe.

Bond

The general manager, secretary and treasurer, and all other employees or assistants of said agency who may be required so to do by the board of directors, shall give such bonds to the agency conditioned for the faithful performance of their duties as the board of directors from time to time may provide. The premiums on such bonds shall be paid by the agency.

Power of board of directors

SEC. 22. The board of directors shall have power to construct works along and across any stream of water, watercourse, street, avenue, highway, canal, ditch or flume, or across

any railway which the route of said works may intersect or cross; provided, such works are constructed in such manner as to afford security for life and property, and said board of directors shall restore the crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company whose right-of-way shall be intersected or crossed by said works shall unite with said board of directors in forming said intersections and crossings and grant the rights therefor. The right-of-way is hereby given, dedicated and set apart to locate, construct and maintain such works along and across any street or public highway and over and through any of the lands which are now or may be the property of this State, and to have the same rights and privileges appertaining thereto as have been or may be granted to cities within the State. Any use, under this section, of a public highway now or hereafter constituted a state highway shall be subject to the provisions of Chapter 3 of Division 1 of the Streets and Highway Code.

Claims for money or damages

SEC. 23. All claims for money or damages against this agency are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations expressly applicable thereto.

Liability of officers, etc.

SEC. 24. No director or other officer, agent, or employee of the agency shall be liable for any act or omission of any officer, agent or employee appointed or employed by him unless he had actual notice that the person appointed or employed was inefficient or incompetent to perform the service for which such person was appointed or employed or unless he retains the inefficient or incompetent person after notice of the inefficiency or incompetency.

The agency may employ counsel to defend any litigation brought against any director or other officer, agent, or employee thereof, on account of his official action, and the fees and expenses involved therein shall be a lawful charge against the agency.

If any director or other officer, agent, or employee of the agency is held liable for any act or omission in his official capacity, and any judgment is rendered thereon, the agency, except in case of his actual fraud or actual malice, shall pay the judgment without obligation for repayment by such director or other officer, agent or employee.

Rates

SEC. 25. The board of directors, so far as practicable, shall fix such rate or rates for water in the agency and in each improvement district therein as will result in revenues which will pay the operating expenses of the agency, and the improvement district, provide for repairs and depreciation of works, provide a reasonable surplus for improvements, extensions, and enlargements, pay the interest on any bonded debt, and provide a sinking or other fund for the payment of the principal of such debt as it may become due. Said rates for

water in each improvement district may vary from the rates of the agency and from other improvement districts therein.

Tax levy

SEC. 26. If the revenues of the agency, or any improvement district therein, will be inadequate for any cause to pay the operating expenses of the agency, provide for repairs and depreciation of works owned or operated by it, and to meet all obligations of the agency, including principal of or interest on any bonded debt of the agency, or any improvement district thereof, as it becomes due, then the board of directors of this agency must provide for the levy and collection of a tax sufficient to raise the amount of money determined by such board of directors to be necessary for the purpose of paying such charges and expenses, as well as providing the funds required under Section 25 of this act, subject to the limitations in this section stated. Moneys necessary for the purpose of paying principal or interest of any bonded debt of the agency or for paying any sum which the agency shall be obligated to pay to the State of California or any agency thereof are herein called "excepted moneys." There shall be no limit on the tax which the agency may impose to pay "excepted moneys"; but the rate of tax which may be levied by the board of directors of the agency upon the agency as a whole and/or any improvement district thereof for purposes other than the payment of "excepted moneys" shall not exceed forty cents ($0.40) per one hundred dollars ($100) of assessed value, unless such excess rate shall have been first approved by a majority vote at an election within the agency, or if the excess tax rate be within an improvement district or districts, then within such improvement district or districts.

Tax rates

SEC. 27. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the agency, and within a reasonable time previous to the time when the board of supervisors is required by law to fix its tax rate, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of an interest on any bonded debt of the agency or of an improvement district thereof as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the agency. The board of directors shall direct that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy, in addition to such other tax as may be levied by such board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the agency, or improvement district thereof

benefited by the bonded debt, as the case may be, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required. Taxes for the payment of the interest on or principal of any bonded debts shall be levied on the property within the agency, or improvement district thereof, benefited by the bonded debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Taxes for other purposes of the agency shall be levied on all property in the district or portion thereof subject to the particular tax. And it shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in time, form, and manner as county taxes are collected, and when collected to pay the same to the agency. Taxes for the payment of a bonded debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the agency shall be a lien on all the property in the agency subject to the respective tax. Agency taxes, whether for payment of a bonded indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

Bonded indebtedness

SEC. 28. Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in said agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said agency. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 5 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year; (e) the measure to be submitted to the voters; (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section

6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such agency, then such resolution shall be posted in three public places in such agency not less than two weeks prior to the date of the proposed election. No other notice of such election need be given. The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

Same: Resolution, etc.

SEC. 29. Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvement, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the agency and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions

of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the agency, if there is a newspaper printed and published in such agency. Such notice shall also be given by posting a copy of said resolution in six public places within the proposed improvement district at least two weeks before the time fixed for said hearing.

Hearing

At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or within the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have the power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement.

Change in bonded debt or boundaries

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said agency, if there is a newspaper printed and published in such agency, and by posting in six public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, that the exterior

boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map shall thereupon constitute and be known as "Improvement District No. _____ of San Gorgonio Pass Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

Special election

After the board has made its determination of the matters required to be determined by said last mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed 5 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the said year; (h) the measure to be submitted to the voters; (i) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in such agency.

Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Time limitation on actions contesting validity

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

Annexation

SEC. 30. Any portion of the agency whether contiguous or not to an improvement district thereof may be annexed to said improvement district in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by holders of title to sixty percent (60%) or more of the land in the portion proposed to be annexed, which land as so represented in said petition shall have an assessed valuation of not less than fifty percent (50%) of the land so proposed to be annexed. The petition shall contain the following: (a) a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the area proposed to be annexed, or in any other definite manner; (b) the terms and conditions upon which said proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the agency; and (c) a prayer that the board of directors declare such area to be annexed to the improvement district. Said petition shall be accompanied by a certified check payable to the order of the agency in sufficient sum to reimburse said agency for expenses of processing and publishing the petition and preparing and making the filings required by law.

Within 10 days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the required number of property owners; and, if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their

compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of property owners, or is not so signed, he shall certify that the same is sufficient, or insufficient, as the case may be.

If by the certificate of the secretary of the agency the petition is found to be insufficient, said petition may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the agency shall within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided

If by the certificate of the secretary such petition or petition as amended, is shown to be sufficient the secretary shall cause notice of hearing on the petition to be published and posted without delay.

The text of said petition shall be published pursuant to Section 6066 of the Government Code prior to the time at which the same is to be presented to the board of directors of the agency in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in such agency; together with a notice stating the time and place of the meeting at which the same will be presented. When contained upon one or more instruments one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated. Said notice and petition shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed, at least two weeks prior to the hearing.

The board of directors of the agency shall proceed to hear the petition at the time and place fixed therefor and any person residing within the agency or improvement district or owning taxable property in said agency or improvement district shall be entitled to appear and be heard at such hearing. Such hearing may be continued from time to time by the board of directors of the agency. At the conclusion of the hearing, and if the board of directors finds and determines from the evidence presented at said hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which said area proposed to be annexed will also be benefited thereby and will not be injured thereby, then and in such case the board of directors of the agency may, by resolution, approve such annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the agency shall govern for all details as to the extent of the annexed area, or in any other definite manner, and the terms and conditions of annex-

ation as theretofore determined by resolution of the board of directors.

From and after the date of the adoption of such resolution the area named therein shall be deemed added to and shall form a part of said improvement district and the taxable property therein shall be subject to taxation thereafter for the purposes of said improvement district, including the payment of the principal of and interest on bonds and other obligations of such improvement district at the time authorized and outstanding at the time of said annexation as if said annexed property had always been a part of said improvement district, and the board of directors of the agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Any action or proceeding wherein the validity of any such annexation is contested, questioned or denied must be commenced within three months after the date of issuance by the Secretary of State of his certificate; otherwise said annexation shall be held to be valid and in every respect legal and incontestable.

Issuance o bonds

SEC. 31. If from such returns it appears that more than two-thirds of the votes cast in such election held pursuant to the provisions of Section 28 or of Section 29 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for each of the series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

The board of directors shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed five percent (5%) per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of the agency attached. The interest coupons of such bonds shall be signed by the treasurer of said agency. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said agency, said bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the San Gorgonio Pass Water Agency for Improvement District No. ___" and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if said board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale

The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds Said remaining moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Such moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said agency or improvement

district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

Same

SEC. 32. Any bonds issued by the agency are hereby given the same force, value and use as bonds issued by any city and shall be exempt from all taxation within the State of California.

Improvement districts

SEC. 33. Whenever the board of directors deems it necessary to form an improvement district of a portion of the agency for a purpose other than the incurring of bonded indebtedness under Section 29 of this act it shall by resolution so declare and state: (a) the purpose for which the proposed improvement district is to be formed, (b) the estimated expense of carrying out said purpose, (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, (d) that taxes for carrying out said purpose shall be levied exclusively upon the taxable property in said proposed improvement district, (e) that a map showing the exterior boundaries of said proposed improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary of the agency and is available for inspection by any person or persons interested, (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the purpose for which it is to be formed, and the estimated expense of carrying out said purpose and (g) that at said time and place any person interested, including all persons owning property in the agency or in the proposed improvement district will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated therein. Said notice shall also be given by posting a copy of said resolution in three public places within the proposed improvement district for at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing at which hearing any person interested, including all persons owning property in the agency, or in the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution. At the conclusion of the hearing the board shall by resolution determine whether it is necessary to form said improvement district, and, if so, the resolution shall also state the purpose for which the proposed improvement district is to be formed, estimated expense of carrying out said purpose, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency,

which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map, shall thereupon constitute and be known as "Improvement District (A, B, C, or other letter designation) of the San Gorgonio Pass Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the agency pursuant to this section all taxes levied for the carrying out of said purpose shall be levied exclusively upon the taxable property in the improvement district.

A copy of the resolution forming the improvement district shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency, and a copy of said resolution shall also be posted in three public places within the proposed improvement district for at least two weeks. Said resolution shall not be effective until the 31st day after completion of said publication and/or posting If before said effective date a petition signed by not less than 10 percent of the voters of the improvement district requesting that an election be held on the formation thereof is presented to the board of directors, said board shall call a special election in the improvement district for the purpose of submitting the question of the formation of the improvement district to the voters of said improvement district.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code prior to the date of the proposed election, in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the elections shall have otherwise been fairly conducted.

If from such returns it appears that a majority of the votes cast at such election were in favor of the formation of such improvement district, the formation of such improvement district shall be complete.

Any action or proceeding wherein the validity of the formation of the improvement district or of any of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the effective date of the resolution forming such district, or if an election is held, within three months from the date of such election, otherwise the formation of the improvement district and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 34. The board of directors may advance general funds of the agency to accomplish the purposes of an improvement district formed in accordance with Sections 29 or 33 and, if the improvement district is formed under Section 29, may repay the agency from the proceeds of the sale of bonds authorized for such purpose, or if the improvement district is formed under Section 33 may, in the formation of such improvement district, provide that the agency shall be repaid with interest at not to exceed 5 percent from the special taxes levied exclusively upon the taxable property in said improvement district.

Payment of interest on bonds

SEC. 35. Interest on any bonds issued by the agency coming due before the proceeds of a tax levied at the next general tax levy after the sale of said bonds are available, may be paid from the proceeds of the sale of such bonds; provided, that not more than five percent (5%) of the proceeds of any sale of the bonds shall be used for said purpose.

Annexation of land

SEC. 36. Land not a part of the agency whether or not contiguous to it or to other portions added to the agency, and consisting of any portion of the county wherein the agency was formed or of any municipality therein, or of land in any county contiguous to the county wherein the agency was formed or of any municipality therein, may be included within the agency, other than land included in any public district having identity of purpose or substantial identity of purpose, without the prior written consent of such public district, evidenced by a resolution duly adopted by the governing board thereof. Such annexation shall occur in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by voters residing within the boundaries of the area proposed to be annexed equal in number to at least 10 per centum of the number of such voters voting for all candidates for the office of Governor of this State at the last general election prior to the filing of such petition Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to such agency.

The text of such petition shall be published once a week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time at which the same is to be presented to the board of directors of the agency in at least one, but not to exceed three, news-

papers printed and published in such county, together with a notice stating the time of the meeting at which the same will be presented. When contained upon one or more instruments, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated.

Within 10 days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters; and if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

If, by the certificate of the secretary of the agency, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the agency shall, within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the secretary, such petition, or petition as amended, is shown to be sufficient, the secretary shall present the same to the board of directors, without delay.

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

After an election for the annexation of such area to the agency the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Such petition may be granted by ordinance of the board of directors of such agency. In granting such petition, such board of directors may fix in said ordinance the terms and conditions upon which such annexation may occur, and such terms and conditions may provide, among other things, for the levy by such agency of special taxes upon taxable property which such annexed area or areas in addition to the

taxes elsewhere in this act authorized to be levied by such agency, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions, shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. Such terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed. Such terms and conditions also may further provide that the taxable property in the annexed area be subject to taxation to the extent set forth in such terms and conditions for the purpose of the payment of bonds and other obligations of such agency at the time authorized or outstanding. If such petition is granted, the proposition of such annexation subject to the terms and conditions so fixed, shall be submitted to the vote of the voters in the proposed addition, at an election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by publication in a newspaper of general circulation published in the county once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week prior to the date fixed for such election. Such notice shall describe the boundaries of the area or areas so proposed to be annexed and shall designate such territory by some appropriate name, or other words of identification, by which such territory may be referred to and indicated upon the ballot to be used at any election at which the question of such annexation is submitted, as in this act provided. Such notice also shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. The measure so submitted at such election shall be stated on the ballot substantially as follows: "Shall _____ (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to the San Gorgonio Pass Water Agency, subject to the terms and conditions fixed by the board of directors of said agency?" At the right of such proposition there shall be printed the words "Yes" and "No" with voting squares. The board of directors shall canvass the votes cast at such election and if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State and to the county recorder of the county in which such agency is located. Upon receipt of such last-mentioned certificate, the Secretary of State shall within 10 days, issue his certificate, reciting the passage of said ordinance and the addition of said area or areas to said agency. A copy of said certificate shall be transmitted to, and filed with the county clerk of the county in which such agency is situated. From and

after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, said agency, and the taxable property therein shall be subject to taxation thereafter for the purposes of said agency, and the board of directors of such agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Uninhabited territory

SEC. 37. Uninhabited territory within a county in which the agency is situated, other than territory included in any public district having identity of purpose or substantial identity of purpose, without the prior written consent of such public district, evidenced by a resolution duly adopted by the governing board thereof, may be added to such agency pursuant to the provisions of this section. For the purposes hereof, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for annexation or the initiation of proceedings by resolution of the board. Such uninhabited territory, whether consisting of unincorporated territory or of incorporated territory or of both such unincorporated and incorporated territory, may consist of one or more parcels, which need not be contiguous one with the other or with the agency.

Proceedings for the annexation of uninhabited territory to the agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by the owners of not less than one-fourth of the land in such territory by area and by assessed value as shown on the last equalized assessment roll of the county in which such territory is situated. A guardian, executor, administrator, or other person holding property in a trust capacity under appointment of court, may sign any petition or protest provided for in this section, when authorized by the proper court, which authorization may be made without notice. The last equalized assessment roll of said county is prima facie evidence of the ownership of the land or lands lying within such territory proposed to be annexed. Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to such agency pursuant to the provisions of this section.

The secretary shall present such petition to the board of directors of the agency at its next meeting, and said board, without delay, shall pass a resolution giving notice of the proposed annexation. Said resolution shall state that such petition has been filed, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the annexation of such territory, or to the annexation of such territory upon such terms and

conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

The board of directors of the agency by resolution may initiate proceedings for the annexation of uninhabited territory to such agency. Such resolution shall declare that proceedings have been initiated by the board of directors under the provisions of this section, shall state the reason for proposing such annexation, shall set forth and describe the boundaries of the territory proposed to be annexed, shall contain the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the annexation of such territory, or the annexation of such territory upon such terms and conditions, as the case may be, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Said hearing shall be commenced not less than 20 nor more than 40 days after the passage of the resolution of the board of directors The secretary of the agency shall cause the text of the resolution to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers printed and published in the agency, and at least 30 days before such hearing shall mail notice thereof to the owners of land in the territory proposed to be annexed according to the records of the county assessor of the county in which such territory is situated, addressed to such owners at the addresses shown upon the records of such county assessor.

After the date of issuance by the Secretary of State of his certificate reciting the passage of the ordinance approving the annexation and the addition of the uninhabited territory to the agency, the sufficiency of the petition or resolution shall not be subject to judicial review or be otherwise questioned.

At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be annexed may file with the secretary of the agency written protest against the annexation, or against the annexation upon the terms and conditions specified in the resolution as the case may be. The protest shall state the name of the owner of the property affected, and the description and area of such property in general terms At the hearing, which may be adjourned from time to time, the board of directors shall hear and pass upon all protests so filed. If such protests are so filed by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If such protest is not made, the ordinance approving such annexation shall set forth and describe the boundaries of the territory so an-

nexed and the terms and conditions of annexation, if any, prescribed by the board as hereinafter authorized. If the board of directors disapproves the annexation, or the annexation subject to such terms and conditions, as the case may be, a new proceeding to annex any of the same territory shall not be initiated under this section for a period of 12 months from the effective date of the ordinance.

The board of directors may approve the annexation of such territory upon terms and conditions fixed by the board in the manner hereinafter provided. Such terms and conditions may provide, among other things, for the levy by such agency of special taxes upon taxable property within such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by such agency, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions, shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. Such terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed. Such terms and conditions also may further provide that the taxable property in the annexed area be subject to taxation to the extent set forth in such terms and conditions for the purpose of the payment of bonds and other obligations of such agency at the time authorized or outstanding. The board shall propose such terms and conditions either in the resolution adopted subsequent to the filing of a petition for annexation or in the resolution initiating the proceedings, as the case may be, or in a resolution adopted by the board at the hearing. Terms and conditions proposed in a prior resolution may be amended and the amended terms and conditions proposed in a resolution adopted by the board at the hearing. If such terms and conditions or amended terms and conditions, are proposed by the board in a resolution adopted at the hearing, the board shall adjourn the hearing for not less than 20 nor more than 40 days, to a time and place to be fixed in such resolution, and said resolution shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the adjourned hearing, written protest to the annexation of such territory upon such terms and conditions. The secretary of the agency shall cause the text of the resolution to be published for the time and in the manner required for publication of the resolution giving notice of the original hearing. If prior to the hour set for the adjourned hearing, written protests, in the form hereinabove prescribed, to the annexation of such territory subject to such terms and conditions, are filed with the secretary of the agency by the owners of one-half of the value of said territory as shown by the last equalized assessment role of the county,

further proceedings shall not be taken. If such protest is not made the board of directors shall by ordinance approve or disapprove the annexation. If approved, such annexation shall be subject to the terms and conditions, or amended terms and conditions, so proposed by resolution of the board, which terms and conditions shall be set forth in the ordinance.

When an ordinance approving annexation of uninhabited territory becomes effective, the president and secretary of the board of directors shall file with the Secretary of State a certified copy of the ordinance. Upon receipt of the certified copy of the ordinance, the Secretary of State shall, within 10 days issue his certificate reciting the passage of said ordinance and the addition of said area or areas to said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county in which such agency is situated. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of said agency, and the taxable property therein shall be subject to taxation thereafter for the purposes of said agency, and the board of directors of such agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Notwithstanding the eligibility of any territory for annexation to the agency pursuant to the provisions of this section, the procedure herein prescribed shall not be deemed exclusive and such territory may be annexed to such agency as a separate parcel, or as part of a larger parcel, of territory annexed under the provisions of Section 36 of this act.

Exclusion of territory from the agency

SEC. 38. Territory included within the agency may be excluded from such agency. Such territory may consist of one or more parcels, which need not be contiguous one with the other.

Proceedings for the exclusion of territory from the agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by voters residing within the boundaries of the area proposed to be excluded equal in number to at least ten (10) per centum of the number of such voters voting for all candidates for the office of Governor of this State at the last general election prior to the filing of such petition; provided, that where one or more cities, or parts thereof, are included in the areas so proposed to be excluded, such petition must be signed by at least ten (10) per centum of the voters of each such city, or part thereof, so voting at such election. Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion and shall contain a prayer that such area be excluded from the agency.

Within ten (10) days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters; and if requested by the secretary of the agency, the board of directors shall authorize him to employ

persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

If, by the certificate of the secretary of the agency, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within ten (10) days of the date of such certificate. The secretary of the agency shall, within ten (10) days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the secretary, such petition, or petition as amended is shown to be sufficient, the secretary shall present the same to the board of directors without delay.

The text of such petition shall be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time at which the same is to be presented to the board of directors of the agency in at least one, but not to exceed three, newspapers printed and published in such agency, together with a notice stating the time of the meeting at which the same will be presented When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

After an election for the exclusion of such area from the agency the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

The board of directors of the agency, by resolution, may initiate proceedings for the exclusion of territory from such agency. Such resolution shall describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, shall require all persons interested in the proposed exclusion to appear before the board and be heard as to why said area should not be so excluded, shall fix

the time of the meeting of the board at which persons so interested will be heard, and shall direct the secretary of the agency to give notice thereof. The secretary whereupon shall cause the text of said resolution and a notice of the time and place of said hearing to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers printed and published in the agency.

After an election for the exclusion of such area from the agency the sufficiency of such resolution shall not be subject to judicial review or be otherwise questioned.

If the proceedings for exclusion have been initiated by petition, such petition may be granted by ordinance of the board of directors of such agency. If such proceedings have been initiated by resolution, the board of directors shall hear all persons interested in the proposed exclusion who appear at the hearing, which may be adjourned from time to time, and after the conclusion of the hearing, the board may determine by ordinance that such area should be excluded from the agency. If such petition is granted or if such determination is made, the proposition of such exclusion shall be submitted to the vote of the voters within the area proposed to be excluded, at an election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by publication in a newspaper of general circulation published in the agency once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week, prior to the date fixed for such election. Such notice shall describe the boundaries of the area so proposed to be excluded and shall designate such area by some appropriate name, or other words of identification, by which such area may be referred to and indicated upon the ballot to be used at any election at which the question of such exclusion is submitted, as in this act provided. The measure so submitted at such election shall be stated on the ballot substantially as follows:

"Shall _____ (giving the name or other designation of the area proposed to be excluded, as stated in the notice of the election) be excluded from the San Gorgonio Pass Water Agency?"

At the right of such proposition there shall be printed the words "Yes" and "No" with voting squares. The board of directors shall canvass the votes cast at such election and if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State. Upon receipt of such last-mentioned certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area from said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county

or counties in which the agency is situated. From and after the date of such certificate, the area named therein shall be deemed excluded from, and shall no longer form a part of, said agency, but the taxable property within such excluded area shall continue taxable by the agency for the purpose of paying the bonded or other indebtedness of the agency outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred.

Exclusion of uninhabited territory

SEC. 39. Uninhabited territory included within the agency may be excluded from such agency pursuant to the provisions of this section. For the purposes hereof, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for exclusion or the initiation of proceedings by resolution of the board. Where any part of the corporate area of any city is included in the territory proposed to be excluded from the agency, the whole of the corporate area of such city, or a part thereof, then included within such agency shall be included in the territory so proposed to be excluded from such agency. Such uninhabited territory may consist of one or more parcels, which need not be contiguous one with the other.

Proceedings for the exclusion of uninhabited territory from the agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by the owners of not less than one-fourth of the land in such territory by area and by assessed value as shown on the last equalized assessment roll of the county or counties in which such territory is situated. A guardian, executor, administrator, or any person holding property in a trust capacity under appointment of court, may sign any petition or protest provided for in this section, when authorized by the proper court, which authorization may be made without notice. The last equalized assessment roll of said county is prima facie evidence of the ownership of the land or lands lying within such territory proposed to be excluded. Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, and shall contain a prayer that such area be excluded from the agency pursuant to the provisions of this section.

The secretary shall present such petition to the board of directors of the agency at its next meeting, and said board, without delay, shall pass a resolution giving notice of the proposed exclusion. Said resolution shall state that said petition has been filed, shall set forth and describe the boundaries of the territory proposed to be excluded, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the exclusion of such

territory, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

The board of directors of the agency by resolution may initiate proceedings for the exclusion of uninhabited territory from such agency. Such resolution shall declare that proceedings have been initiated by the board of directors under the provisions of this section, shall state the reason for proposing such exclusion, shall set forth and describe the boundaries of the territory proposed to be excluded, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the exclusion of such territory, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Said hearings shall be commenced not less than 20 nor more than 40 days after the passage of the resolution of the board of directors. The secretary of the agency shall cause the text of the resolution to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers published in the agency.

After the date of issuance by the Secretary of State of his certificate reciting the passage of the ordinance approving the exclusion and the exclusion of the uninhabited territory from the agency, the sufficiency of the petition or resolution shall not be subject to judicial review or be otherwise questioned

At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be excluded may file with the secretary of the agency written protest against the exclusion. The protest shall state the name of the owner of the property affected, and the description and area of such property in general terms. At the hearing, which may be adjourned from time to time, the board of directors shall hear and pass upon all protests so filed. If such protests are so filed by the owners of one-half of the value of the territory proposed to be excluded as shown by the last equalized assessment roll of the county or counties, further proceedings shall not be taken. If such protest is not made, the board of directors shall approve or disapprove the exclusion by ordinance. Any ordinance approving such exclusion shall set forth and describe the boundaries of the territory so excluded. If the board of directors disapproves the exclusion, a new proceeding to exclude any of the same territory shall not be initiated under this section for a period of 12 months from the effective date of the ordinance.

When an ordinance approving exclusion of uninhabited territory becomes effective, the president and secretary of the board of directors shall file with the Secretary of State a certified copy of the ordinance. Upon receipt of the certified copy of the ordinance, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance

and the exclusion of said area or areas from said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerks of the counties in which the agency is situated. From and after the date of such certificate, the area or areas named therein shall be deemed excluded from, and shall no longer form a part of, said agency, but the taxable property within such excluded area or areas shall continue taxable by such agency for the purpose of paying the bonded or other indebtedness of the agency outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred.

Notwithstanding the eligibility of any territory for exclusion from the agency pursuant to the provisions of this section, the procedure herein prescribed shall not be deemed exclusive and such territory may be excluded from such agency as a separate parcel, or as part of a larger parcel, of territory excluded under the provisions of Section 38 of this act.

Direct legislation

SEC. 40. Ordinances may be passed by the voters of the agency organized under the provisions of this act in accordance with the methods provided by the Elections Code for direct legislation in cities.

Veto of ordinances

SEC. 41. Ordinances may be disapproved and thereby vetoed by the voters of this agency by proceeding in accordance with the methods provided by the Elections Code for protesting against legislation in cities.

Disorganization

SEC. 42. The San Gorgonio Pass Water Agency organized under the terms of this act may be disorganized or disincorporated in the following manner:

A petition shall be filed with the county clerk of the principal county in which such agency is located, signed by at least 25 percent of the voters of the area included in the agency who voted at the last gubernatorial election, praying for the disorganization and disincorporation of such agency and briefly stating the reasons therefor. Upon the filing of such petition the county clerk shall examine the same within 10 days and ascertain whether or not said petition is signed by the requisite number of voters. When the said county clerk has completed his examination of the petition he shall attach to the same his certificate properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of voters residing within the boundaries of the agency, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be. If the same is found to be insufficient by him, supplemental petitions may be filed at the time and in the manner and for the same purpose as supplemental petitions to the original petition for the incorporation of the agency. After an election for the disincorporation of the agency hereunder the sufficiency of such petition in any

respect shall not be subject to judicial review or be otherwise questioned.

If by the certificate of the county clerk such petition, or such petition as amended or supplemented, is shown to be sufficient, the county clerk shall present the same to the board of supervisors without delay. When such petition is presented by the county clerk as aforesaid, the board of supervisors shall give notice of an election to be held in said agency for the purpose of determining whether or not the same shall be disincorporated and dissolved; provided, however, that in the event the said agency shall have issued bonds, the board of supervisors shall not consider said petition or take any action hereunder until evidence shall be furnished showing said bonds to have been fully satisfied. Said notice of election shall be published in a newspaper published in said agency and determined by said board most likely to give notice to those interested in said hearing, at least once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week prior to the date fixed for the election; said notice shall state that the question of disincorporating said corporation shall be submitted to the voters of said agency at the time appointed for such election, and voters shall be invited thereby to vote upon such proposition by placing upon their ballots the cross as provided by law after the words "For Disincorporation" or "Against Disincorporation." The board of supervisors shall cause a copy of said notice to be mailed by the clerk of said board to each of the directors of said agency, within five days after the date of the first publication thereof, and no election shall be had until proof of such mailing is furnished by affidavit of the clerk of said board. Such election shall be held and conducted in the same manner as the election on the organization of said agency, as nearly as practicable. Within seven days after the date of said election, the board of supervisors shall proceed to canvass the vote cast thereat; if it be found by the canvass of said votes that less than a majority of the votes cast were in favor of disincorporation, said board of supervisors shall declare the petition for disincorporation is denied. In case it shall appear from said canvass that a majority of all the votes cast were in favor of disincorporation, said board of supervisors shall make and cause to be entered upon the records of their proceedings an order that the petition for such disincorporation be granted, and declaring that the San Gorgonio Pass Water Agency be disincorporated; said order to take effect at the time hereinafter provided. Said board of supervisors shall in case said agency is so disincorporated, forthwith cause its clerk, or other officer performing the duties of clerk, to make and transmit to the Secretary of State a certified copy of the notice of election hereinbefore provided for, and a statement of the number of voters voting for said disincorporation and the number of voters voting against said disincorporation. Twenty days from and after the holding of the election, in case a majority of

said votes were cast in favor of said disincorporation, said agency shall be forever disincorporated.

Same

SEC. 43. Upon disincorporation of the agency in the manner hereinbefore provided for, the board of supervisors of the principal county shall forthwith, after ascertaining by said canvass that the disincorporation has been carried, determine the amount of the indebtedness of said agency, the amount of money in the treasury thereof and all indebtedness due or coming due the said agency, and the directors of said agency shall furnish the said board of supervisors with a statement showing said amount of indebtedness, the same amount of money in the treasury and all indebtedness due or coming due said agency, and said agency shall before the expiration of 30 days turn over to the treasury of said county all moneys of said agency in his possession, and said county treasurer shall place said money in a special fund to be drawn upon as hereinafter provided for. Upon the disincorporation of said agency every public officer of said agency shall immediately turn over to the board of supervisors of the principal county in which said agency is situated, all public property of every nature and description in their possession, and including all public records and data of every nature and description. Nothing contained in this act shall be held to relieve said agency, or the territory included within it, from any liability or any debt contracted by said agency prior to its disincorporation. All warrants for said indebtedness shall be drawn on order of said board of supervisors of the county, on the fund hereinabove provided for in the county treasury of the principal county. All moneys paid into the county treasury under the provisions of this act shall be placed in the special fund hereinbefore provided for. If at any time after the disincorporation of said agency it shall be found that there is not sufficient money in the treasury to the credit of the fund hereinbefore provided, with which to pay any indebtedness of said agency, said board of supervisors shall have the power, and it shall be their duty, to levy upon, and there shall be collected from, the property within the territory formerly included within said agency subject to taxation for the indebtedness, a tax or taxes sufficient in amount to pay the said indebtedness as the same shall become due; such tax or taxes, assessments and collections shall be made in the same manner and at the same time that other taxes of the county are levied and collected, and they shall be an additional tax within said territory for the payment of said debts. If after payment of all debts of said agency there shall remain any surplus in the hands of said county treasurer to the credit of the fund hereinbefore mentioned, the board of supervisors shall appropriate said surplus and declare a dividend pro rata to the taxpayers of said agency duly paid, and said taxpayers shall have the right to have the amount of such pro rata dividends refunded to them on demand, and the said board of supervisors shall refund such pro rata to said taxpayers and each thereof. The board of supervisors of the principal county in which said

agency has been disincorporated, shall have the power and it shall be the duty of said board, if the board of directors of such agency shall fail or refuse to return to said board the statement of said amounts as hereinbefore in this act provided, to ascertain the indebtedness, other than the bonded indebtedness, of said agency at the time of its disincorporation, the amount of money in its treasury and the amount due it at the said time; said board of supervisors shall make provision for the collection of the amounts due to said agency for the closing up of its affairs, and any act or acts necessary for said purposes not otherwise herein provided for, shall upon the order of said board of supervisors directing the same, be as fully done and performed and with as full effect as if the same had been performed by the proper officers of said agency before disincorporation, and said county shall succeed to and possess all the right of said agency in and to said indebtedness, and shall have the power to sue for or otherwise collect any such debts in the name of said county, and all costs and expenses of ascertaining the facts hereinbefore mentioned, and all other costs and expenses incurred by the board of supervisors in the execution of the orders and duties of said board of supervisors provided for in this act, shall be paid out of the special fund in this act provided for.

It is the intention that the agency shall not be disincorporated until all bonded indebtedness shall have been fully paid, and by the word "indebtedness" as used herein is meant all indebtedness other than said bonded indebtedness unless the latter is expressly used.

Informality

SEC. 44. No informality in any proceeding or informality in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the annexation of territory to, or exclusion of territory from, or the disincorporation of, the agency. Any action or proceeding, wherein the validity of such annexation or exclusion or disincorporation is denied or questioned, shall be commenced within three months from the date of the certificate of annexation or of exclusion issued by the Secretary of State, or from the date of the order of the board of supervisors declaring the disincorporation, as the case may be; otherwise, said annexation or exclusion or disincorporation, and all proceedings in respect thereto, shall be held to be valid and in every respect legal and incontestable.

Construction of Act

SEC. 45. Nothing in this act shall be so construed as repealing or in anywise modifying the provisions of any other act relating to water or the supply of water to, or the acquisition thereof, by cities within this State. The term "city," as used in this act, shall mean and include any city or incorporated town, whether organized or functioning under a freeholders' charter or under the provisions of general laws. The word "agency" shall apply, unless otherwise expressed or used, to the San Gorgonio Pass Water Agency formed under the provisions of this act, and the word "board" and the words "board

of directors" shall apply to the board of directors of such agency. The meaning of the term "voter," as used in this act, shall be ascertained by reference to Section 21 of the Elections Code.

Registrar of voters

SEC. 46. If there shall be a registrar of voters, other than the county clerk, in the principal county in which the agency is hereby incorporated, or incorporated, under the provisions of this act, is situated, the duties required by this act to be performed by the county clerk respecting the nomination of candidates for offices of such water agency and the holding of elections in such agency, shall be performed by such registrar of voters.

Land in other counties

SEC. 47. The agency formed hereunder may contain lands situate in more than one county and this agency may annex lands situate in another county or counties. In either such case the lands need not be contiguous. The procedure relating to formation, annexation, disorganization, disincorporation, exclusion, fiscal matters and taxation shall conform as near as may be to such provisions with respect to agencies containing lands located in one county, subject to the following provisions:

Annexation procedure

(a) The secretary of the board of directors of the San Gorgonio Pass Water Agency containing land in more than one county shall perform all duties prescribed by law to be performed by county clerks or registrars of voters, as the case may be, in connection with agency elections and such duties of county clerks as are required by this act which relate to annexation, disorganization, disincorporation and exclusion, and, where necessary such secretary is authorized to procure from the proper county officials all requisite registration books and copies of indexes thereof; all papers required by this act to be filed with a county clerk shall be filed with said secretary and the board of directors shall perform all duties prescribed by law to be performed by boards of supervisors in connection with agency elections and such duties as are required by this act which relate to annexation, disorganization, disincorporation and exclusion of territory.

(b) Immediately after equalization and not later than the 15th day of August of each year, it shall be the duty of the auditor of each county wherein such agency or any part thereof shall lie, to prepare and deliver to the secretary of the agency or such other officer thereof as may be designated by the board of directors therefor a certificate showing the assessed valuation of all property within the agency lying within the county. Thereafter, the board of directors shall make the certification and statement, and issue the directions, as required by Section 27 of this act. After collection of taxes by the proper county officers at the rate specified, such officers shall pay the moneys received therefrom to the agency.

Whenever an improvement district within the San Gorgonio Pass Water Agency is itself located in two or more counties, the method and procedure for the apportionment of agency

taxes between counties shall apply to such improvement district.

(c) Whenever provision is made in this act for notice within a county, it shall be construed to require notice within each county in which agency lands are located.

(d) "Principal county" as used in this section means the county in which the greater portion of land of the San Gorgonio Pass Water Agency is located.

Conflicting acts

SEC. 48. All acts and parts of acts in conflict herewith are hereby repealed. If any section, subsection, sentence, clause or phrase of this act or the application thereof to any person or circumstance is for any reason held invalid the validity of the remainder of the act or the application of such provision to other persons or circumstances shall not be affected thereby.

Severability

The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

Existing public agencies

SEC. 49. The inclusion in, or annexation or addition to this agency, of the corporate area of any public corporation or public agency shall not destroy the identity or legal existence or impair the powers of any such public corporation or public agency, notwithstanding the identity of purpose, or substantial identity of purpose of this agency. No public corporation or public agency having identity of purpose or substantial identity of purpose shall be formed partly or entirely within this agency, whether by incorporation or annexation, without the consent of the board of directors of this agency.

CHAPTER 1436

An act to amend Section 261 of the Revenue and Taxation Code, relating to the veterans' tax exemption.

In effect September 15, 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Section 261 of the Revenue and Taxation Code is amended to read:

261. (a) Except as otherwise provided in subdivision (b), as a prerequisite to the allowance of either the veterans' or welfare exemption with respect to taxes on real property, the interest of the claimant in the property must be of record on the lien date in the office of the recorder of the county in which the property is located. Failure of the claimant to establish the fact of such recordation to the assessor constitutes a waiver of the exemption.

(b) A claimant for the veterans' exemption who on the lien date has an interest in real property consisting of an un-

recorded contract of sale may in lieu of the recordation pursuant to subdivision (a) furnish or show the contract to the assessor and file an affidavit with the assessor stating all of the following:

(1) That he purchased the real property pursuant to such unrecorded contract of sale.

(2) That under such unrecorded contract of sale he is obligated and responsible for the payment of the taxes.

CHAPTER 1437

An act to add Section 160 to the Business and Professions Code, relating to the Department of Professional and Vocational Standards.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.] In effect September 15, 1961

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

SECTION 1. Section 160 is added to the Business and Professions Code, to read:

160. Investigators and inspectors of the Division of Investigation of the department shall have the authority of peace officers while engaged in the enforcement of those statutes, including the chiropractic initiative act, with respect to whose enforcement investigators and inspectors of particular boards in the department were vested with the authority of peace officers by the law in effect on the effective date of this section.

CHAPTER 1438

An act to amend Section 13271 of the Education Code, relating to exchange teacher agreements.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.] In effect September 15, 1961

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

SECTION 1. Section 13271 of the Education Code is amended to read:

13271. The governing board of any school district, subject to the rules and regulations prescribed by the State Board of Education, and notwithstanding anything to the contrary in Article 2 of Chapter 2 of Part 7 of Division 2 of the Labor Code may enter into an agreement with the proper authorities of any foreign country, or of any state, territory, or possession of the United States, or other district within the State, for the exchange and employment of regularly credentialed employees and employees of public schools of any foreign country, state,

territory, or possession, or other district within this State. Any certificated person so employed as provided in this section shall be known as an "exchange employee." No exchange shall be made without the consent of the employee to be exchanged.

Due consideration shall be given to the general qualifications and professional status of the exchange employee as compared to the general qualifications and professional status of the employee for whom exchanged. However, it shall not be a requirement that each exchange employee be a teacher of the same subject or grade, or both, as the employee for whom exchanged.

No person may be employed as an exchange employee by a school district in the State unless he holds the necessary valid credential or credentials issued by the State Board of Education authorizing him to serve as a teacher or administrator in the school district proposing to employ him for a period not to exceed one year, except that, by unanimous consent of the governing board, and of the certificated employees concerned, this period may be extended to two years. The State Board of Education may establish minimum standards for the credentials for exchange certificated employees.

CHAPTER 1439

An act to amend Section 28146 of the Government Code, relating to compensation for public service in counties.

In effect September 15, 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Section 28146 of the Government Code is amended to read:

28146. In a county of the 46th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, three thousand three hundred dollars ($3,300) a year in lieu of all fees and commissions. In the event the board of supervisors separates the offices of clerk and auditor, the auditor shall receive for his services, six thousand eight hundred dollars ($6,800) a year.

(b) The district attorney, five thousand dollars ($5,000) a year.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year for his services as supervisor, and ten cents ($0.10) a mile when traveling while engaged in official business in the county. He shall not receive more than seven hundred dollars ($700) in any one year for mileage as supervisor.

(d) For attending as grand juror or as trial juror, each such juror shall receive such fees and mileage as are now or may hereafter be allowed by law.

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

CHAPTER 1440

An act to amend Sections 18171.1 and 18191 of, and to add Sections 18192 and 18193 to, the Streets and Highways Code, relating to street lighting.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 18171.1 of the Streets and Highways Code is amended to read:

Contract

18171.1. The contract shall require that the improvement be made, and the improvement shall be made, strictly in accordance with the plans and specifications contained in the report provided for in Chapter 3.

The contract for service shall be for a period not less than three years from and after the date electric energy and service is first delivered to the lighting district pursuant to such contract and shall be extended automatically thereafter for successive terms of one year each; provided, that the agreement may be terminated by either party upon not less than sixty (60) days' written notice prior to the expiration date of the original term or any extended term; and provided further, that the contract for service may be for a period of less than three years by mutual consent of the city council and the contractor.

SEC. 2 Section 18191 of said code is amended to read:

Abandonment by city

18191. The city council may adopt a resolution declaring its intention to abandon an assessment district or any portion thereof, describing the area to be abandoned and appointing a time and place for hearing as provided in Section 18070. Such resolution may be adopted at any time prior to the awarding of any contract for making the improvement but no such resolution which would otherwise be effective after the award of such contract and prior to its date of termination as contemplated in Section 18171.1 shall be adopted without the prior receipt by the city council of the written consent of the contractor. Notice of the adoption of the resolution shall be posted and published, protests may be filed, and the hearing shall be held as provided in Chapter 5 (commencing with Section 18070) of this division. If there is a protest to such abandonment made by the owners of more than one-half the area of the land subject to assessment in such area to be abandoned, the city council shall forthwith cease such abandonment proceedings unless that body, by a four-fifths affirmative vote of all its members finds that the public interest and convenience require such abandonment.

SEC. 3. Section 18192 is added to said code, to read:

Reinstatement of abandoned assessment district

18192. The city council may reinstitute any such abandoned assessment district or abandoned portion of such assessment district as a separate district, either concurrently with or following proceedings for abandonment in the same manner as provided in this division for the establishment of the district initially. In the event that the abandonment and reinstatement proceedings are concurrent, the resolution of intention to abandon shall recite such fact.

SEC. 4. Section 18193 is added to said code, to read:

Unused moneys

18193 Upon such entire or partial abandonment, all money collected for any improvements which have not been made, which money has not been paid therefor, shall be repaid to the owners of the parcels in the abandoned portion as shown on the last equalized assessment roll preceding the date of partial abandonment; provided, however, that if a district is reinstated concurrently with a partial abandonment, such money shall not be repaid but shall be credited against the cost of the improvements of the reinstated district.

CHAPTER 1441

An act to provide relief from filing deadlines to certain local agencies, and for that purpose to add Section 54908 to the Government Code, relating to the filing of statements and maps and plats for special assessment and tax purposes, and to add Section 24.1 to Chapter 47 of the Statutes of 1944 (Second Extraordinary Session), relating to applications for an extension of time for local agencies to begin to use certain sites, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Section 54908 is added to the Government Code, to read:

Filing of statement and map: Certain water districts

54908. Notwithstanding Sections 54902 and 54903, any water district organized in 1960 pursuant to the "County Water District Law" (Division 12 (commencing with Section 30000) of the Water Code) may file the statement and map or plat required by Section 54900 on or before May 1, 1961.

SEC. 2. Section 24.1 is added to Chapter 47 of the Statutes of 1944 (Second Extraordinary Session), to read:

Application for extension of time: Certain local agencies

Sec. 24.1. Any local agency, with a population of less than 10,000, which failed to file a timely application for an extension of the time in which it could begin to use a site for which the State has advanced pursuant to this act not more than one thousand nine hundred dollars ($1,900), may file an applica-

tion for an extension of time on or before November 1, 1961. The board may grant an extension to any such applicant as to which the time for beginning to use a site expired between January 1, 1961, and April 1, 1961.

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

A question has arisen as to the validity of any tax or special assessment that may be levied for the 1961-1962 fiscal year in a water district that was formed in 1960 pursuant to the "County Water District Law." Those directly concerned have been reasonably unaware that as a result of organization, a statement and map or plat was required to be filed with the county assessor and the State Board of Equalization as a condition to levying taxes for district purposes for the fiscal year 1961-1962.

Unless such failure to file the statement and map or plat is corrected in accordance with this act, the newly formed water district will be without power to levy taxes or special assessments in the area affected and services in such area will be jeopardized or seriously curtailed.

A question has also arisen as to the power of the State Allocation Board to grant an extension of time to certain local agencies which have been advanced funds for the acquisition of sites where the local agencies have not filed a timely application for an extension. In order that these local agencies do not lose the opportunity of completing necessary public works, and in order to accomplish all of the purposes of Chapter 47 of the Statutes of 1944 (Second Extraordinary Session), it is necessary that the relief provided by Section 2 of this act take effect immediately.

CHAPTER 1442

An act relating to the responsibilities and duties of the Department of Justice.

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961]

In effect September 15, 1961

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

SECTION 1. The Legislature declares that it shall be the responsibility of the Department of Justice to maintain a continuing investigation on a statewide basis of investment frauds and business crimes and to assist district attorneys of the various counties in the prosecution thereof.

CHAPTER 1443

An act to add Section 13539 to the Government Code, relating to the State Printing Office, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Section 13539 is added to the Government Code, to read:

13539. Whenever the State Printing Office is not equipped to fill an order for printing or other work, the State Printer shall so notify the state agency or agencies submitting the order and the state agency or agencies shall then make purchases of such printing or other work directly through the Purchasing Division of the department.

Urgency

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

Requiring purchases of printing or other work which the State Printing Office is not equipped to provide to be made directly through the Purchasing Division of the Department of Finance instead of by the State Printing Office will result in substantial economic savings to the State. In order that the maximum savings shall accrue to the State, it is necessary that this act take effect immediately.

CHAPTER 1444

An act to amend Sections 1070, 3774, and 4112 of the Public Utilities Code, relating to highway and city carriers.

In effect September 15, 1961

[Approved by Governor July 10, 1961. Filed with Secretary of State July 12, 1961.]

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

SECTION 1. Section 1070 of the Public Utilities Code is amended to read:

Suspension of operating right

1070. The commission may at any time for a good cause suspend, and upon notice to the holder of an operating right acquired by virtue of operations conducted on July 26, 1917, or to the grantee of any certificate, and opportunity to be heard, revoke, alter, or amend any such operative right or certificate.

Fine

As an alternative to the suspension, revocation, alteration, or amendment of an operating right or certificate, the commission may impose upon the holder of such operating right

or certificate a fine of not exceeding five thousand dollars ($5,000). All fines collected shall be deposited at least once each month in the State Treasury to the credit of the General Fund.

SEC. 2. Section 3774 of said code is amended to read:

Grounds

3774. The commission may cancel, revoke, or suspend the operating permit or permits of any highway carrier upon any of the following grounds:

(a) Any illegally conducted highway carrier operations.

(b) The violation of any of the provisions of this chapter, or of any operating permit issued thereunder.

(c) The violation of any order, decision, rule, regulation, direction, demand, or requirement established by the commission pursuant to this chapter.

(d) The conviction of the highway carrier of any misdemeanor under this chapter.

(e) The rendition of a judgment against the highway carrier for any penalty imposed under this chapter.

(f) The failure of a highway carrier to pay any fee imposed upon the carrier within the time required by law.

As an alternative to the cancellation, revocation, or suspension of an operating permit or permits, the commission may impose upon the holder of such permit or permits a fine of not exceeding five thousand dollars ($5,000). All fines collected shall be deposited at least once each month in the State Treasury to the credit of the General Fund.

SEC. 3. Section 4112 of said code is amended to read:

Same

4112. The commission may cancel, revoke, or suspend the operating permit or permits of any carrier upon any of the following grounds.

(a) Any illegally conducted highway carrier operations.

(b) The violation of any of the provisions of this chapter, or of any operating permit issued thereunder.

(c) The violation of any order, decision, rule, regulation, direction, demand, or requirement established by the commission pursuant to this chapter.

(d) The conviction of the carrier of any misdemeanor under this chapter.

(e) The rendition of a judgment for any penalty imposed under this chapter.

(f) The failure of a carrier to pay any fee imposed upon the carrier within the time required by law.

As an alternative to the cancellation, revocation, or suspension of an operating permit or permits, the commission may impose upon the holder of such permit or permits a fine of not exceeding five thousand dollars ($5,000). All fines collected shall be deposited at least once each month in the State Treasury to the credit of the General Fund.

CHAPTER 1445

An act to repeal Section 6515.5 of, and to add Sections 6407, 6515.1, 6515.2, 6515.3, and 6515.5 to, the Health and Safety Code, relating to sanitary districts.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

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

Repeal

SECTION 1. Section 6515.5 of the Health and Safety Code is repealed.

SEC. 2. Section 6407 is added to said code, to read:

"District project"

6407. "District project," as used in this part, means any construction, reconstruction, alteration, enlargement, renewal, or replacement work which the district is authorized to do by Section 6512, including, but not limited to, the furnishing of supplies or materials for any such work.

SEC. 3. Section 6515.1 is added to said code, to read:

Bids

6515.1. When the expenditure required for a district project exceeds two thousand five hundred dollars ($2,500), it shall be contracted for and let to the lowest responsible bidder after notice, subject to the provisions of Section 6515.3.

SEC. 4. Section 6515.2 is added to said code, to read:

Invitation for bids Notice

6515.2. The notice inviting bids shall set a date for the opening of bids. The first publication or posting of the notice shall be at least 10 days before the date of opening the bids. Notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation, printed and published in the district, or if there is none, it shall be posted in at least three public places in the district that have been designated by resolution as the places for posting public notices. The notice shall distinctly state the project to be done.

SEC. 5. Section 6515.3 is added to said code, to read:

Rejection of bids

6515.3. In its discretion, the district board may reject any bids presented and readvertise. If two or more bids are the same and the lowest, the district board may accept the one it chooses. If no bids are received the district board may have the project done without further complying with this chapter.

SEC. 6. Section 6515.5 is added to said code, to read:

Great public calamity

6515.5. If there is a great public calamity, as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, the district board may pass a resolution by a four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of district funds to safeguard life, health, or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with this chapter.

CHAPTER 1446

An act to amend Section 28125 of the Government Code, relating to compensation for public employment in counties of the 25th class.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 28125 of the Government Code is amended to read:

28125. In a county of the 25th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand dollars ($10,000) a year.

(b) The district attorney, thirteen thousand two hundred dollars ($13,200) a year. He shall not engage in the private practice of law.

(c) Each member of the board of supervisors, six thousand dollars ($6,000) a year. Each supervisor shall also be furnished with necessary transportation while engaged in the business of the county. Whenever it is necessary for any supervisor to leave the county for the purpose of performing any of his duties, he shall be allowed his actual expenses.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for each day's attendance, and ten cents ($0.10) for each mile actually and necessarily traveled from their residence to the county seat, in going only, to be allowed but once during each session the jurors are required to attend.

Any officer entitled to receive mileage for distances traveled by him in the discharge of his official duties shall receive mileage at the rate of five cents ($0.05) in a mile traveled.

The salaries and fees provided in this section are in full compensation for all services of every kind and description rendered by the officers named, either as officers or ex officio officers, their deputies and assistants. All fees, commissions, per diem, and expenses provided for by law, and all other money coming into the hands of the officers mentioned, no matter from what source derived or received, shall be the property of the county, and shall be paid into the county treasury by such officers at the same time and in the same manner that other money is required by law to be paid into the county treasury, except, that the district attorney is expressly exempted from this provision, and shall receive the salaries, fees, and commissions, provided by law.

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

SEC. 2. The increase in the compensation of the district attorney authorized in Section 28125 shall become operative January 1, 1963.

CHAPTER 1447

An act to add Chapter 5 (commencing at Section 2380) to Division 3 of the Welfare and Institutions Code, relating to the establishment of a program of opportunities for older citizens.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

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

SECTION 1. Chapter 5 (commencing at Section 2380) is added to Division 3 of the Welfare and Institutions Code, to read:

CHAPTER 5. COMMUNITY SERVICES FOR OLDER PERSONS

Purpose of chapter

2380. The purpose of this chapter is to promote local community activities which will further the efforts of older persons, their families, religious groups, legislative bodies, public and voluntary social agencies, and related professions in accomplishing for older persons an opportunity to remain active and contributing members in their community to the fullest extent possible.

Availability of funds on a matching basis

2381. Funds appropriated by the Legislature or otherwise subject to expenditure for the purposes of this chapter shall be made available to local public agencies on a matching basis, but the state share of any project shall not exceed 50 percent of the funds expended in connection with that project. Local matching funds may be in the form of cash, facilities or services on the basis of a local plan submitted to and approved by the Director of Social Welfare. The local plan shall be in the form of a contract setting forth the objectives of the plan and the responsibilities of the local organization. No plan shall be approved unless it is generally available to the older citizens of the community without discrimination because of race, religion, creed, color, national origin or ancestry.

2382. As used in this chapter:

Definitions

(a) "Public agencies" means any city, or county, or other political subdivision of this State.

(b) "Older person" means any person of the age of 50 years or older.

Criteria for projects

2383. The State Department of Social Welfare shall formulate and promulgate criteria by which community projects are to be approved for matching funds. Such criteria shall be developed by consultation with recognized experts in the field and interested groups or organizations shall be afforded full opportunity to be heard prior to their publication.

The Citizens' Advisory Committee on Aging, as established by Section 2370 of this code, shall serve in advisory capacity to the Director of Social Welfare for the purpose of assisting in the establishment of criteria and evaluating proposals under

which projects of local public agencies are to be approved as being eligible to receive matching state funds.

Summary of progress

2384. The State Department of Social Welfare shall include in its annual report, as required by Section 123 of this code, an evaluative summary of the progress made in accomplishing the purpose of this chapter. Such report shall also include a synopsis of local projects submitted to the department for matching funds showing the action taken in relation to them.

Private grants

2385. In addition to any funds appropriated by the Legislature to carry out the provisions of this chapter, the department is authorized to receive and expend any private grants of funds made available by individuals, organizations and foundations.

Local centers

2386. The governing body of any city or county may construct or acquire facilities to serve as a community service or recreational center for senior citizens.

It is the intent of the Legislature that city and county governments, separately or jointly, should exercise their authority to raise funds and to make full use of any state or federal funds which are now available or which may be made available in the future to expand the existing facilities which are dedicated to the recreational needs of the elderly. To the extent it is possible to solicit private contributions, either through direct community solicitation or through private foundation grants, those sources shall be used to supplement funds which may be obtainable through tax levies.

CHAPTER 1448

An act to amend Section 703 of the Streets and Highways Code, relating to relocation of utility facilities within a freeway.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 703 of the Streets and Highways Code is amended to read:

703. Whenever the department requires a publicly owned utility to relocate within a freeway any utility facility lawfully maintained in any freeway which was not a state highway at the time such utility facility was originally installed therein, the department shall pay the cost of such relocation.

Whenever the department requires a privately owned utility to relocate within a freeway any utility facility used solely to supply water, which facility is lawfully maintained in any freeway which was not a state highway at the time such utility facility was originally installed therein, the department shall pay the cost of such relocation.

Whenever the department requires a privately owned utility to relocate within a freeway any utility facility, other than one used solely to supply water, which facility is lawfully maintained in any freeway which was not a state highway at the time such utility facility was originally installed therein, and it is established by the utility that it is not under express contractual obligation to relocate such facility at its own expense, the department shall pay the cost of such relocation.

A permit containing a contractual obligation which was accepted by the utility for maintenance or minor improvement of the facility after such road became a state highway shall not constitute a contractual obligation within the meaning of this section.

Publicly owned sewers and fire hydrants and any street lighting structure, whether publicly or privately owned, in any freeway shall be relocated, where necessary, at the expense of the department.

CHAPTER 1449

An act to amend Section 858 of the Penal Code, relating to duties of magistrate to inform arrested persons.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 858 of the Penal Code is amended to read:

858. When the defendant is brought before the magistrate upon an arrest, either with or without warrant, on a charge of having committed a public offense, the magistrate must immediately inform him of the charge against him, and of his right to the aid of counsel in every stage of the proceedings. If it appears that the defendant may be a minor, the magistrate shall ascertain whether such is the case, and if the magistrate concludes that it is probable that the defendant is a minor, and unless the defendant is a member of the armed forces of the United States and the offense charged is a misdemeanor, he shall immediately either notify the parent or guardian of the minor, by telephone, telegram, or messenger, of the arrest, or appoint counsel to represent the minor.

CHAPTER 1450

An act to amend Section 28131 of the Government Code, relating to compensation for service in counties.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 28131 of the Government Code is amended to read:

28131. In any county of the 31st class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand five hundred dollars ($7,500) a year, which shall include compensation for the compilation of the annual financial report and classified annual payroll of the county.

(b) The district attorney, eleven thousand two hundred twenty dollars ($11,220) a year. He shall devote full time to the duties of district attorney and shall not engage in private practice of law during his term of office.

(c) Each supervisor, for Districts 1 and 5, seven thousand two hundred dollars ($7,200) a year, effective January 1, 1963, and each supervisor, for Districts 2, 3, and 4, seven thousand two hundred dollars ($7,200) a year, effective January 1, 1965, and ten cents ($0.10) for each mile necessarily traveled in the performance of his official duties. The chairman of the board of supervisors may receive twenty-five cents ($0.25) a mile, one way, between his residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law.

In the event the constitutional restriction on increases in salaries to incumbent county officers is removed, or if, in any other manner, it becomes legally permissible to pay increased salaries to incumbent officers, the effective dates herein provided shall be disregarded and the salaries provided in this subdivision shall become effective immediately on the removal of the prohibition.

The incumbent supervisors shall receive four thousand eight hundred dollars ($4,800) per year until such time as the increased salaries of this section become effective.

(d) Grand jurors in grand jury duty shall receive six dollars ($6), and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance, and grand jurors and trial jurors shall receive ten cents ($0.10) for each mile necessarily traveled in attendance. In justice courts the jurors shall receive five dollars ($5) for each day's attendance and ten cents ($0.10) for each mile necessarily traveled in attendance.

CHAPTER 1451

An act to amend Section 9575.6 of the Business and Professions Code, relating to the dry cleaning fund.

In effect immediately

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

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

SECTION 1. Section 9575 6 of the Business and Professions Code is amended to read:

9575.6. The sum of thirty thousand dollars ($30,000) is hereby appropriated from the balance of the Dry Cleaners' Fund available under subdivision 2, Section 9575, Business and Professions Code, for expenditure for support of the State Board of Dry Cleaners, to be expended during the 1961-1962, and 1962-1963 fiscal years. This amount may be expended at the rate of not more than fifteen thousand dollars ($15,000) during any one such fiscal year, for the purpose of contracting with any college or university supported, in whole or in part, by the State of California, for conducting research and to disseminate to the dry cleaning industry and the general public information on the factors involved in the cleaning and maintenance of fabrics, including those made from or containing synthetic fibers as well as natural fibers, such as wool, cotton, or other such fibers, and the effect of cleaning procedures on the properties, life, and wearing qualities of fabrics.

Appropriation

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

CHAPTER 1452

An act to add Section 2954 to the Civil Code, relating to mortgages.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 2954 is added to the Civil Code, to read:

2954. Every mortgagee of real property or beneficiary under a deed of trust on real property shall at least once each calendar year furnish to the mortgagor or trustor an itemized accounting of moneys held by the mortgagee or beneficiary in impound or trust accounts for payment of taxes on the property, insurance premiums or other purposes relating to the property subject to the mortgage or deed of trust. The mortgagor or trustor shall be entitled to receive one such accounting each calendar year without charge and shall be entitled to

additional accountings upon request and on payment of a reasonable fee. If the mortgagee or beneficiary transmits to the mortgagor or trustor a monthly statement or passbook showing the total amount of any additions to, and the total amount of any expenditures from, the impound or trust accounts, the mortgagee or beneficiary shall be deemed to have complied with this paragraph.

No increase in the monthly rate of payment of a mortgagor or trustor for impound or trust accounts shall be effective until after the mortgagee or beneficiary has furnished the mortgagor or trustor with an itemized accounting of the moneys presently held by it in the accounts, and a statement of the new monthly rate of payment, and an explanation of the factors necessitating the increase.

CHAPTER 1453

An act to amend Section 987.15 of the Military and Veterans Code, relating to the veterans farm and home purchase program.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 987.15 of the Military and Veterans Code is amended to read:

987.15. The department shall not acquire a home in which the veteran has an interest of record except in the following instances:

(a) Where the application is for aid for the construction of a home upon unimproved real property owned by the applicant.

(b) Where, after July 2, 1957, the veteran had no interest of record in the property at the time of filing his application and thereafter secured interim financing pending the processing and approval of his application by the department.

(c) Where the application has been filed with the department prior to July 2, 1957. Twenty percent of all funds available for expenditure under this article, or so much thereof as may be necessary, shall be used by the department for the acquisition of homes in behalf of veterans who have filed applications prior to July 2, 1957, and whose applications are considered active by the department, for the acquisition of homes in which they have acquired interests of record, until such time as all applications of this nature have been granted.

CHAPTER 1454

An act to add Part 4.6 (commencing with Section 12230) to Division 6 of the Water Code, relating to water development.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Part 4.6 (commencing with Section 12230) is added to Division 6 of the Water Code, to read:

PART 4.6. SAN JOAQUIN RIVER

Water quality problem

12230. The Legislature hereby finds and declares that a serious problem of water quality exists in the San Joaquin River between the junction of the San Joaquin River and the Merced River and the junction of the San Joaquin River with Middle River; that by virtue of the nature and causes of the problem and its effect upon water supplies in the Sacramento-San Joaquin Delta, it is a matter of statewide interest and is the responsibility of the State to determine an equitable and feasible solution to this problem.

Policy against diversion

12231. It is hereby declared to be the policy of the State that no person, corporation or public or private agency or the State or the United States should divert water from the San Joaquin River and its tributaries to which the users along the portion of the San Joaquin River described in Section 12230 are entitled.

Further degradation by state agencies prohibited

12232. The State Water Rights Board, the State Department of Water Resources, the California Water Commission, and any other agency of the State having jurisdiction, shall do nothing, in connection with their responsibilities, to cause further significant degradation of the quality of water in that portion of the San Joaquin River between the points specified in Section 12230.

Present rights

12233. Nothing in this part shall be construed as affecting the quality of water diverted into the Sacramento-San Joaquin Delta from the Sacramento River, nor as affecting any vested right to the use of water, regardless of origin, or any water project for which an application to appropriate water was filed with the State Water Rights Board prior to June 17, 1961.

CHAPTER 1455

An act to add Sections 25210.6, 25210.10a, 25210.80a, 25210.90a to, and to add Article 10 (commencing with Section 25211.1) to Chapter 2.2, Part 2, Division 2, Title 3 of, and to amend Section 25210.90 of, the Government Code, relating to county service areas.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 25210.6 is added to the Government Code, to read:

25210.6. Notwithstanding any other provision of this chapter (commencing with Section 25210.1), the board of supervisors may levy and collect taxes for capital outlay purposes within a county service area. The board may also levy and collect taxes for the accumulation of a reserve fund for capital outlay purposes. Tax levy

SEC. 2. Section 25210.10a is added to said code, to read:

25210.10a. All or any part of a city may be included in the formation of a county service area if a resolution of consent adopted by a majority vote of the membership of the city legislative body is filed with the clerk of the board of supervisors before the board adopts its resolution of intention. Inclusion in area

SEC. 3. Section 25210.80a is added to said code, to read:

25210.80a. The board of supervisors may annex all or any part of a city to a county service area if a resolution of consent adopted by a majority vote of the membership of the city legislative body is filed with the clerk of the board of supervisors before the board adopts its resolution of intention. Annexation

SEC. 4. Section 25210.90 of said code is amended to read:

25210.90. Whenever any territory in a county service area is included within a city by reason of incorporation, annexation or otherwise that territory shall be automatically excluded from the county service area upon the effective date of its inclusion in the city, whether or not such inclusion within a city occurs before or after the completion of the formation of the county service area, subject only to compliance with the requirements of Chapter 8, Part 1, Division 2, Title 5 of the Government Code. Excluded territory

Upon the exclusion of such territory all unencumbered funds standing to the credit of the area upon the date of the exclusion shall be divided between the city and the county service area in proportion to the assessed value of the real property of the territory excluded and the portion remaining For the purpose of this section the unencumbered funds are the sum of money, uncollected taxes, including taxes levied and collected for the area on property withdrawn after the date of withdrawal, and other uncollected accounts belonging to or

due such area, in excess of an amount sufficient to pay all claims and accounts against the area.

In the event the service area has indebtedness evidenced by bonds and the indebtedness is outstanding and owing on the date of the withdrawal the property within any territory withdrawing from the service area shall nevertheless be liable for assessment and payment of the tax for its pro rata share thereof.

SEC. 5. Section 25210 90a is added to said code, to read:

Withdrawal

25210.90a. At any time after one (1) year from its inclusion in a county service area under the provisions of Section 25210.10a or Section 25210.80a, all or any part of a city may be withdrawn from the area. Such withdrawal shall be effective upon the expiration of thirty (30) days after a resolution adopted by a majority vote of the membership of the city legislative body is filed with the clerk of the board of supervisors. Upon such withdrawal, the city shall be entitled to a division of unencumbered funds as provided in Section 25210 90. Nevertheless, the property within the territory so withdrawn shall remain liable for assessment and payment of tax for its pro rata share of indebtedness evidenced by bonds outstanding and owing at the time of withdrawal.

SEC. 6 Article 10 (commencing with Section 25211 1) is added to Chapter 2.2, Part 2, Division 2, Title 3 of said code, to read:

Article 10. Bonds

Resolution to incur bonded indebtedness

25211.1. Whenever the board deems it necessary for the county service area to incur a bonded indebtedness, it shall by resolution set forth all of the following:

(a) A declaration of the necessity for the indebtedness.

(b) The purpose for which the proposed debt is to be incurred.

(c) The amount of the proposed debt.

(d) The time and place for a hearing by the board on the questions:

(1) Will the whole or a portion of the area be benefited by the accomplishment of the purpose?

(2) If only a portion of the area will be benefited, what portion will be so benefited?

Notice

25211 2. Notice of the hearing shall be given by publication of a copy of the resolution pursuant to Section 6066 in a newspaper of general circulation circulated within the area.

Publication

25211.3. The copy of the resolution published or posted shall be accompanied by a notice subscribed by the clerk that:

(a) The hearing referred to in the resolution will be had at the time and place specified in the resolution.

(b) At that time and place any person interested, including all persons owning property in the area, will be heard upon the question stated in the resolution.

Hearing

25211.4. At the time and place fixed for the hearing on the resolution declaring the necessity for incurring the bonded

indebtedness or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing.

Appearance

25211.5. At the hearing any person interested, including persons owning property within the area, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness.

Resolution

25211.6. At the conclusion of the hearing, the board shall by resolution determine whether the whole or part of the area will be benefited by the accomplishment of the purpose stated in the resolution.

Improvement area

25211.7. If the board determines that the whole of the area will not be benefited, the resolution shall also describe the portion of the area which will be benefited, in a manner sufficient for identification, which portion of the area described in the resolution shall thereupon constitute and be known as "Improvement Area No. _____ of _____ County Service Area."

Proceedings within an improvement area

25211.8. After the formation of an improvement area within a county service area pursuant to this article (commencing with Section 25211.1), all proceedings for the purpose of a bond election within the improvement area and for the purpose of taxation for the payment of the bonds and interest shall be limited, and apply only to the improvement area.

Determination of area benefited

25211.9. The determination of the board that the whole of the area will be benefited by the bond issue or only that a described portion of the area will be benefited by the bond issue is final and conclusive.

Same: Resolution; contents

25211.10. After the board has made its determination pursuant to Section 25211.6, if it deems it necessary to incur the bonded indebtedness, it shall by resolution state:

(a) That it deems it necessary to incur the bonded indebtedness.

(b) The purpose for which the bonded indebtedness will be incurred.

(c) Either of the following in accordance with its previous determination:

(1) That the whole of the area will be benefited by incurring the bonded indebtedness.

(2) That a portion of the area will be benefited by incurring the bonded indebtedness, which portion shall be described in the resolution of the board made pursuant to Section 25211.6.

(d) The amount of debt to be incurred.

(e) The maximum term the bonds to be issued shall run before maturity, which term shall not exceed 40 years.

(f) The annual rate of interest to be paid, which rate shall not exceed 7 percent, payable annually or semiannually, or in part annually and in part semiannually.

(g) The proposition to be submitted to the voters.

(h) The date of the special county service area election (which may be consolidated with a general or special district

election) at which such proposition shall be submitted to the voters; the hours between which the polls shall be open; the boundaries of voting precincts within the area or portion thereof benefited by incurring the bonded indebtedness; the location of polling places; and the names of the officers selected to conduct such election in each precinct, who shall consist of one judge, one inspector and two clerks.

Same

25211.11. The resolution provided for in Section 25211.10 shall constitute the notice of such special bond election and such resolution shall be published pursuant to Section 6066 in a newspaper of general circulation circulating within the area.

Election Code applicable

25211.12. The provisions of the Election Code relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections so far as they may be applicable shall govern all area elections except:

(a) To the extent that the provisions of the Elections Code pertaining to the conduct of local elections are inconsistent with the provisions of that code pertaining to general elections, the provisions pertaining to local elections shall control.

(b) Inconsistent provisions of this division (commencing with Section 24000) shall control over any provisions of the Elections Code.

Qualified electors

25211.13. Every elector residing within the area designated in the resolution adopted pursuant to Section 25211.10, but no others, may vote on the proposition to authorize the bonds. If the area does not include the entire county service area, a separate ballot shall be prepared for the vote upon such proposition and only the voters entitled thereto shall be given such ballots.

Two-thirds vote

25211.14. A two-thirds vote shall be required for the issuance of general obligation bonds.

Provision for bonds

25211.15. If more than two-thirds of the vote cast at the election are in favor of incurring the indebtedness, the board may by resolution, at the time or times it deems proper, provide for the following:

(a) The form of the bonds.

(b) The execution of the bonds.

(c) The issuance of any part of the bonds.

Signatures on bonds

25211.16. The bonds shall be signed by the chairman of the board and countersigned by the clerk of the board or his deputy and the coupons shall be signed by the clerk of the board or his deputy. All signatures except that of the clerk on the bonds may be printed, lithographed or engraved. If any officer whose signature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds, his signature is as effective as if he had remained in office. All bonds shall be payable at the office of the county treasurer, who is the depositary of the area.

Action to determine validity of bonds

25211.17. Prior to the issuance of any bonds, the legislative body may commence a special proceeding in the superior court of the county to determine the right to issue bonds and their validity. The proceedings shall be instituted and prosecuted in the manner provided by Sections 22670 to 22684, inclusive, of the Water Code. These sections apply to and govern all such proceedings, instituted pursuant to this article. The proceeding is in rem and the judgment rendered is conclusive against all persons, the county and the State.

Same

25211.175. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Effect Stats 1961, Ch. 1479

This section shall become operative only if Assembly Bill No. 1412 is enacted by the Legislature at its 1961 Regular Session, in which case it shall supersede Section 25211.17 of this act at the same time as Assembly Bill No. 1412 takes effect.

Sale of bonds

25211.18. The county service area may sell the bonds so issued at the times or in the manner the board deems to be to the public interest, provided, that all bonds shall be sold on sealed proposals to the highest bidder, after advertising for bids by publication of notice of sale pursuant to Section 6061, not less than 10 days prior to the date of sale, in a newspaper of general circulation circulating in the area. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Force of bonds

25211.19 Any bonds issued by any area organized under the provisions of this chapter are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the State.

All bonds issued by any area payable from taxes are legal investments for all trust funds, for the trust funds of all insurance companies, the state school funds, and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the State.

Whenever the board of supervisors declares by resolution that it deems it desirable that any bonds issued or to be issued by the area should be certified by the California Districts Securities Commission as provided in this section, the board shall file a certified copy of the resolution with said commission and the bonds described in said resolution shall then be subject to investigation and certification by the California Districts Securities Commission Law. If in the opinion of the commission the bonds are adequately secured and the revenues and other funds applicable to the payment of the bonds are, or upon the acquisition, construction or improvement of the enterprise for which such bonds were or are to be issued, will be, sufficient to pay the principal of and interest on such bonds the commission shall certify that such bonds are legal investments for all trust funds, for the funds of all insurance companies, the state school funds, and any

funds, other than funds of savings banks, which may be invested in bonds of cities, counties, cities and counties, school districts or municipalities in the State.

Resolutions

25211.20. The board may, by resolution, do the following:

(a) Submit to voters a measure to issue new bonds to refund any or all of the area bonds outstanding.

(b) Submit to the voters of any improvement area a measure to issue new bonds to refund any improvement area bonds outstanding.

Elections

25211 21. The measure may be voted on at any area election or an election may be called for the purpose.

Same Procedure

25211.22. The procedure upon the election shall be in accordance, so far as applicable, with the procedure upon an original issue of bonds, except that;

(a) No hearing need be held upon the question whether the bond issue will benefit the entire area or only a portion of it;

(b) A vote of a majority of the voters voting upon the measure is sufficient to authorize the issue of refunding bonds.

Refunding bonds

25211.23. The refunding bonds may, if the holders of the bonds of an original issue and the board so agree, be exchanged for original bonds.

Same

25211.24. Refunding bonds may, if the holders of the bonds of an original issue and the board so agree, be exchanged for original bonds.

Same Face value

25211.25. The face value of refunding bonds exchanged for original bonds shall not exceed the face value of the original bonds.

Same Payment of interest

25211.26. The board may raise money by rates or taxes to pay principal and interest of the refunding bonds in the same manner as prescribed for payment of bonds of an original issue.

Calling bonds

25211.27. Any bonds issued by the area may be made callable by resolution of the board adopted at or prior to the time of issuing the bonds.

Same

25211.28. When bonds are made callable a statement to that effect shall be set forth on the face of the bond.

Same

25211.29. Callable bonds may be redeemed on any interest payment date prior to their fixed maturity in such amounts and manner and at such prices as the board may prescribe in the resolution provided for in Section 25211.27.

Same Publication

25211 30. Notice designating the bonds called for redemption shall be published pursuant to Section 6063 in a newspaper of general circulation circulated in the area.

Same

25211.31. The first publication of the redemption notice shall not be less than 30 nor more than 90 days prior to the date fixed for redemption.

Same

25211.32. If on the date fixed for redemption the area has provided funds available for payment of the principal and interest of the bonds called, interest on them ceases.

25211.33. None of the provisions of this article (commencing with Section 25211.1) shall apply to any proceedings for the authorization, issue or sale of revenue bonds to a county service area. Application

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CHAPTER 1456

An act to amend Section 6657 of the Welfare and Institutions Code, relating to the use of funds of patients confined in state hospitals.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Section 6657 of the Welfare and Institutions Code is amended to read:

6657. There is at each institution under the jurisdiction of the Department of Mental Hygiene a fund known as the patients' personal deposit fund. Any funds coming into the possession of the superintendent, belonging to any inmate in that institution, shall be deposited in the name of that patient in the patients' personal deposit fund, except that if a guardian of the estate is appointed for the patient then he shall have the right to demand and receive such funds. Whenever the sum belonging to any one patient, deposited in the patients' personal deposit fund, exceeds the sum of five hundred dollars ($500), the excess may be applied to the payment of the care, support, maintenance and medical attention of the patient. After the death of the patient any sum remaining in his personal deposit account in excess of burial costs may be applied for payment of care, support, maintenance and medical attention. Any of the funds belonging to a patient deposited in the patients' personal deposit fund may be used for the purchase of personal incidentals for the patient or may be applied in an amount not exceeding five hundred dollars ($500) to the payment of his burial expenses.

CHAPTER 1457

An act to add Article 4 (commencing with Section 6939.4) to Chapter 4 of Part 6 of Division 8 of the Harbors and Navigation Code, relating to river port districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect immediately

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

SECTION 1. Article 4 (commencing with Section 6939.4) is added to Chapter 4, Part 6, Division 8 of the Harbors and Navigation Code, to read:

Article 4. Additional Sacramento-Yolo Port District Bonds

Additional bonded debt

6939.4. Pursuant to this article, the Sacramento-Yolo Port District may also create an additional bonded debt, in addition to all other indebtedness authorized by the provisions of this chapter, up to but not in excess of 1 percent of the assessed value of all taxable real and personal property within the district.

Same: Purpose

6939.5. This bonded indebtedness may be created solely for the purpose of providing funds for the acquisition, construction, improvement, or extension of revenue-producing harbor improvements of a self-liquidating character.

Authorization

6939.6. Any bonds issued pursuant to this article shall be authorized by ordinance passed by two-thirds of all of the members of the board. The ordinance shall not become effective until approved by a two-thirds vote of the county supervisors who represent any portion of the territory which is included within the district. Except as provided in this section, an election need not be held within the district and it is unnecessary to secure the approval of the electors within the district for the issuance of bonds for the purposes and within the limitations of this article.

The ordinance shall become effective 30 days from the date of its passage, unless a petition protesting the ordinance is presented to the board pursuant to Section 1652 of the Elections Code prior to the effective date of the ordinance. If such a petition is timely filed, proceedings for the adoption of the ordinance shall be conducted pursuant to Sections 1652 and 1653 of the Elections Code, and, as used in such sections, "board of supervisors" means the board of port commissioners, and "county" means the Sacramento-Yolo Port District.

Series Maturity

6939.7. The bonds of any issue may be issued in one or more series. The bonds of such series shall be payable within 30 years from their date and shall mature serially at such times as may be fixed by the board, but the earliest maturity of the principal of the bonds of any series shall be fixed at a date not more than 10 years from the date of issue of such series.

Denominations

6939.8. The bonds may be issued in such denominations as the board determines, except that no bond shall be of a denomination less than one hundred dollars ($100) nor of a greater denomination than one thousand dollars ($1,000).

The bonds shall be payable on the day and at the place or places fixed in such bonds, with interest at the rate specified in the bonds, which rate shall not be in excess of 6 percent per annum of the face amount, payable annually or semiannually.

The board may provide for redemption of any bonds before maturity at prices and upon terms and conditions determined by it. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital on its face to that effect.

Signatures

6939.9. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature is nevertheless as valid and sufficient for all purposes as if he had remained in office.

Bonds may be issued and sold by the board for not less than their par value and accrued interest to date of delivery, at such times and under such conditions as may be designated by the board.

The proceeds shall be placed in the treasury of the district to the credit of the proper improvement fund and applied exclusively to the objects and purposes mentioned in the ordinance. Said purposes may include bond interest during construction and for a period not to exceed one year after completion of construction, and creation of a reserve fund to secure payment of bond interest and principal.

Form

6939.10. The form of the bonds shall be prescribed by the board and they shall be signed by the officer or officers that the board designates. The coupons appertaining to the bonds shall be numbered consecutively and shall be signed by the facsimile signature of the officer or officers that the board has designated.

Revenue

6939.11. The income and revenue derived or to be realized from the harbor improvement acquired, constructed, improved or extended from the proceeds of the bonds shall be deposited in a special fund and kept separate and apart from all other revenues of the district. It shall be applied, firstly, to the creation of an interest fund, herein designated as "interest fund," for the payment of the annual interest due or to become due upon the bonds during the next ensuing fiscal year and before the time for the fixing of the next general tax levy in the counties in which the district is located.

"Interest fund"

"Sinking fund"

6939.12. The special fund shall be applied, secondly, to the creation of a sinking fund, herein designated as "sinking fund," to provide for the payment of the principal of the bonds at or before their maturity date or dates.

Additional revenues

"Operation fund"

6939.13. Any additional revenues over and above the amounts required to be deposited in the interest fund and the sinking fund, may be deposited in an operation fund, herein designated as "operation fund," to be applied to the costs of operation and maintenance, including reasonable repairs, depreciation and capital improvements of the particular revenue-producing harbor improvement acquired, constructed, improved or extended by the issuance and sale of the bonds.

Surplus revenues

6939.14. Surplus revenues in the operation fund may be deposited either in the interest fund or any reserve fund created to secure any bonds or in the sinking fund, but money allocated to the interest fund or the sinking fund shall not be transferred to any other fund or used for any other purpose than the payment of the bonds and the interest thereon so long as the bonds are outstanding.

Allocation of revenues

6939.15. The board, in and by the ordinance authorizing the issuance of the bonds, shall hypothecate and allocate all

of the revenues to be realized from the revenue-producing harbor improvement to be acquired or constructed, improved or extended from the proceeds of the bonds to the payment of both principal and interest.

The allocation and hypothecation is irrevocable until all bonds and the accrued interest thereon are paid.

The allocation and hypothecation shall be made in each case for the exclusive benefit of the bonds to be issued for the purpose of acquiring, constructing, improving or extending the particular revenue-producing harbor improvement, and as additional security for the payment of the principal and interest of the bonds.

But the allocation and hypothecation do not constitute the exclusive source of payment. The bonds constitute general obligations of the district and both principal and interest may be paid from any money or sources of revenue of any kind, including taxes, on hand and available for that purpose.

Insufficient revenues

6939.16. Whenever the revenues of the district are, or in the opinion of the board will be insufficient to provide for the payment in full of the principal or interest on the bonds, the board may, and if the revenues in the interest fund are insufficient to meet the next ensuing fiscal year's interest on the bonds issued and then outstanding or if the moneys in the sinking fund are insufficient to pay or provide for the payment of any bonds maturing during the next ensuing fiscal year, or if any reserve fund has been drawn upon and not replenished it shall cause a tax to be levied and collected, upon all of the taxable property in the district, sufficient to meet all sums coming due for principal and interest on the bonds during the next ensuing fiscal year and before the time for fixing the next general tax levy in the county in which the district is located or to replenish such reserve fund.

The tax shall be levied and collected annually in the manner provided by Chapter 5 (commencing with Section 6940) of this part, and shall be in addition to all other taxes authorized to be levied and collected. When collected, the tax shall not be used for any purpose other than the payment of the bonds and the accruing interest thereon or the replenishment of such reserve fund.

Legislative finding

6939.17. The Legislature hereby finds and declares that because of the unique, complex problems existing with respect to the Sacramento-Yolo Port District, as a large inland port district, it is necessary that special legislation be enacted to authorize additional, limited financing provisions for said port district, and that a general law cannot be made applicable.

Urgency

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

This act would provide additional limited financing provisions for the Sacramento-Yolo Port District in order to en-

able the district to finance the acquisition or construction of urgently needed revenue-producing harbor improvements. In order that such financing may be commenced at the earliest possible time, it is necessary that this act go into effect immediately.

CHAPTER 1458

An act to add Section 17504 to the Education Code, relating to public school administration.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 17504 is added to the Education Code, to read:

17504. The Superintendent of Public Instruction shall, no later than the 10th calendar day of each general session of the Legislature, submit to the Legislature a written report on the operation, effect, and the extent of compliance with the provisions of Section 17503 by school districts in the State during the two most recently ended fiscal years. The report shall describe the activities of the Superintendent of Public Instruction, the Department of Education, and the several county superintendents of schools undertaken to insure compliance with the provisions of Section 17503, and may contain recommendations for legislation pertaining to that subject.

CHAPTER 1459

An act to amend Section 69900 of the Government Code, relating to superior courts

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 69900 of the Government Code is amended to read:

69900. In each county or city and county with a population of over 730,000 and under 850,000, a majority of the judges of the superior court may appoint the following employees:

(a) One senior assistant jury commissioner at an annual salary of nine thousand six hundred dollars ($9,600).

(b) Six senior legal stenographers, each at an annual salary of six thousand five hundred sixteen dollars ($6,516).

(c) Two senior clerk-typists, each at an annual salary of six thousand three hundred sixty dollars ($6,360).

(d) Two information deputies, each at an annual salary of five thousand five hundred twenty dollars ($5,520).

(e) One probate court commissioner at an annual salary of fourteen thousand four hundred dollars ($14,400).

(f) One assistant probate commissioner at an annual salary of nine thousand six hundred dollars ($9,600).

(g) One chief calendar clerk at an annual salary of nine thousand six hundred dollars ($9,600).

(h) One domestic relations court commissioner at an annual salary of eleven thousand four hundred dollars ($11,400).

(i) Three domestic relations deputy commissioners, each at an annual salary of nine thousand dollars ($9,000).

(j) One assistant court commissioner and law clerk at an annual salary of seven thousand eight hundred dollars ($7,800).

(k) One court commissioner at an annual salary of fourteen thousand four hundred dollars ($14,400).

(*l*) Two referees, juvenile court, each at an annual salary of fourteen thousand four hundred dollars ($14,400).

CHAPTER 1460

An act to amend Section 74805 of the Government Code, relating to municipal courts.

In effect September 15 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 74805 of the Government Code is amended to read:

74805. The marshal may appoint:

(a) One assistant marshal who shall receive a minimum salary of four hundred seventy-six dollars ($476) monthly with annual increments of twenty-three dollars ($23), twenty-five dollars ($25), twenty-six dollars ($26), and twenty-seven dollars ($27) to a maximum of five hundred seventy-seven dollars ($577) monthly.

(b) Three deputy marshals III, each of whom shall receive a minimum salary of three hundred ninety-four dollars ($394) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22) to a maximum of four hundred seventy-six dollars ($476) monthly.

(c) One deputy marshal II, who shall receive a minimum salary of three hundred fifty-eight dollars ($358) monthly with annual increments of eighteen dollars ($18), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) to a maximum of four hundred thirty-three dollars ($433) monthly.

(d) One deputy marshal I, who shall receive a minimum salary of two hundred ninety-six dollars ($296) monthly with annual increments of fourteen dollars ($14), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) to a maximum of three hundred fifty-eight dollars ($358) monthly.

(e) Twenty deputies who shall be custodians at the fee allowed by law for the keeping of property.

Persons employed by the marshal's office on the effective date of this section shall receive credit for prior continuous service. All persons employed by the marshal on the effective date of this section shall receive credit for prior continuous service in this department and in departments superseded by it, and shall receive in addition to the minimum rate, the annual increments commensurate with such years of prior service up to the maximum rate set.

SEC. 2. This act shall become operative January 1, 1962.

CHAPTER 1461

An act to add Section 26910 to the Government Code, and Section 933.5 to the Penal Code, relating to district records.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 26910 is added to the Government Code, to read:

26910. The auditor may at any reasonable time and place examine the books and records of any special purpose assessing or taxing district located wholly in the county.

SEC. 2. Section 933.5 is added to the Penal Code, to read:

933.5. A grand jury may at any time examine the books and records of any special purpose assessing or taxing district located wholly or partly in the county.

CHAPTER 1462

An act to add Section 1277.5 to the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1277.5 is added to the Unemployment Insurance Code, to read:

1277.5. In determining, under Section 1277, whether wages paid prior to the filing of a valid claim may be used in computing the amount of any other award, twice the

amount which an individual was entitled to receive under Part 2 (commencing with Section 2601) of this division or under Division 4 (commencing with Section 3201) of the Labor Code during the 12-month period following the filing of the valid claim, shall be considered as wages paid to the individual during that 12-month period for purposes of meeting the eligibility requirements of Section 1281. The amounts so included shall not be considered wages for the purpose of computing the weekly benefit amount of the individual under Section 1280.

CHAPTER 1463

An act to amend Section 4011 of the Penal Code, relating to prisoners in county and city jails.

In effect September 15 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 4011 of the Penal Code is amended to read:

4011. (a) When a county jail or building contiguous to it is on fire, and there is reason to apprehend that the prisoners may be injured or endangered, the sheriff or jailer must remove them to a safe and convenient place, and there confine them as long as it may be necessary to avoid the danger.

(b) When it is made to appear to a judge of the superior court by affidavit of the sheriff or district attorney and oral testimony that a prisoner confined in any city or county jail requires medical or surgical treatment necessitating hospitalization, which treatment cannot be furnished or supplied at said city or county jail, the court in its discretion may order the removal of such person or persons from said city or county jail to the county hospital in said county; provided, if there is no county hospital in said county, then to any hospital designated by said court; and it shall be the duty of the sheriff to maintain the necessary guards for the safekeeping of such prisoner, the expense of which shall be a charge against the county.

(c) The cost of such medical services and such hospital care and treatment shall be charged against the county subject to subsections (d) and (e), in the case of a prisoner in or taken from the county jail, or against the city in the case of a prisoner in or taken from the city jail, and the city or county may recover the same by appropriate action from the person so served or cared for, or any person or agency responsible for his care and maintenance. If the prisoner is in the county jail under contract with a city or under some other arrangement with the city to keep the city prisoner in the county jail, then the city shall be charged, subject to subsections (d) and (e),

for the prisoner's care and maintenance with the same right of recovery against any responsible person or any other agency.

(d) When such prisoner is poor and indigent the cost of such medical services and such hospital care and treatment shall, in the case of persons removed from the city jail be paid out of the general fund of such city, and in the case of persons removed from the county jail to a hospital other than a county hospital, such cost shall be paid out of the general fund of such county or city and county. In the case of city jail prisoners removed to the county hospital, the cost of such hospital care and treatment to be paid by the city to the county, shall be the rate per day fixed by the board of supervisors of such county. The said board of supervisors may, but need not, fix different rates for different classes of patients, or for different wards, and any and all such rates may be changed by the said board of supervisors at any time, but shall at all times approximate as nearly as may be, the average actual cost to the county of such hospital care and treatment either in such wards or for such classes of patients or otherwise.

(e) In the event such prisoner is financially able to pay for his care, support and maintenance, the medical superintendent of said hospital other than a county hospital may, with the approval of said judge of the superior court, enter into a special agreement with such person, or with his relatives or friends, for his care, support, maintenance and other hospital expenses.

Any prisoner may decline such care or treatment and provide other care and treatment for himself at his own expense.

CHAPTER 1464

An act to add Section 6515 to the Welfare and Institutions Code, relating to patients in state hospitals.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 6515 is added to the Welfare and Institutions Code, to read:

6515. Whenever a trial is had of any person charged with escape or attempt to escape from a state hospital under the provisions of Section 5522 or Section 7069 of this code, whenever a hearing is had on the return of a writ of habeas corpus prosecuted by or on behalf of any person confined in a state hospital, whenever a hearing is had on a petition under Section 1026a of the Penal Code or Section 6732 of this code for the release of a person confined in a state hospital, and whenever a person confined in a state hospital is tried for any crime committed therein, the county clerk of the county in which such trial or hearing is had must make out a statement

of all costs incurred by the county for investigation and other preparation for the trial or hearing, and the actual trial or hearing, all costs of maintaining custody of the patient and transporting him to and from the hospital, and costs of appeal, which statement shall be properly certified by a judge of the superior court of such county and sent to the Department of Mental Hygiene for its approval. After such approval, the department shall cause the amount of such costs to be paid out of the money appropriated for the support of the state hospital, to the county treasurer of the county where such trial or hearing was had.

CHAPTER 1465

An act to add Section 34.8 to the Agricultural Code, relating to special committees.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 34.8 is added to the Agricultural Code, to read:

34.8. The director, with the approval of the Governor, may appoint special committees of qualified persons to study and advise on special problems affecting the agricultural industry of the State and the work of the department.

Members of such special committees shall serve without compensation but shall be entitled to payment for necessary traveling expenses in the same manner as provided by the State Board of Control rules for civil service officers and employees, and such expenses are to be paid out of appropriations made to the department.

All meetings of such committees shall be open to the public.

CHAPTER 1466

An act to add Section 9356.6 to the Government Code, relating to the Legislators' Retirement System.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 9356.6 is added to the Government Code, to read:

9356.6. Any member heretofore or hereafter elected to a term of office as Member of the Legislature who, prior to the term for which he is so elected has served for at least four years as a Member of the Legislature, and who during the term

to which he is so elected is either appointed or elected to another public office and thereupon resigns his office of Member of the Legislature shall receive credit for service for the full term of office as Member of the Legislature to which he is so elected if he makes contributions therefor to the Legislators' Retirement Fund in the same amount as he would have made had he remained a Member of the Legislature for the whole term to which he was elected.

CHAPTER 1467

An act to add Section 8403 to the Government Code, relating to the administration of programs for the aged, blind, and disabled.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 8403 is added to the Government Code, to read:

8403. No officer or employee of the State or any county, city and county, city, or district who is concerned with the administration of any program for the aged, blind, or disabled shall, in his official capacity, attempt to coerce or coerce any aged, blind, or disabled person to join or refrain from joining any organization of the aged, blind, or disabled.

CHAPTER 1468

An act to amend Section 4020 of the Welfare and Institutions Code, relating to the amount of grant for recipients of aid to needy disabled.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 4020 of the Welfare and Institutions Code is amended to read:

4020. For needy disabled persons qualifying for aid under the provisions of this chapter there shall be paid an amount equivalent to the actual needs of the recipient as set forth in this section but not to exceed an average grant computed statewide for all recipients of aid under this chapter of one hundred dollars ($100) per month. In the event the average grant per recipient in any month exceeds an amount of one hundred dollars ($100) the State Department of Social Welfare shall take immediate steps to reduce or curtail payments for attend-

ant services or other special services arising from their disability to the end that the monthly average per recipient for the full fiscal year does not exceed one hundred dollars ($100).

The State Social Welfare Board shall establish a standard of assistance, within the limits set forth in this section, which will enable each recipient to maintain himself in decency and health. The board shall establish a standard to cover actual needs, common to all persons, not to exceed one hundred six dollars ($106) per month. Within the limit of the average grant set forth in this section the board may provide for payment of an additional sum to those recipients whose physical condition is such that they require the services of a full- or part-time attendant or other special services. Allowance for attendant services shall not be made when rendered by a responsible relative with whom the recipient is living.

The board shall give priority to persons in the greatest need without replacing other public or private resources which can provide the services. Voluntary contributions or grants from other public sources, private agencies, friends or relatives which are specifically and solely provided for such attendant services and which would not otherwise be available shall not be considered as applying toward the actual needs of said recipient.

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed not more than two months beyond the month in which the recipients reported the change in circumstances.

Operative date

SEC. 2. This act shall become operative January 1, 1962.

CHAPTER 1469

An act to add Section 5355.5 to, and to amend and renumber Section 5355.1, and to amend Section 5361 of, the Welfare and Institutions Code, relating to commitment of narcotic addicts to state hospitals

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 5355.1 of the Welfare and Institutions Code is amended and renumbered to read:

Parole

5355.7. Any person committed as a drug addict except such persons as have been committed under the provisions of Section 5360, may be paroled after the expiration of three months under the same rules and conditions under which the mentally ill are paroled, and the superintendent, on filing his written certificate with the Director of Mental Hygiene, may discharge any person committed under this article after the expiration of three months and before the expiration of the

maximum term of confinement when such superintendent is satisfied that the person will not receive substantial benefit from further hospital treatment.

SEC. 2. Section 5355.5 is added to said code, to read:

Trial of issue of commitment

5355.5 If a person ordered committed to a state hospital, or any friend in his behalf, is dissatisfied with the order of the judge committing him, he may, within 10 days after the making of the order of commitment, demand that the issue be tried by a judge or by a jury in the superior court of the county in which he was committed. Thereupon a trial shall be had in compliance with the provisions of Sections 5125 to 5129, inclusive, of this code.

SEC. 3. Section 5361 of said code is amended to read:

Penalty

5361. Any person who knowingly and maliciously attempts to have any person adjudged a drug addict under this article, unlawfully, is guilty of a misdemeanor.

CHAPTER 1470

An act to amend Section 8201 of, and to add Section 8214.1 to, the Government Code, relating to notaries public.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 8201 of the Government Code is amended to read:

Qualifications

8201. Every person appointed as notary public shall:

(a) Be at the time of appointment a citizen of the United States and of this State, except as otherwise provided in Section 8203.1 of this chapter.

(b) Have resided in this State for 12 consecutive months immediately preceding his appointment, except as otherwise provided in Section 8203.1.

(c) Be not less than 21 years of age

(d) Be of good moral character.

SEC. 2. Section 8214.1 is added to said code, to read:

Conviction of felony

8214.1. The Governor may revoke the commission of any notary public who is convicted of a felony during the term of his commission

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CHAPTER 1471

An act to amend Section 1300.15 of the Agricultural Code, relating to marketing of agricultural products.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1300.15 of the Agricultural Code is amended to read:

1300.15. (a) (1) Any marketing order issued pursuant to this chapter shall provide for the establishment of an advisory board to assist the director in the administration of any marketing order. The members of the board shall be appointed by the director and may hold office at the pleasure of the director. If the marketing order affects directly only producers of a particular commodity the members of the board shall be producers. If the marketing order affects directly only handlers of a particular commodity the members of the board shall be handlers.

If the marketing order affects directly both producers and handlers of a particular commodity, such board shall be composed of both producers and handlers. The number of producers or handlers upon any such board shall be of such number of producers or handlers as the director finds is necessary to assist properly in the administration of such order. Upon the recommendation of the board, the director may appoint one person who is neither a producer nor a handler to represent the Department of Agriculture or the public generally.

(2) No member of any such board shall receive a salary but each shall be entitled to his actual expenses incurred while engaged in performing his duties herein authorized. The director may authorize such board: to enter into contracts or agreements, to employ necessary personnel including attorneys engaged in the private practice of the law, fix their compensation and terms of employment; and to incur such expenses, to be paid by the director from moneys collected as herein provided, as the director may deem necessary and proper to enable such board properly to perform such of its duties as are authorized herein. The duties of any such board shall be administrative only and may include only the following:

a. Subject to the approval of the director to administer such marketing order.

b. To recommend to the director administrative rules and regulations relating to the marketing order.

c. To receive and report to the director complaints of violations of the marketing order.

d. To recommend to the director amendments to the marketing order.

e. To assist the director in the assessment of members of the industry and in the collection of funds to cover expenses incurred by the director in the administration of the marketing order.

f. To assist the director in the collection of such necessary information and data as the director may deem necessary to the proper administration of this chapter.

(3) In addition to the advisory board there may be established one or more special committees or subcommittees to assist the advisory board in carrying out its duties and functions. Upon approval of the director each advisory board may establish committees or subcommittees to carry out assigned duties and functions and designate the members or alternate members of the board to serve upon such committees. If the marketing

order so authorizes or upon the recommendation of the board, the director may authorize the establishment of special committees or subcommittees of persons who are not members or alternate members of the board to perform specific duties and functions; provided, that the members and alternate members of any such special committee or subcommittee shall be appointed by the director.

Any action of any committee, special committee or subcommittee of the board shall be subject to final approval by the board. Members and alternate members of any committee, special committee or subcommittee whether by appointment or approval of the director shall be entitled to reimbursement for actual expenses incurred while acting in their authorized capacities.

(b) Subject to the legislative restrictions and limitations set forth herein any marketing order issued by the director pursuant to this chapter may contain any or all of the following provisions for regulating or providing methods for regulating producer marketing or the handling or any of the operations of processing or distributing by handlers of any agricultural commodity within this State, but no others:

(1) Provisions for determining the existence and extent of the surplus of any agricultural commodity, or of any grade, size or quality thereof, and providing for the control and disposition of such surplus, and for equalizing the burden of such surplus elimination or control among the producers, processors, distributors or other handlers affected. Notwithstanding any other appropriate means of equalizing the burden of surplus control and the elimination thereof as provided in this chapter, provision may be made for the creation of a stabilization fund to be used for purchasing or otherwise acquiring any portion of the surplus of any agricultural commodity either in fresh or processed form, except when processed in hermetically sealed containers, and for the diversion of such surplus quantity of such commodity so acquired into noncompetitive or byproducts uses or for disposing of such surplus in noncommercial channels Moneys for such stabilization fund shall be provided by means of the establishment of an assessment rate for such purpose levied upon producers or handlers or upon both producers and handlers. Such assessment rate shall be based upon the units in which such agricultural commodity is handled or marketed or upon any other uniform basis which the director determines to be reasonable and equitable. For convenience of collection, the director may collect any producer assessments from handlers of such commodity. Handlers paying such assessments for and on behalf of any producers are authorized to deduct such producer assessments from any moneys owed by such handlers to such producers.

(2) Provisions for limiting the total quantity of any agricultural commodity, or of any grade, size or quality thereof, which may be marketed by producers or processed, distributed

or otherwise handled within this State during any specified period or periods, by any and all persons engaged in such producer marketing, processing, distributing or handling; provided, that any such limitation shall be applied under a uniform rule applicable to all such persons so regulated. The total quantity of any such commodity so regulated and permitted to be marketed by producers, processed, distributed or otherwise handled, shall not be less than the quantity which the director finds is reasonably necessary to supply the market demands of consumers of such commodity.

(3) Provisions for allotting the quantity of any agricultural commodity, or of any grade, size or quality thereof, which each handler may purchase or acquire from, or handle on behalf of, any and all producers thereof, within this State during any specified period or periods under a uniform rule, applicable to all handlers so regulated based upon the amounts produced or sold by such producers in a prior period which the director finds to be representative, or upon the current season's production or sales of such producers, or both, to the end that the total quantity of such commodity or of any grade, size or quality thereof, so purchased or handled within this State shall be apportioned equitably among the producers thereof

(4) Provisions for allotting the quantity of any agricultural commodity, or of any grade, size or quality thereof, which each handler may process, distribute or handle within this State under a uniform rule, applicable to all handlers so regulated, based upon the quantities of such commodity or of any grade, size or quality thereof of the current season's crop which each such handler has available for such processing, distribution or handling, or upon the quantities of such commodity or of any grade, size or quality thereof so processed, distributed or handled by each such handler in a prior period which the director finds to be representative, or based upon both, to the end that the total quantity of such commodity or any grade, size or quality thereof, processed, distributed or handled within this State during any specified period or periods shall be equitably apportioned among all such handlers thereof.

(5) Provisions regulating the period, or periods, during which any agricultural commodity, or any grade, size or quality of such commodity, may be processed, distributed or otherwise marketed within this State by any and all persons engaged in such processing, distributing or marketing within this State; provided, that the total quantity of such commodity so regulated and permitted to be processed, distributed or otherwise marketed during such period or periods, shall not be less than the quantity which the director finds is necessary to reasonably supply the needs of consumers of such commodity.

(6) Provisions for the establishment of surplus, stabilization, or byproduct pools for any agricultural commodity or of any grade, size, quality or condition thereof, and providing for the sale of the commodity in any such pool and for the equitable distribution among the persons participating therein of

the net returns derived from the sale of such commodity. Whenever the marketing order authorizes the establishment of any such pool or pools the advisory board shall have power to receive such commodity from each producer or handler and to handle the same according to the grade, size, quality or condition thereof and to account to each producer or handler participating therein upon a pro rata basis for the net proceeds derived from the sale thereof.

The contents of any surplus pool shall not be marketed by the board in any form which would compete directly with that portion of the commodity which is marketed in regular channels of trade. However, any portion of any surplus pool may be transferred by the board upon any gratuitous basis to charitable organizations and other similar agencies under proper safeguards to insure that none of such commodity shall compete directly with the unrestricted portion of such commodity. The board may dispose of the contents of a stabilization pool in the regular marketing channels in such manner and at such times as the board deems advisable, consistent with the maintenance of stabilized marketing conditions for such commodity. The board may dispose of the contents of any byproduct pool only for byproducts or for other similar purposes under proper safeguards to prevent such portion of the commodity so disposed of from directly competing with that part of the commodity which is marketed in the usual form or in the regular channels of trade.

Whenever the marketing order authorizes the establishment of a surplus, stabilization, or byproduct pool, the board shall have authority to arrange for and operate any necessary facilities for the storing, financing, grading, packing, servicing, processing, preparing for market, selling, and disposing of the contents of any pools provided for in this section; provided, however, the board shall not have authority to engage in commercial warehousing.

The board shall have power to pledge all of the commodity in any such pools with banks or other lending agencies for the purpose of obtaining loans thereon. The board shall have title, for the purpose of financing and handling, to all of the commodity in any such pools.

Whenever the marketing order authorizes the establishment of any type of pool authorized in this section, the board shall have authority to create, by a uniform assessment upon producers, or upon some other uniform and equitable basis, maintain, and disburse an equalization fund to be used for the removal of any inequalities between producers or handlers participating in any pool resulting from errors in estimating production or surplus or for indemnifying producers whose production, in whole or in part, is diverted in green form or otherwise from normal marketing outlets or diverted to byproducts, relief, or other noncompetitive purposes pursuant to the provisions of the marketing order.

(7) Provisions establishing or providing for establishing with respect to any agricultural commodity either as delivered by producers to handlers or processors, or as handled, processed, or otherwise prepared for market, or as marketed by producers, handlers or processors: (A) grading standards of quality, condition, size, maturity or pack, which standards may include minimum standards provided the standards so established shall not be established below any minimum standards prescribed by law for such commodity; and (B) uniform inspection and grading of such commodity in accordance with the standards so established.

(8) Provisions for the establishment of plans for advertising and sales promotion to maintain present markets or to create new or larger markets for agricultural commodities grown in the State of California, or for the prevention, modification or removal of trade barriers which obstruct the free flow of agricultural commodities to market. The director is hereby authorized to prepare, issue, administer and enforce plans for promoting the sale of any agricultural commodity.

Provided, that any such plan shall be directed toward increasing the sale of agricultural commodities without reference to any private brand or trade name used by any handler with respect to the agricultural commodity regulated by the marketing order except the use of wine when other than private brands or private trade names are unavailable.

Provided further, that no advertising or sales promotion program shall be issued by the director which shall make use of false or unwarranted claims in behalf of any such product, or disparage the quality, value, sale or use of any other agricultural commodity.

(9) Provisions relating to the prohibition of unfair trade practices. In addition to the unfair trade practices, now prohibited by law, applicable to the processing, distribution or handling of agricultural commodities within this State, the director is hereby authorized to include in any marketing order issued hereunder provisions designed to correct any trade practice affecting the processing, distributing or handling of any agricultural commodity within this State which the director finds, after a hearing thereupon in which all interested persons are given an opportunity to be heard, is unfair and detrimental to the effectuation of the declared purposes of this chapter.

(10) Provisions for the application for, review, certification and equitable payment of, production adjustment benefits to growers from funds collected for such purpose on a uniform basis from all commercial growers of any agricultural commodity in the State, for which production adjustment payments are made. Such funds may be supplemented by funds, if any, received from federal, state or other agencies for such purpose.

No program of production adjustment adopted hereunder shall authorize payments for the removal of acreages of trees

or vines of the species, variety or varieties specified in the program which have, during the three years immediately preceding the date of application, produced an annual yield per acre in excess of the comparably computed average yield from bearing trees or vines of the same species, variety or varieties for the State as a whole, such yields and averages to be determined by the director from statistical data compiled by state or federal agencies or such other data as the director deems to be representative and reliable.

(11) Provisions for carrying on research studies in the production, processing or distribution of any agricultural commodity and for the expenditure of moneys for such purposes. In any research in production or processing carried on hereunder, the Dean of the College of Agriculture of the University of California and the advisory board provided for in Section 1300.15 hereof shall co-operate in selecting the research project or projects to be carried on from time to time. Insofar as practicable such projects shall be carried out by said college of agriculture, but if the dean of said college and the advisory board determine that the college has no facilities for a particular project or that some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the dean and the advisory board.

(12) Provisions establishing or providing authority for establishing, for any agricultural commodity, either as such commodity is produced or is delivered by producers to handlers, or as handled or otherwise prepared for market, or as marketed by producers or handlers, an educational program designed to acquaint producers, handlers or other interested persons with quality improvement, including sanitation practices, procedures or methods as applied to such commodity.

(13) Provisions establishing or providing authority for establishing, and for regulating the permissive use of an official board brand, trade name, or label, or other distinctive designation of grade, quality or condition, other than grade or quality designations in effect pursuant to state or federal grade standards, for any agricultural commodity, other than wine, either as such commodity is produced or is delivered by producers to handlers, or as handled or otherwise prepared for market, or marketed by producers or handlers. As provided in subdivision (k) of Section 1300.19 of this chapter, the permissive use of any such official board brand, trade name, or label or other distinctive designation of quality shall be limited to producers and handlers of the commodity who are participating in the marketing agreement or order, and who are in compliance with the provisions thereof and with any rules or regulations promulgated thereunder. Any official brand or trade name established pursuant to this paragraph shall not be construed as a private brand or trade name with respect to paragraph (8) of subdivision (b) of this section.

(c) In addition to authority to issue marketing orders regulating the processing or preparation for marketing of any

or all portions of any agricultural commodity processed within this State, and in addition to authority to issue marketing orders regulating the distribution of any or all portions of any agricultural commodity within this State and subject to the legislative restrictions and limitations of Section 1300.14 of this chapter, the director may also issue marketing orders regulating the handling, processing, preparation for marketing or marketing of any or all portions of any agricultural commodity produced in this State for which marketing regulatory powers are not being exercised by the federal government under the provisions of the Marketing Agreement Act of 1937, as amended, being Public Law No. 137, 75th Congress, Chapter 296, First Session, 7 U.S C.A. 674, 50 Statute 249.

CHAPTER 1472

An act to add Section 5754 to the Welfare and Institutions Code, relating to private mental institutions.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 5754 is added to the Welfare and Institutions Code, to read:

5754. The Director of Mental Hygiene may bring an action to enjoin the threatened violation, or continued violation of the provisions of this part, including the operation of an establishment or institution without a license, or of any of the regulations promulgated under this part, in the superior court located in the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show the lack of an adequate remedy at law or to show or tending to show irreparable damage or loss.

At least 30 days prior to the filing of a complaint against a licensee, the director shall serve the licensee with a written notice specifying each deficiency in the licensed establishment or institution, and of the violation or continued violation by such establishment or institution of this part or any of the regulations promulgated under this part. No restraining order or injunction, either temporary or permanent, shall be granted by the court which would cause a licensed establishment or institution to cease operations or which would seriously impede the continued operation of the establishment or institution, unless the operator thereof has been accorded a prior judicial hearing with respect to whether or not such restraining order or injunction shall issue.

CHAPTER 1473

An act to amend Section 2259 of the Vehicle Code, relating to officers' uniforms.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Section 2259 of the Vehicle Code, is amended to read:

2259. The Department of the California Highway Patrol shall pay to the member, or his estate, the cost of repairing the uniforms and equipment of the member of the California Highway Patrol which are damaged in the line of duty. If the uniforms or equipment are damaged beyond repair, the department shall pay an amount equal to the actual value thereof at the time the damage occurred, which shall be determined by the commissioner.

The term "equipment," as used in this section, shall include equipment required by the department or personal accoutrements necessary for the patrol member to perform his duty.

CHAPTER 1474

An act to repeal Section 23781 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Section 23781 of the Business and Professions Code is repealed.

CHAPTER 1475

An act to amend Section 4376 of the Agricultural Code, relating to distributor bonds.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect Septemebr 15, 1961

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

SECTION 1. Section 4376 of the Agricultural Code is amended to read:

4376. Every distributor before purchasing any fluid milk or fluid cream from a producer must execute and deliver to the director a surety bond in the minimum sum of one thousand dollars ($1,000), executed by the applicant as principal and

by a surety company qualified and authorized to do business in this State as surety. Said bond shall be upon a form approved by the director, and shall be conditioned upon the payment in the manner required by this chapter, of all amounts due to producers for fluid milk and fluid cream purchased by such licensee or applicant during the license year. Said bond shall be to the State in favor of every producer of fluid milk and fluid cream. In case of failure by a distributor to pay any producer or producers for fluid milk or fluid cream in the manner required by this chapter, the director shall proceed forthwith to ascertain the names and addresses of all producer-creditors of such distributor, together with the amounts due and owing to them and each of them by such distributor, and shall request all such producer-creditors to file a verified statement of their respective claims with the director. The producer need only verify that he is owed an amount by the distributor. The actual amount may be as ascertained pursuant to this section. Thereupon the director shall bring an action on the bond on behalf of said producer-creditors. Upon any action being commenced upon said bond, the director may require the filing of a new bond and immediately upon a recovery in any action upon such bond, such distributor shall file a new bond, and upon failure to file same within ten (10) days in either case, such failure shall constitute grounds for the revocation or suspension of the license of such distributor.

In the event that recovery upon the bond is not sufficient to pay all of the claims as finally determined and adjudged by the court, any such amount recovered shall be divided pro rata among said producer-creditors.

CHAPTER 1476

An act to add Article 8.5 (commencing with Section 2370) to Chapter 6 of Division 5 of the Education Code, relating to consolidated high school districts.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Article 8.5 (commencing with Section 2370) is added to Chapter 6 of Division 5 of the Education Code, to read:

Article 8.5. Consolidated High School Districts

Petition for consolidation

2370. A majority of the registered voters residing in each of two or more elementary, union elementary, or joint union elementary school districts which are part of one or more high school districts, may present to the county superintendent of schools who has jurisdiction over the elementary school dis-

tricts or a majority thereof, a petition asking for the organization of a consolidated high school district to include all of the territory of the elementary school districts represented in the petition; provided that all of the following conditions exist:

Conditions

(1) The assessed valuation of the elementary districts totals twenty-five million dollars ($25,000,000) or more.

(2) The average daily attendance of all of the elementary districts, as determined for the preceding fiscal year, totals five hundred (500) or more.

(3) The area of all of the elementary districts totals two hundred (200) square miles or more.

(4) The high school districts from which territory is withdrawn to form a consolidated high school district shall be left with not less than twenty-five million dollars ($25,000,000) in assessed valuation.

(5) The high school districts from which territory is withdrawn to form a consolidated high school district shall be left with an average daily attendance in grades 9 through 12 of not less than 500.

Any person securing the signatures to any such petition shall attach an affidavit thereto that all persons who signed the petition did so in the presence of the affiant and that each signature is the genuine signature of the person whose name it purports to be. The county superintendent shall, within 20 days after receiving the petition, verify the signatures, and, if he finds them sufficient, submit the petition to the county committee on school district organization for approval.

Procedures

2371. Upon the receipt of the petition, the county committee on school district organization shall consider it and final action taken on the petition to form a consolidated high school district shall be taken only in accordance with the procedures set forth under the provisions of Chapter 9, Division 5, of the Education Code (commencing with Section 3108) embodying approval by the State Board of Education and by the electorate of the proposed consolidated high school district subject to the following exceptions:

Exceptions

(a) The county committee shall provide in its plan submitted to the State Board of Education for trustee areas, not to exceed seven, with each trustee area comprising at least one of the component elementary districts.

(b) The ballots used in the election shall contain the words "new consolidated high school district—yes, and new consolidated high school district—no".

(c) Candidates for the position of member of the governing board of the consolidated high school district shall be members of the governing boards of the respective component elementary school districts.

First governing board

2372. The first governing board of the consolidated high school district shall be elected at an election held separately but simultaneously with the election to form the consolidated high school district.

Suspension and lapse

2373. Any consolidated high school district formed under this article shall be suspended and declared lapsed in the manner provided in Article 15 (commencing with Section 2511) of this chapter, upon failure, within two years after the making of the order specified in Section 3167, to issue bonds in an amount which will produce proceeds sufficient to enable the acquisition of one or more sites and the acquisition or construction of one or more high schools; provided that the procedures necessary to obtain authorization to issue bonds may be consolidated with the procedures for formation of the consolidated high school district.

Existing bonded indebtedness

2374. The allocation and assumption of portions of existing bonded indebtedness and the allocation and transfer of assets of any high school district from which territory is withdrawn in the formation of a consolidated high school district pursuant to this article (commencing with Section 2370) shall be governed by the applicable provisions of Chapter 1 (commencing with Section 1601) of this division, and Article 7 (commencing with Section 16301) of Chapter 2 of Division 12.

CHAPTER 1477

An act to amend Section 34315 of the Government Code, relating to the incorporation of cities.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 34315 of the Government Code is amended to read:

34315. On the final hearing, the board may make such changes in the proposed boundaries as it finds proper, and shall define the boundaries, and determine how many inhabitants, or in a county with a population of 2,000,000 or more how many registered voters, reside within the boundaries.

CHAPTER 1478

An act to add Section 6534.9 to the Business and Professions Code, relating to barber colleges.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 6534.9 is added to the Business and Professions Code, to read:

6534.9. In addition to the requirements contained in Section 6534.7, the board shall not issue a certificate of registration to operate a new barber college unless the applicant offers proof satisfactory to the board that there is in the county wherein the college is to be established a population of at least 500.000 for each barber college in operation in the county and an additional 500,000 or more for the new college. The board shall not issue a certificate to operate a new barber college in any city where the ratio of the population of the city is less than 150,000 for each such college.

CHAPTER 1479

An act to add Chapter 9 (commencing with Section 860) to Title 10 of Part 2 of the Code of Civil Procedure, relating to validating proceedings.

[Approved by Governor July 13, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Chapter 9 (commencing with Section 860) is added to Title 10 of Part 2 of the Code of Civil Procedure, to read:

CHAPTER 9. VALIDATING PROCEEDINGS

Action to determine validity of agency matters

860. A public agency may upon the existence of any matter which under any other law is authorized to be determined pursuant to this chapter, and for 60 days thereafter, bring an action in the superior court of the county in which the principal office of the public agency is located to determine the validity of such matter. The action shall be in the nature of a proceeding in rem.

Jurisdiction

861. Jurisdiction of all interested parties may be had by publication of summons pursuant to Section 6063 of the Government Code in a newspaper of general circulation designated by the court, published in the county where the action is pending and whenever possible within the boundaries of the public agency, and in such other counties as may be ordered by the court, and if there be no such newspaper in any such county or counties then in some adjoining county. In addition, prior to completion of such publication, the agency shall, to the extent which the court finds reasonably practicable, give notice of the pendency of the proceeding by mail or other means ordered by the court.

Same

862. Jurisdiction shall be complete 10 days after completion of publication of summons. Any party interested may, at any time before the expiration of the 10 days, appear and contest the legality or validity of the matter sought to be determined.

Action by any interested person

863. If no proceedings have been brought by the public agency pursuant to this chapter, any interested person may bring an action within the time and in the court specified by

Section 860 of this chapter to determine the validity of such matter. The public agency shall be a defendant.

Bonds, warrants, etc

864. For purposes of this chapter, bonds, warrants, contracts, obligations, and evidences of indebtedness shall be deemed to be in existence upon their authorization. Bonds and warrants shall be deemed authorized as of the date of adoption by the governing body of the public agency of a resolution or ordinance authorizing their issuance, and contracts shall be deemed authorized as of the date of adoption by the governing body of the public agency of a resolution or ordinance approving the contract and authorizing its execution.

Consolidation of actions

865. If more than one action is pending concerning similar contests which may be brought under this chapter, they shall be consolidated for trial.

Disregarding minor errors

866. The court hearing the action shall disregard any error, irregularity, or omission which does not affect the substantial rights of the parties.

Preference on calendar

867. Actions brought pursuant to this chapter shall be given preference over all other civil actions before the court in the matter of setting the same for hearing or trial, and in hearing the same, to the end that such actions shall be speedily heard and determined.

Costs

868. The costs of any proceeding or action pursuant to this chapter may be allowed and apportioned between the parties or taxed to the losing party in the discretion of the court.

Contest

869. No contest except by the public agency or its officer or agent of any thing or matter under this chapter shall be made other than within the time and the manner herein specified.

Judgment

870. The judgment, if no appeal is taken, or if taken and the judgment is affirmed, shall be forever binding and conclusive, as to all matters therein adjudicated or which at that time could have been adjudicated, against the agency and against all other parties and said judgment shall permanently enjoin the institution by any person of any action or proceeding raising any issue as to which said judgment is binding and conclusive.

Right to bring action

SEC. 2. Any person permitted to bring an action immediately prior to the taking effect of this act, whose time to bring such action would be restricted or eliminated by the time limits contained in Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure added by this act, may bring such action within 60 days after the effective date of this act.

Effect on existing actions

SEC. 3. Any action commenced prior to the effective date of this act to determine the validity of any matter which under any other law enacted at the 1961 Regular Session of the Legislature would be determined pursuant to this act, shall proceed to judgment as if this act and such other law had not been enacted.

CHAPTER 1480

An act to amend Section 26 of the Sierra County Flood Control and Water Conservation District Act (Chapter 2123, Statutes of 1959), relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 26 of the Sierra County Flood Control and Water Conservation District Act (Chapter 2123, Statutes of 1959) is amended to read:

Sec. 26. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1481

An act to amend Section 26 of the Lassen-Modoc County Flood Control and Water Conservation District Act (Chapter 2127, Statutes of 1959), relating to validating proceedings.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 26 of the Lassen-Modoc County Flood Control and Water Conservation District Act (Chapter 2127, Statutes of 1959) is amended to read:

Sec. 26. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1482

An act to amend Section 49 of the Yuba-Bear River Basin Authority Act (Chapter 2131, Statutes of 1959), relating to validating proceedings.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

In effect September 15, 1961

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

SECTION 1. Section 49 of the Yuba-Bear River Basin Authority Act (Chapter 2131, Statutes of 1959) is amended to read:

Sec. 49. An action to determine the validity of bonds or any contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of

Civil Procedure. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

CHAPTER 1483

An act to amend Section 22 of the Amador County Water Agency Act (Chapter 2137, Statutes of 1959), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 22 of the Amador County Water Agency Act (Chapter 2137, Statutes of 1959) is amended to read:

Sec. 22. An action to determine the validity of bonds or a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

CHAPTER 1484

An act to amend Section 98 of the El Dorado County Water Agency Act (Chapter 2139, Statutes of 1959), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 98 of the El Dorado County Water Agency Act (Chapter 2139, Statutes of 1959) is amended to read:

Sec. 98. An action to determine the validity of bonds, levy of a special assessment or a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

CHAPTER 1485

An act to amend Section 64 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146, Statutes of 1959), relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 64 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146, Statutes of 1959) is amended to read:

SEC. 64. An action to determine the validity of any contract authorized by paragraph 14 of Section 61 may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1486

An act to repeal Article 5 (commencing with Section 36050) of, and to add Article 5 (commencing with Section 36050) to, Chapter 2 of Part 6 of Division 13 of the Water Code, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 5 (commencing with Section 36050) of Chapter 2 of Part 6 of Division 13 of the Water Code is repealed

Repeal

SEC. 2. Article 5 (commencing with Section 36050) is added to Chapter 2 of Part 6 of Division 13 of said code, to read:

Article 5. Validating Proceedings

36050. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Action to determine validity

CHAPTER 1487

An act to amend Section 26 of the Siskiyou County Flood Control and Water Conservation District Act (Chapter 2121, Statutes of 1959), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

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

SECTION 1. Section 26 of the Siskiyou County Flood Control and Water Conservation District Act (Chapter 2121, Statutes of 1959) is amended to read:

Sec. 26. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1488

An act to amend Section 26 of the Plumas County Flood Control and Water Conservation District Act (Chapter 2114, Statutes of 1959), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 26 of the Plumas County Flood Control and Water Conservation District Act (Chapter 2114, Statutes of 1959) is amended to read:

Sec. 26. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1489

An act to amend Section 21 of the Sutter County Water Agency Act (Chapter 2088, Statutes of 1959), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

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

SECTION 1. Section 21 of the Sutter County Water Agency Act (Chapter 2088, Statutes of 1959) is amended to read:

Sec. 21. An action to determine the validity of bonds, levy of an assessment or a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part

2 of the Code of Civil Procedure. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

CHAPTER 1490

An act to amend Section 18 of the Mariposa County Water Agency Act (Chapter 2036, Statutes of 1959), relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 18 of the Mariposa County Water Agency Act (Chapter 2036, Statutes of 1959) is amended to read:

Sec. 18. An action to determine the validity of bonds, levy of a special assessment or a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

CHAPTER 1491

An act to amend Section 21 of the Yuba County Water Agency Act (Chapter 788, Statutes of 1959), relating to validating proceedings.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 21 of the Yuba County Water Agency Act (Chapter 788, Statutes of 1959) is amended to read:

Sec. 21. An action to determine the validity of bonds or a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

CHAPTER 1492

An act to amend Section 166 of the Shasta County Water Agency Act (Chapter 1512, Statutes of 1957), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

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

SECTION 1. Section 166 of the Shasta County Water Agency Act (Chapter 1512, Statutes of 1957) is amended to read:

Sec. 166. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

CHAPTER 1493

An act to amend Section 25 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280, Statutes of 1957), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

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

SECTION 1. Section 25 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280, Statutes of 1957) is amended to read:

Sec. 25 An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1494

An act to amend Section 19 of the Contra Costa County Water Agency Act (Chapter 518, Statutes of 1957), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

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

SECTION 1. Section 19 of the Contra Costa County Water Agency Act (Chapter 518, Statutes of 1957) is amended to read:

Sec. 19. An action to determine the validity of a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1495

An act to repeal Article 3 (commencing with Section 511) of, and to add Article 3 (commencing with Section 511) to, Chapter 8 of the Santa Cruz County Flood Control and Water Conservation District Act (Chapter 1489, Statutes of 1955), relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 3 (commencing with Section 511) of Chapter 8 of the Santa Cruz County Flood Control and Water Conservation District Act (Chapter 1489, Statutes of 1955) is repealed. Repeal

SEC. 2. Article 3 (commencing with Section 511) is added to Chapter 8 of the Santa Cruz County Flood Control and Water Conservation District Act (Chapter 1489, Statutes of 1955), to read:

Article 3. Validating Proceedings

Sec. 511. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Action to determine validity

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CHAPTER 1496

An act to repeal Article 5 (commencing with Section 55630) of, and to add Article 5 (commencing with Section 55630) to, Chapter 2 of Part 4 of Division 16 of the Water Code, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 5 (commencing with Section 55630) of Chapter 2 of Part 4 of Division 16 of the Water Code is repealed. Repeal

SEC. 2. Article 5 (commencing with Section 55630) is added to Chapter 2 of Part 4 of Division 16 of said code, to read:

Article 5. Validating Proceedings

Action to determine validity

55630. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1497

An act to amend Section 5.42 of the Los Angeles Metropolitan Transit Authority Act of 1957 (Chapter 547, Statutes of 1957), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 5.42 of the Los Angeles Metropolitan Transit Authority Act of 1957 (Chapter 547, Statutes of 1957) is amended to read:

Action to determine validity

Sec. 5.42. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Effect Assembly Bill No 2190

SEC. 2. Section 1 of this act shall become operative only if Assembly Bill No. 2190 is not enacted by the Legislature at its 1961 Regular Session.

CHAPTER 1498

An act to amend Section 58 and to repeal Sections 59, 60, 61 and 62 of the Drainage District Act of 1903 (Chapter 238, Statutes of 1903), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 58 of the Drainage District Act of 1903 (Chapter 238, Statutes of 1903) is amended to read:

Action to determine validity

Sec. 58. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Repeal

SEC. 2. Section 59 of said act is repealed.

Repeal

SEC. 3. Section 60 of said act is repealed.

Repeal

SEC. 4. Section 61 of said act is repealed.

Repeal

SEC. 5. Section 62 of said act is repealed

CHAPTER 1499

An act to amend Section 56 and to repeal Sections 57, 58, 59 and 60 of the Protection District Act of 1907 (Chapter 25, Statutes of 1907), relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 56 of the Protection District Act of 1907 (Chapter 25, Statutes of 1907) is amended to read:

Sec. 56. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Action to determine validity

SEC. 2. Section 57 of said act is repealed. Repeal

SEC. 3. Section 58 of said act is repealed. Repeal

SEC. 4. Section 59 of said act is repealed. Repeal

SEC. 5. Section 60 of said act is repealed. Repeal

CHAPTER 1500

An act to amend Section 12 of Chapter 99 of the Statutes of 1913, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15 1961

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

SECTION 1. Section 12 of Chapter 99 of the Statutes of 1913 is amended to read:

Sec. 12. An action to determine the validity of bonds or of the levy of an assessment may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1501

An act to amend Section 12.3 of the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 12.3 of the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911) is amended to read:

Sec. 12.3. An action to determine the validity of any contract authorized by paragraph 14 of Section 12 may be brought

pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1502

An act to amend Section 33 and to repeal Sections 34, 35 and 36 of the Palo Verde Irrigation District Act (Chapter 452, Statutes of 1923), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 33 of the Palo Verde Irrigation District Act (Chapter 452, Statutes of 1923) is amended to read:

Action to determine validity

Sec. 33. Validating Proceedings. An action to determine the validity of bonds or assessments may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure

Repeal

SEC. 2. Section 34 of said act is repealed.

Repeal

SEC. 3. Section 35 of said act is repealed.

Repeal

SEC. 4. Section 36 of said act is repealed.

CHAPTER 1503

An act to amend Section 7 of the Metropolitan Water District Act (Chapter 429, Statutes of 1927), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 7 of the Metropolitan Water District Act (Chapter 429, Statutes of 1927) is amended to read:

Sec. 7. (a) Whenever the board of directors of any metropolitan water district incorporated under this act shall, by ordinance adopted by a vote of a majority of the aggregate number of votes of all the members of the board of directors, determine that the interests of said district and the public interest or necessity demand the acquisition, construction or completion of any public improvement or works, or the incurring of any preliminary expenses, necessary or convenient to carry out the objects or purposes of said district the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, said board of directors may order the submission of the proposition of incurring

bonded indebtedness, for the purposes set forth in the said ordinance, to the qualified voters of such district, at an election held for that purpose. Any election held for the purpose of submitting any proposition or propositions of incurring such bonded indebtedness may be held separately, or may be consolidated or held concurrently with any other election authorized by law at which the qualified electors of the district are entitled to vote. The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same ordinance, which ordinance, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the public works or improvements, or the estimated amount of preliminary expenses, as the case may be, the amount of the principal of the indebtedness to be incurred therefor and the maximum rate of interest to be paid on such indebtedness, which rate shall not exceed six (6) percent per annum payable semiannually. Such ordinance shall also fix the date upon which such election shall be held and the manner of holding the same and the method of voting for or against incurring the proposed indebtedness. Such ordinance shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint the officers of such election, which officers shall consist of one inspector, one judge and two clerks in each precinct. The description of precincts may be made by reference to any order or orders of the board of supervisors of the county or counties in which the district or any part thereof is situated, or by reference to any previous order or ordinance of the legislative body of the municipality, or by detailed description of such precincts. Precincts established by the boards of supervisors of the various counties, to a number not exceeding six (6) may be consolidated for special elections held hereunder. In the event any bond election shall be called to be held concurrently with any other election or shall be consolidated therewith, the ordinance calling the election hereunder need not designate precincts or polling places or the names of officers of election, but shall contain reference to the act or order calling such other election and fixing the precincts and polling places and appointing election officers therefor.

(b) The ordinance provided for in subdivision (a) of this section shall be published once, at least ten (10) days before the date of the election therein called, in a newspaper of general circulation printed and published within the district, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made.

(c) The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of general elections, and shall make their

returns to the secretary of the district. At any regular or special meeting of the board of directors held not earlier than five (5) days following the date of such election, the returns thereof shall be canvassed and the results thereof declared. In the event that any election held hereunder shall be consolidated with any primary or general election and the proposition to incur indebtedness shall be printed upon a ballot containing other propositions, the returns of the election held hereunder shall be made with the returns of the primary or general election to the board of supervisors or other bodies whose duty it shall be to canvass the returns thereof, and the results of the election held hereunder shall be canvassed at the time and in the manner provided by law for the canvass of the returns of such primary or general election. It shall be the duty of such canvassing body or bodies to promptly certify and transmit to the board of directors of the district a statement of the result of the vote upon the proposition submitted hereunder. Upon receipt of such certificates, it shall be the duty of the board of directors to tabulate and declare the results of the election held hereunder.

(d) In the event that it shall appear from said returns that a majority of the electors voting on any proposition submitted hereunder at such election voted in favor of such proposition, the district shall thereupon be authorized to issue and sell bonds of the district in the amount and for the purpose or purposes and object or objects provided for such proposition in such ordinance, and at a rate of interest, not exceeding the rate recited in said ordinance.

(e) All bonds of such district, issued under the provisions of this act, shall be payable substantially in the following manner: A part to be determined by the board of directors which shall not be less than one-fiftieth ($\frac{1}{50}$) part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place or places to be fixed by said board of directors, together with the interest on all sums unpaid at such date; provided, that, in case such bonds are issued in installments at different times, each installment shall be payable substantially in the following manner: A part to be determined by the board of directors which shall not be less than one-fiftieth ($\frac{1}{50}$) part of the whole amount of such installment, shall be payable each and every year on a day and date, and at a place or places to be fixed by said board of directors, together with the interest on all sums unpaid at such date; provided, however, that said board may, in its discretion, determine and fix the date for the earliest maturity of the principal of the whole amount of such bonded indebtedness, or of each installment of such bonds, as the case may be, not more than 15 years from the date of the first issue of such bonds, or of the respective installment of such bonds, as the case may be; in this event, the whole amount of such bonded indebtedness, or of the respective installment of such bonds, as the case may be, must be made payable in

substantially equal annual parts in not to exceed fifty (50) years from the date of the first issue of such bonds, when the bonds are issued in one block, or from the date of the respective installment of such bonds, when the bonds are issued in installments. The bonds shall be issued in such denominations as the board of directors may determine, except that no bonds shall be of less denomination than one hundred dollars ($100), nor of a greater denomination than fifty thousand dollars ($50,000), and shall be payable on the day and at the place or places fixed in such bonds and with interest at the rate specified therein, which rate shall not be in excess of six percent (6%) per annum, and shall be payable semiannually. Such bonds shall be signed by the chairman of said board of directors, or by such other officer as said board of directors shall, by resolution adopted by a majority vote of its members, authorize and designate for that purpose, and such bonds shall also be signed by the controller, or assistant controller, and countersigned by the secretary of said board of directors. The coupons of said bonds shall be numbered consecutively, and signed by said controller, or assistant controller. All such signatures and countersignatures excepting that of the controller, or assistant controller, on said bonds, may be printed, lithographed or engraved.

(f) In case any of such officers, whose signatures or countersignatures appear on the bonds or coupons, shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of such bonds.

(g) Such bonds shall not be sold at a price less than the par value thereof, together with accrued interest to the date of delivery, nor until notice calling for bids therefor shall have been published in a newspaper of general circulation published and circulated in the county wherein the principal place of business of said district shall be located. Said notice, calling for bids, shall state the time for the receipt of such bids, which shall not be less than ten (10) days after the first publication thereof. Such notice may offer the bonds at a fixed interest rate or with the interest rate undetermined, in which event the bids shall contain a statement of the lowest rate of interest at which the bidder will take the bonds and pay par value or more therefor, together with accrued interest. Bids for such bonds shall be opened publicly and the results thereof publicly announced. Such bonds shall be sold to the highest bidder. Temporary, or interim, bonds or certificates, of any denomination whatsoever, to be signed by the controller, or assistant controller, may be issued until the definitive bonds are executed and available for delivery.

(h) Such bonds may be issued and sold by said board of directors as they shall determine, and the proceeds thereof, excepting premium and accrued interest, shall be placed in the treasury of said district to the credit of the proper im-

provement fund, and shall be applied exclusively to the purposes and objects mentioned in said ordinance; provided, that the interest on said bonds accruing during the construction period and for one year thereafter shall be deemed to be a construction cost within the meaning of the purposes and objects mentioned in said ordinance, and such interest may be paid from said proceeds of the sales of such bonds. Premium and accrued interest shall be placed in the fund to be applied to the payment of interest on, and the retirement of, the bonds so sold. For the purposes of this section, the construction period shall be deemed to end when the works, the construction of which shall have been authorized from the proceeds of any such bond issue, shall have been placed in operation to such extent as to result in the sale and delivery in the district, of water transported and provided by means of such works.

(i) An action to determine the validity of bonds and the sufficiency of the provision for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due and to constitute a sinking fund for the payment of the principal thereof on or before maturity may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

(j) The board of directors, so far as practicable, shall fix such rate or rates for water as will result in revenue which will pay the operating expenses of the district, provide for repairs and maintenance, and provide for the payment of the interest and principal of the bonded debt. If, however, from any cause, the revenues of the district shall be inadequate to pay the interest or principal of any bonded debt as the same becomes due, the board of directors shall, at the time of fixing the tax levy and in the manner for such tax levy provided, levy and collect annually until said bonds are paid or until there shall be a sum in the treasury of the district set apart for that purpose sufficient to meet all sums coming due for principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds, or such part thereof as shall not be met from revenues of the district, and also sufficient to pay such part of the principal of such bonds as shall become due before the time when money will be available from the next general tax levy, or such portion thereof as shall not be met from revenues of the district; provided, however, that if the maturity of the indebtedness created by the issue of bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually sufficient when added to revenues of the district available for that purpose to pay the interest on such indebtedness as it falls due and also to constitute, together with the revenues of the district available for such purpose, a sinking fund for the payment of the principal of such bonds on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and

shall be collected at the time and in the same manner as other district taxes are collected and shall be used for no purpose other than the payment of such bonds and accruing interest.

(k) Coupon bonds issued hereunder, at the request of the holder, may be registered as to principal and interest in the holder's name on the books of the treasurer of the district, and the coupons surrendered and the principal and interest made payable only to the registered holder of the bond. For that purpose the treasurer of the district shall detach and cancel the coupons, and shall endorse a statement on the bonds that the coupon sheet issued therewith has been surrendered by the holder, and the coupons canceled by such treasurer, and that the principal and the semiannual interest are thereafter to be paid to the registered holder, or order, by draft, check or warrant drawn payable at a place of payment specified in the bond, after which no transfer shall be valid unless made on such treasurer's books by the registered holder, or by his attorney duly authorized, and similarly noted on the bond. After such registration, the principal and interest of such bond shall be payable only to the registered owner. Bonds registered under this paragraph may, with the consent of the district and the holders of the bonds, be reconverted into coupon bonds at the expense of the holder thereof, and again reconverted into registered bonds from time to time, as the board of directors of the district and the holders of the bonds may determine. In converting coupon bonds into registered bonds, coupon bonds may be exchanged for registered bonds of one hundred dollars ($100) each, or multiples thereof, but not exceeding fifty thousand dollars ($50,000) each, in which event new registered bonds shall be issued at the expense of the holder. Coupon bonds may be exchanged for other coupon bonds of one hundred dollars ($100) each, or multiples thereof, but not exceeding fifty thousand dollars ($50,000) each, in which event new coupon bonds shall be issued at the expense of the holder.

For each conversion or reconversion of a coupon or registered bond, the treasurer of the district shall be entitled to charge and collect such fee as the board of directors of the district may prescribe from time to time.

(*l*) All bonds heretofore or hereafter issued by any metropolitan water district shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings and trust companies, and for the state school funds, and for all sinking funds under the control of the State Treasurer, and whenever any moneys or funds may by law now or hereafter enacted be invested in, or loaned upon the security of, bonds of cities, cities and counties, counties, or school districts in the State of California, such moneys or funds may be invested in, or loaned upon the security of, the bonds of such metropolitan water district; and whenever bonds of cities, cities and counties, counties, or school districts, by any law now or hereafter enacted, may be used as security for the faithful performance or execution of any court or

private trust or of any other act, bonds of such metropolitan water district may be so used.

CHAPTER 1504

An act to amend Sections 13 and 118 of the California Water Storage and Conservation District Act (Chapter 1253, Statutes of 1941), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 13 of the California Water Storage and Conservation District Act (Chapter 1253, Statutes of 1941) is amended to read:

Action to determine legality

Sec. 13. An action to determine the legality of existence of the district may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 2. Section 118 of said act is amended to read:

Action to determine validity

Sec. 118. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1505

An act to amend Section 7 of the County Water Authority Act (Chapter 545, Statutes of 1943), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 7 of the County Water Authority Act (Chapter 545, Statutes of 1943) is amended to read:

Sec. 7. (a) Whenever the board of directors of any authority incorporated under this act shall, by ordinance adopted by a vote of a majority of the aggregate number of votes of all the members of the board of directors, determine that the interests of said authority and the public interest or necessity demand the acquisition, construction or completion of any public improvement or works, necessary or convenient to carry out the objects or purposes of said authority the cost of which will be too great to be paid out of the ordinary annual income and revenue of the authority, said board of directors may order the submission of the proposition of incurring bonded indebtedness, for the purposes set forth in the

said ordinance, to the qualified voters of such district, at an election held for that purpose. Any election held for the purpose of submitting any proposition or propositions of incurring such bonded indebtedness may be held separately, or may be consolidated or held concurrently with any other election authorized by law at which the qualified electors of the authority are entitled to vote. The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same ordinance, which ordinance, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the public works or improvements, the amount of the principal of the indebtedness to be incurred therefor and the maximum rate of interest to be paid on such indebtedness, which rate shall not exceed six (6) percent per annum, payable semiannually. Such ordinance shall also fix the date upon which such election shall be held and the manner of holding the same and the method of voting for or against incurring the proposed indebtedness. Such ordinance shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint the officers of such election, which officers shall consist of one inspector, one judge and two clerks in each precinct. The description of precincts may be made by reference to any order or orders of the board of supervisors of the county in which the authority is situated, or by reference to any previous order or ordinance of the legislative body of any public agency, or by detailed description of such precincts. Precincts established by the board of supervisors of the county, to a number not exceeding six (6) may be consolidated for special elections held hereunder. In the event any bond election shall be called to be held concurrently with any other election or shall be consolidated therewith, the ordinance calling the election hereunder need not designate precincts or polling places or the names of officers of election, but shall contain reference to the act or order calling such other election and fixing the precincts and polling places and appointing election officers therefor.

(b) The ordinance provided for in subdivision (a) of this section shall be published once, at least ten (10) days before the date of the election therein called, in a newspaper of general circulation printed and published within the authority, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made.

(c) The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of general elections, and shall make their returns to the secretary of the authority. At any regular or special meeting of the board of directors held not earlier than five (5) days following the date of such election, the returns

thereof shall be canvassed and the results thereof declared. In the event that any election held hereunder shall be consolidated with any primary or general election and the proposition to incur indebtedness shall be printed upon a ballot containing other propositions, the returns of the election held hereunder shall be made with the returns of the primary or general election to the board of supervisors or other bodies whose duty it shall be to canvass the returns thereof, and the results of the election held hereunder shall be canvassed at the time and in the manner provided by law for the canvass of the returns of such primary or general election. It shall be the duty of such canvassing body to promptly certify and transmit to the board of directors of the authority a statement of the result of the vote upon the proposition submitted hereunder. Upon receipt of such certificates, it shall be the duty of the board of directors to tabulate and declare the results of the election held hereunder.

(d) In the event that it shall appear from said returns that a two-thirds majority of the electors voting on any proposition submitted hereunder at such election voted in favor of such proposition, the authority shall thereupon be authorized to issue and sell bonds of the authority in the amount and for the purpose or purposes and object or objects provided for in such proposition in such ordinance, and at a rate of interest, not exceeding the rate recited in said ordinance.

(e) The board of directors shall prescribe the form of the bonds issued by the authority and of the interest coupons to be attached thereto. Such bonds shall mature serially at times and in amounts to be fixed by the board of directors; provided, that the payment of said bonds shall begin not later than 10 years from the date thereof and be completed in not more than 50 years from said date. The bonds shall be issued in such denominations as the board of directors may determine, except that no bonds shall be of less denomination than one hundred dollars ($100), nor of a greater denomination than fifty thousand dollars ($50,000), and shall be payable on the day and at the place or places fixed in such bonds and with interest at the rate specified therein, which rate shall not be in excess of six percent (6%) per annum, and shall be payable semiannually.

The board of directors may provide for the call and redemption of any or all of said bonds on any interest payment date prior to their fixed maturity at not exceeding the par value thereof and accrued interest plus a premium of not exceeding 5 percent upon the principal amount of said bonds in which event a statement to that effect shall be set forth in the ordinance calling the election and the call price fixed by the board of directors shall be set forth on the face of the bond. Notice of such redemption shall be published once a week for three successive weeks in a newspaper of general circulation printed and published within the authority or if there be no such newspaper printed and published within the authority

then the publication shall be made in a newspaper of general circulation printed and published within the county in which the said authority is situated, the first publication of which shall be at least 30 days prior to the date fixed for such redemption. After the date fixed for such redemption, interest on said bonds thereafter shall cease.

Such bonds shall be signed by the chairman of said board of directors, or by such other officers as said board of directors shall, by resolution adopted by a majority vote of its members, authorize and designate for that purpose, and such bonds shall also be signed by the controller, or assistant controller, and countersigned by the secretary of said board of directors. The coupons of said bonds shall be numbered consecutively, and signed by said controller, or assistant controller by his lithographed or engraved signature. All such signatures and countersignatures excepting that of the controller, or assistant controller, on said bonds, may be printed, lithographed or engraved.

(f) In case any of such officers, whose signatures or countersignatures appear on the bonds or coupons, shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of such bonds.

(g) Such bonds shall not be sold at a price less than the par value thereof, together with accrued interest to the date of delivery, nor until notice calling for bids therefor shall have been published in a newspaper of general circulation published and circulated in the county wherein the principal place of business of said authority shall be located. Said notice, calling for bids, shall state the time for the receipt of such bids, which shall not be less than twenty (20) days after the first publication thereof. Such notice may offer the bonds at a fixed interest rate or with the interest rate undetermined, in which event the bids shall contain a statement of the lowest rate of interest at which the bidder will take the bonds and pay par value or more therefor, together with accrued interest. Bids for such bonds shall be opened publicly and the results thereof publicly announced. Such bonds shall be sold to the highest bidder. "Highest bidder," as used in this subsection, shall mean the one which gives the authority the lowest net cost. Temporary, or interim, bonds or certificates, of any denomination whatsoever, to be signed by the controller or assistant controller, may be issued until the definitive bonds are executed and available for delivery.

(h) Such bonds may be issued and sold by said board of directors as they shall determine, and the proceeds thereof, excepting premium and accrued interest, shall be placed in the treasury of said authority to the credit of the proper improvement fund, and shall be applied exclusively to the purposes and objects mentioned in said ordinance; provided, that the interest on said bonds accruing during the construction

period and for one year thereafter shall be deemed to be a construction cost within the meaning of the purposes and objects mentioned in said ordinance, and such interest may be paid from said proceeds of the sales of such bonds. Premium and accrued interest shall be placed in the fund to be applied to the payment of interest on, and the retirement of, the bonds so sold. For the purposes of this section, the construction period shall be deemed to end when the works, the construction of which shall have been authorized from the proceeds of any such bond issue, shall have been placed in operation to such extent as to result in the sale and delivery in the authority, of water transported and provided by means of such works.

(i) An action to determine the validity of bonds and the sufficiency of the provision for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due and to constitute a sinking fund for the payment of the principal thereof on or before maturity may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

(j) The board of directors, so far as practicable, shall fix such rate or rates for water as will result in revenue which will pay the operating expenses of the authority, provide for repairs and maintenance, and provide for the payment of the interest and principal of the bonded debt. If, however, from any cause, the revenues of the authority shall be inadequate to pay the interest or principal of any bonded debt as the same becomes due, the board of directors shall, at the time of fixing the tax levy and in the manner for such tax levy provided, levy and collect annually until said bonds are paid or until there shall be a sum in the treasury of the authority set apart for that purpose sufficient to meet all sums coming due for principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds, or such part thereof as shall not be met from revenues of the authority, and also sufficient to pay such part of the principal of such bonds as shall become due before the time when money will be available from the next general tax levy, or such portion thereof as shall not be met from revenues of the authority; provided, however, that if the maturity of the indebtedness created by the issue of bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually sufficient when added to revenues of the authority available for that purpose to pay the interest on such indebtedness as it falls due and also to constitute, together with the revenues of the authority available for such purpose, a sinking fund for the payment of the principal of such bonds on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for authority purposes and shall be collected at the time and in the same manner as other authority taxes are collected and shall be

used for no purpose other than the payment of such bonds and accruing interest.

(k) Coupon bonds issued hereunder, at the request of the holder, may be registered as to principal and interest in the holder's name on the books of the treasurer of the district, and the coupons surrendered and the principal and interest made payable only to the registered holder of the bond. For that purpose the treasurer of the authority shall detach and cancel the coupons, and shall endorse a statement on the bonds that the coupon sheet issued therewith has been surrendered by the holder, and the coupons canceled by such treasurer, and that the principal and the semiannual interest are thereafter to be paid to the registered holder, or order, by draft, check or warrant drawn payable at a place of payment specified in the bond, after which no transfer shall be valid unless made on such treasurer's books by the registered holder, or by his attorney duly authorized, and similarly noted on the bond. After such registration, the principal and interest of such bond shall be payable only to the registered owner. Bonds registered under this paragraph may, with the consent of the authority and the holders of the bonds, be reconverted into coupon bonds at the expense of the holder thereof, and again reconverted into registered bonds from time to time, as the board of directors of the authority and the holders of the bonds may determine. In converting coupon bonds into registered bonds, coupon bonds may be exchanged for registered bonds of one hundred dollars ($100) each, or multiples thereof, but not exceeding fifty thousand dollars ($50,000) each, in which event new registered bonds shall be issued at the expense of the holder. Coupon bonds may be exchanged for other coupon bonds of one hundred dollars ($100) each, or multiples thereof, but not exceeding fifty thousand dollars ($50,000) each, in which event new coupon bonds shall be issued at the expense of the holder.

For each conversion or reconversion of a coupon or registered bond, the treasurer of the authority shall be entitled to charge and collect such fee as the board of directors of the authority may prescribe from time to time.

(*l*) All bonds heretofore or hereafter issued by any county water authority shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings and trust companies, and for the state school funds, and for all sinking funds under the control of the State Treasurer, and whenever any moneys or funds may by law now or hereafter enacted be invested in, or loaned upon the security of, bonds of cities, cities and counties, counties, or school districts in the State of California, such moneys or funds may be invested in, or loaned upon the security of, the bonds of such county water authority; and whenever bonds of cities, cities and counties, counties or school districts, by any law now or hereafter enacted, may be used as security for the faithful performance or execution of any court or private

trust or of any other act, bonds of such county water authority may be so used.

CHAPTER 1506

An act to amend Section 11.10 of the Santa Barbara County Water Agency Act (Chapter 1501, Statutes of 1945), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 11.10 of the Santa Barbara County Water Agency Act (Chapter 1501, Statutes of 1945) is amended to read:

Sec. 11.10 An action to determine the validity of bonds, levy of any special assessment or a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

CHAPTER 1507

An act to amend Section 21 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 21 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949) is amended to read:

Sec. 21. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure

CHAPTER 1508

An act to amend Section 21 of the Mendocino County Flood Control and Water Conservation District Act (Chapter 995, Statutes of 1949), relating to validating proceedings

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Section 21 of the Mendocino County Flood Control and Water Conservation District Act (Chapter 995, Statutes of 1949) is amended to read:

Sec. 21. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1509

An act to amend Section 11a of the American River Flood Control District Act (Chapter 808, Statutes of 1927), relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15 1961

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

SECTION 1. Section 11a of the American River Flood Control District Act (Chapter 808, Statutes of 1927) is amended to read:

Sec. 11a. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1510

An act to amend Section 44 and to repeal Sections 45, 46 and 47 of the Orange County Water District Act (Chapter 924, Statutes of 1933), relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Section 44 of the Orange County Water District Act (Chapter 924, Statutes of 1933) is amended to read:

Sec. 44. An action to determine the validity of an assessment may be brought pursuant to Chapter 9 (commencing with Action to determine validity

Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Repeal SEC. 2. Section 45 of said act is repealed.

Repeal SEC. 3. Section 46 of said act is repealed.

Repeal SEC. 4. Section 47 of said act is repealed.

CHAPTER 1511

An act to amend Section 21 of the Yolo County Flood Control and Water Conservation District Act (Chapter 1657, Statutes of 1951), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 21 of the Yolo County Flood Control and Water Conservation District Act (Chapter 1657, Statutes of 1951) is amended to read:

Action to determine validity

Sec. 21. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 2. Section 21 of said act is amended to read:

Same

Sec. 21. An action to determine the validity of any bonds authorized by this act may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Effect Stats. 1961, Ch. 895

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 2177 is enacted by the Legislature at its 1961 Regular Session, and Section 1 of this act shall become operative only if Section 2 of this act does not become operative.

CHAPTER 1512

An act to amend Section 11 of the Vallejo Sanitation and Flood Control District Act (Chapter 17, Statutes of 1952 (1st Ex. Sess.)), relating to validating proceedings.

In effect September 15 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 11 of the Vallejo Sanitation and Flood Control District Act (Chapter 17, Statutes of 1952 (1st Ex. Sess.)) is amended to read:

Sec. 11. Action to Determine Validity of Bonds. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1513

An act to amend Section 18 of the Morrison Creek Flood Control District Act (Chapter 1771, Statutes of 1953), relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 18 of the Morrison Creek Flood Control District Act (Chapter 1771, Statutes of 1953) is amended to read:

Sec. 18. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1514

An act to amend Section 11.10 of the Sacramento County Water Agency Act (Chapter 10, Statutes of 1952 (1st Ex. Sess.)), relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 11.10 of the Sacramento County Water Agency Act (Chapter 10, Statutes of 1952 (1st Ex. Sess.)) is amended to read:

Sec. 11.10. An action to determine the validity of bonds, levy of a special assessment or a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

CHAPTER 1515

An act to amend Section 11.10 of The Solano County Flood Control and Water Conservation District Act (Chapter 1656, Statutes of 1951), relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 11.10 of The Solano County Flood Control and Water Conservation District Act (Chapter 1656, Statutes of 1951) is amended to read:

Sec. 11.10. An action to determine the validity of bonds, levy of a special assessment, or a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

CHAPTER 1516

An act to amend Section 48 and to repeal Section 49 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951), relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

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

SECTION 1. Section 48 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951) is amended to read:

Action to determine validity

Sec. 48. An action to determine the validity of bonds, tax levy, or a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Repeal

SEC. 2. Section 49 of said act is repealed.

CHAPTER 1517

An act to amend Section 4996 of the Health and Safety Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 4996 of the Health and Safety Code is amended to read:

4996. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1518

An act to amend Section 9941 and to repeal Section 9942 of the Public Resources Code, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 9941 of the Public Resources Code is amended to read:

9941. An action to determine the validity of an assessment or of any warrants may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 2. Section 9942 of said code is repealed.

CHAPTER 1519

An act to repeal Article 5 (commencing with Section 11800) of, and to add Article 5 (commencing with Section 11800) to, Chapter 8 of Division 10 of the Public Resources Code, relating to validating proceedings.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 5 (commencing with Section 11800) of Chapter 8 of Division 10 of the Public Resources Code is repealed. Repeal

SEC. 2. Article 5 (commencing with Section 11800) is added to Chapter 8 of Division 10 of said code, to read:

Article 5. Validating Proceedings

11800. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Action to determine validity

CHAPTER 1520

An act to repeal Article 6 (commencing with Section 13341) of, and to add Article 6 (commencing with Section 13341) to, Chapter 7 of Division 6 of the Public Utilities Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

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

Repeal

SECTION 1. Article 6 (commencing with Section 13341) of Chapter 7 of Division 6 of the Public Utilities Code is repealed.

SEC. 2. Article 6 (commencing with Section 13341) is added to Chapter 7 of Division 6 of said code, to read:

Article 6. Validating Proceedings

Action to determine validity

13341. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1521

An act to repeal Chapter 7 (commencing with Section 17101) of, and to add Chapter 7 (commencing with Section 17101) to, Division 7 of the Public Utilities Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

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

Repeal

SECTION 1. Chapter 7 (commencing with Section 17101) of Division 7 of the Public Utilities Code is repealed.

SEC. 2. Chapter 7 (commencing with Section 17101) is added to Division 7 of said code, to read:

CHAPTER 7. VALIDATING PROCEEDINGS

Action to determine validity

17101. An action to determine the validity of bonds or indebtedness, authorized for the acquisition, construction, or completion of any public utility or public utility works, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. For such purpose an indebtedness shall be deemed to be in existence upon its authorization.

CHAPTER 1522

An act to repeal Article 6 (commencing with Section 26341) of, and to add Article 6 (commencing with Section 26341) to, Chapter 7 of Division 10 of the Public Utilities Code, relating to validating proceedings.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

In effect September 15, 1961

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

SECTION 1. Article 6 (commencing with Section 26341) of Chapter 7 of Division 10 of the Public Utilities Code is repealed. Repeal

SEC. 2. Article 6 (commencing with Section 26341) is added to Chapter 7 of Division 10 of said code, to read:

Article 6. Validating Proceedings

26341. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Action to determine validity

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CHAPTER 1523

An act to repeal Chapter 10 (commencing with Section 5265) of, and to add Chapter 10 (commencing with Section 5265) to, Part 3 of Division 7 of the Streets and Highways Code, relating to validating proceedings.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

In effect September 15, 1961

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

SECTION 1. Chapter 10 (commencing with Section 5265) of Part 3 of Division 7 of the Streets and Highways Code is repealed. Repeal

SEC. 2. Chapter 10 (commencing with Section 5265) is added to Part 3 of Division 7 of the Streets and Highways Code, to read:

CHAPTER 10. VALIDATING PROCEEDINGS

5265. An action to determine the validity of proceedings relating to the work and the validity of any contract entered or to be entered into pursuant thereto may be brought by the legislative body or by the contractor pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. For such purpose proceedings shall be deemed to be in existence upon the award of the contract. Action to determine validity

Findings, etc., deemed conclusive

5266. In such action, all findings, conclusions and determinations of the legislative body which conducted the proceedings shall be conclusive in the absence of actual fraud.

Validity of contracts

5267. If an action is commenced under the provisions of this chapter to determine the validity of any contract or proposed contract, and the contract has not been signed, the contractor shall not be obligated to sign the same until a judgment sustaining the validity of the proceedings and the proposed contract has become final. If the contractor has signed and executed the contract, he shall not be obligated to begin work until a judgment sustaining the validity of the proceedings and contract has become final. If a judgment is entered holding the contract invalid, the contractor shall be discharged and relieved of all obligation under the contract, and he and his sureties shall be discharged and relieved of all obligation upon any bond required by law in connection with such contract.

Persons authorized to bring action

5268. Notwithstanding any other provisions of law, the action authorized by this chapter shall not be brought by any person other than the legislative body or the contractor, nor shall the action be brought after the date fixed for the beginning of work.

CHAPTER 1524

An act to amend Section 8298.56 of the Streets and Highways Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 8298.56 of the Streets and Highways Code is amended to read:

8298.56. An action to determine the validity of a financing plan may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. For such purpose a financing plan shall be deemed to be in existence upon its authorization at an election.

CHAPTER 1525

An act to repeal Chapter 13 (commencing with Section 9475) of, and to add Chapter 13 (commencing with Section 9475) to, Division 11 of the Streets and Highways Code, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Chapter 13 (commencing with Section 9475) of Division 11 of the Streets and Highways Code is repealed. Repeal

SEC. 2. Chapter 13 (commencing with Section 9475) is added to Division 11 of said code, to read:

CHAPTER 13. VALIDATING PROCEEDINGS

9475. After the reassessment has been confirmed it shall not be contested in any way other than at the time and in the manner specified in this chapter, and in any such action all findings, conclusions, and determinations of the legislative body which conducted the reassessment proceedings shall be conclusive in the absence of actual fraud. Reassessment contest

9476. No defect in the form of any reassessment levied pursuant to this division and no statutory defect in any of the proceedings relating to the reassessment and refunding shall in any way invalidate any reassessment or any refunding bond. Defects

9477. No bond, coupon, assessment, or installment thereof or of the interest or penalties thereon, and no certificate of sale or deed shall be held invalid for error in the computation of the proper amount due on it if the error be found to be comparatively negligible or be found to be in favor of the owner of real property affected thereby. Negligible error

9478. An action to determine the validity of a reassessment and of any refunding bonds issued or to be issued thereon may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. For such purpose the reassessment shall be deemed to be in existence upon its confirmation. Action to determine validity

9479. If any reassessment or any refunding bond is held illegal or invalid in any action or proceeding upon any ground which would apply to the entire reassessment or the entire issue of refunding bonds, then the unpaid bonds refunded remain in full force and effect. If the unpaid bonds have been canceled the treasurer of the city which conducted the invalid refunding or reassessment proceedings shall issue new bonds of the same tenor, force, and effect as the canceled unpaid bonds. Unpaid bonds

9480. If refunding bonds are invalidated or held to be illegal, all of the provisions of the act under which the original Refunding bonds

bonds were issued shall apply to the original bonds and to any bonds issued under Section 9479 to replace such original bonds.

Persons authorized to bring action

9481. No action or proceeding to set aside, cancel, avoid, annul, or correct any reassessment levied under this division, or to review any of the proceedings, acts, or determinations made in the proceedings for the reassessment and the issuance of refunding bonds, or to question the validity of or enjoin the collection of the reassessment or any of the reassessments therein, or to enjoin the issuance of any bonds to represent reassessments, shall be maintained by any person, nor shall any person urge, plead, or prove the invalidity of any reassessment or any refunding bond in any action, unless such action shall have been commenced within the time provided for by Chapter 9 of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1526

An act to amend Section 10601 of the Streets and Highways Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 10601 of the Streets and Highways Code is amended to read:

10601. An action to determine the validity of the assessment, bonds, contract, improvement or acquisition may be brought by the legislative body or by the contractor pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. For such purpose an improvement or acquisition shall be deemed to be in existence upon its authorization and an assessment upon its confirmation. Notwithstanding any other provisions of law, the action authorized by this section shall not be brought by any person other than the legislative body or the contractor, nor except when permitted by Section 10400 shall the action be brought after the date fixed for the beginning of work.

CHAPTER 1527

An act to repeal Chapter 16 (commencing with Section 26260) of, and to add Chapter 16 (commencing with Section 26260) to, Part 2 of Division 16 of the Streets and Highways Code, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961.

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

SECTION 1. Chapter 16 (commencing with Section 26260) of Part 2 of Division 16 of the Streets and Highways Code is repealed. Repeal

SEC. 2. Chapter 16 (commencing with Section 26260) is added to Part 2 of Division 16 of said code, to read:

CHAPTER 16. VALIDATING PROCEEDINGS

26260. An action to determine the legality of the existence of a district may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Action to determine validity

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CHAPTER 1528

An act to repeal Chapter 5 (commencing with Section 34530) of, and to add Chapter 5 (commencing with Section 34530) to, Part 2 of Division 13 of the Water Code, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Chapter 5 (commencing with Section 34530) of Part 2 of Division 13 of the Water Code is repealed. Repeal

SEC. 2. Chapter 5 (commencing with Section 34530) is added to Part 2 of Division 13 of said code, to read:

CHAPTER 5. VALIDATING PROCEEDINGS

34530. An action to determine the legality of the existence of a district may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Action to determine validity

CHAPTER 1529

An act to amend Section 35855 of the Water Code, relating to validating proceedings.

In effect September 5, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 35855 of the Water Code is amended to read:

35855. An action to determine the validity of any contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1530

An act to amend Section 36531 and to repeal Section 36532 of the Water Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 36531 of the Water Code is amended to read:

Action to determine validity

36531. An action to determine the validity of an assessment may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Repeal

SEC. 2. Section 36532 of said code is repealed.

CHAPTER 1531

An act to repeal Article 2 (commencing with Section 43730) and Article 4 (commencing with Section 43900) of, and to add Article 2 (commencing with Section 43730) to, Chapter 5 of, and to repeal Article 6 (commencing with Section 44125) of Chapter 6 of, Part 6 of Division 14 of, and to amend Section 43850 of, the Water Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

Repeal

SECTION 1. Article 2 (commencing with Section 43730) of Chapter 5 of Part 6 of Division 14 of the Water Code is repealed.

SEC. 2. Article 2 (commencing with Section 43730) is added to Chapter 5 of Part 6 of Division 14 of said code, to read:

Article 2. Validating Proceedings

43730. An action to determine the validity of bonds, assessments, contracts, including contracts with the United States, the adoption of a project or the taking of any other action by the district or by the board under the provisions of this division may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Action to determine validity

SEC. 3. Section 43850 of said code is amended to read:

43850. Unless otherwise in this division expressly provided, no action, proceeding, or contest shall be brought or maintained before any court or other tribunal unless the action, proceeding, or contest is brought within the times specified in the following subdivisions: Limitations

(a) Attacking the organization of any district, within six months of the date of the organization thereof.

(b) Attacking the inclusion of land within or the exclusion of land from any district, within six months of the date of the inclusion or exclusion.

SEC. 4. Article 4 (commencing with Section 43900) of Chapter 5 of Part 6 of Division 14 of said code is repealed. Repeal

SEC. 5. Article 6 (commencing with Section 44125) of Chapter 6 of Part 6 of Division 14 of said code is repealed. Repeal

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CHAPTER 1532

An act to repeal Chapter 4 (commencing with Section 50440) of, and to add Chapter 4 (commencing with Section 50440) to, Part 2 of Division 15 of the Water Code, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Chapter 4 (commencing with Section 50440) of Part 2 of Division 15 of the Water Code is repealed. Repeal

SEC. 2. Chapter 4 (commencing with Section 50440) is added to Part 2 of Division 15 of said code, to read:

CHAPTER 4. VALIDATING PROCEEDINGS

50440. An action to determine the legality of the existence of a district may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Action to determine legality

Good faith operations for five years

50441. The court shall not adjudge any district invalid when it appears that the district has for five years prior to the commencement of the proceeding been prosecuting or maintaining reclamation works in good faith.

Same Quo warranto

50442. No proceeding in quo warranto, nor any similar action or proceeding shall be maintained in the name of the people of the State against any district that, continuously for five years next preceding the commencement of the proceeding, has been acting as a district and prosecuting or maintaining its works of reclamation in good faith.

CHAPTER 1533

An act to amend Section 50979 of the Water Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 50979 of the Water Code is amended to read:

50979. An action to determine the validity of any contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1534

An act to amend Section 33148 of the Streets and Highways Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 33148 of the Streets and Highways Code is amended to read:

33148. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1535

An act to amend Section 34144 of the Streets and Highways Code, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Section 34144 of the Streets and Highways Code is amended to read:

34144. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1536

An act to repeal Chapter 3 (commencing with Section 9275) of, and to add Chapter 3 (commencing with Section 9275) to, Part 5 of Division 5 of the Water Code, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Chapter 3 (commencing with Section 9275) of Part 5 of Division 5 of the Water Code is repealed. Repeal

SEC. 2. Chapter 3 (commencing with Section 9275) is added to Part 5 of Division 5 of said code, to read:

CHAPTER 3. VALIDATING PROCEEDINGS

9275. If the board determines, pursuant to the provisions of this part, that bonds should be issued, an action to determine the validity of the assessment may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Action to determine validity

9276. No objection to the assessment shall be considered by the court unless the objection has been made in writing to the board as provided in Part 4 of this division. Written objection

9277. The judgment shall refer to the assessment apportioned to each county separately and it shall be sufficient to refer to the portions of the assessment which are affected by the judgment. Judgment

9278. Unless the aggregate amount of the whole of the assessment is modified or amended by the judgment in the proceedings so as to cause a difference of more than 2½ percent greater or less than the original total amount of the assessment, the assessment shall not be deemed to have been sub- Substantial modification

stantially modified and no necessity shall exist for a reapportionment thereof.

Conclusive evidence of proper apportionment

9279. The assessment lists, unless annulled by the judgment in the judicial proceeding, embracing any modifications made by the judgment are conclusive evidence that the assessment has been apportioned according to the benefits that will accrue to each tract of land in the drainage district by reason of the expenditure of the sums of money to be raised thereby.

Filing

9280. A certified copy of the judgment referring to the assessment lists shall be filed in the office of the board.

Certified copy of judgment

9281. A certified copy of so much of the judgment as relates to the lands in each of the counties affected thereby shall be affixed to the original assessment list for such county and the board shall thereupon cause such amendments or modifications to be made and entered upon the original assessment lists as may be necessary to make them conform to the provisions and directions of the judgment.

Certification of assessment lists

9282. The assessment lists as amended or modified shall be certified by the secretary or assistant secretary of the board as being in conformity with the requirements of the judgment.

CHAPTER 1537

An act to repeal Article 3 (commencing with Section 9415) of, and to add Article 3 (commencing with Section 9415) to, Chapter 6 of Part 5 of Division 5 of the Water Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

Repeal

SECTION 1. Article 3 (commencing with Section 9415) of Chapter 6 of Part 5 of Division 5 of the Water Code is repealed.

SEC. 2. Article 3 (commencing with Section 9415) is added to Chapter 6 of Part 5 of Division 5 of said code, to read:

Article 3. Validating Proceedings

Action to determine validity

9415. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1538

An act to repeal Article 2 (commencing with Section 22670) of, and to add Article 2 (commencing with Section 22670) to, Chapter 4 of Part 5 of Division 11 of the Water Code, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 2 (commencing with Section 22670) of Chapter 4 of Part 5 of Division 11 of the Water Code is repealed. Repeal

SEC. 2. Article 2 (commencing with Section 22670) is added to Chapter 4 of Part 5 of Division 11 of said code, to read:

Article 2. Validating Proceedings

22670. An action to determine the validity of the levy of any assessment or of bonds, including whether or not the bonds when delivered to the person entitled to them under the terms of a contract will or do constitute valid obligations of the district as against all persons, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Action to determine validity

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CHAPTER 1539

An act to amend Section 23225 of the Water Code, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 23225 of the Water Code is amended to read:

23225. An action to determine the validity of any contract and bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1540

An act to amend Section 23571 and repeal Section 23572 of the Water Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 23571 of the Water Code is amended to read:

Action to determine validity

23571. An action to determine the validity of an assessment may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Repeal

SEC. 2. Section 23572 of said code is repealed.

CHAPTER 1541

An act to amend Section 24021 and to repeal Section 24022 of the Water Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 24021 of the Water Code is amended to read:

Action to determine validity

24021. An action to determine the validity of an assessment or of warrants may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Repeal

SEC. 2. Section 24022 of said code is repealed.

CHAPTER 1542

An act to repeal Article 4 (commencing with Section 27465) and Article 5 (commencing with Section 27490) of, and to add Article 4 (commencing with Section 27465) to, and to amend Section 27510 of, Chapter 4 of Part 11 of Division 11 of the Water Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

Repeal

SECTION 1. Article 4 (commencing with Section 27465) and Article 5 (commencing with Section 27490) of Chapter 4 of Part 11 of Division 11 of the Water Code are repealed.

SEC. 2. Article 4 (commencing with Section 27465) is added to Chapter 4 of Part 11 of Division 11 of said code, to read:

Article 4. Court Proceedings Upon Dissolution

27465. If upon the canvass it is found and declared by the board that two-thirds of the votes cast at the election are in favor of dissolution, an action to determine the validity of the dissolution, including the proceedings and plan for dissolution and the indebtedness set out in the petition for dissolution filed with the board, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Action to determine validity

SEC. 3. Section 27510 of said code is amended to read:

27510. In an action to determine the validity of the dissolution the court shall hear and determine the regularity, legality, and correctness of all proceedings Same

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CHAPTER 1543

An act to repeal Article 2 (commencing with Section 52120) of, and to add Article 2 (commencing with Section 52120) to, Chapter 1 of Part 8 of Division 15 of the Water Code, relating to validating proceedings.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

In effect September 15, 1961

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

SECTION 1. Article 2 (commencing with Section 52120) of Chapter 1 of Part 8 of Division 15 of the Water Code is repealed. Repeal

SEC. 2. Article 2 (commencing with Section 52120) is added to Chapter 1 of Part 8 of Division 15 of said code, to read:

Article 2. Validating Proceedings

52120. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Action to determine validity

CHAPTER 1544

An act to amend Section 52707 and to repeal Section 52708 of the Water Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 52707 of the Water Code is amended to read:

Action to determine validity

52707. An action to determine the validity of refunding bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Repeal

SEC. 2. Section 52708 of said code is repealed.

CHAPTER 1545

An act to amend and renumber Section 21759 of the Education Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 21759 of the Education Code is amended to read:

Action to determine validity

21759. An action to determine the validity of bonds and of the ordering of the improvement or acquisition may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In such action, all findings, conclusions and determinations of the legislative body which conducted the proceedings shall be conclusive in the absence of actual fraud.

SEC. 2 Section 21759 of said code is amended and renumbered to read:

Same

21708. An action to determine the validity of bonds and of the ordering of the improvement or acquisition may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In such action, all findings, conclusions and determinations of the legislative body which conducted the proceedings shall be conclusive in the absence of actual fraud.

Effect: Stats 1961, Ch 1135

SEC 3. Section 2 of this act shall become operative only if Assembly Bill No. 2275 is enacted by the Legislature at its 1961 Regular Session in which case it shall supersede Section 21759 of the Education Code as amended and renumbered by Assembly Bill No. 2275 of the 1961 Regular Session, and Section 1 of this act shall become operative only if Section 2 of this act does not become operative.

CHAPTER 1546

An act to amend Section 26353 of the Government Code, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 26353 of the Government Code is amended to read:

26353. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1547

An act to amend Section 26453 of the Government Code, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 26453 of the Government Code is amended to read:

26453. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1548

An act to amend Section 43620.1 of the Government Code, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 43620.1 of the Government Code is amended to read:

43620.1. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1549

An act to amend Section 43695 of the Government Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 43695 of the Government Code is amended to read:

43695. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1550

An act to amend Section 50753 of the Government Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 50753 of the Government Code is amended to read:

50753. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1551

An act to repeal Article 8 (commencing with Section 54580) of, and to add Article 8 (commencing with Section 54580) to, Chapter 6 of Part 1 of Division 2 of Title 5 of the Government Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

Repeal

SECTION 1. Article 8 (commencing with Section 54580) of Chapter 6 of Part 1 of Division 2 of Title 5 of the Government Code is repealed.

SEC. 2. Article 8 (commencing with Section 54580) is added to Chapter 6 of Part 1 of Division 2 of Title 5 of said code, to read:

Article 8. Validating Proceedings

54580. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Action to determine validity

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CHAPTER 1552

An act to repeal Article 7 (commencing with Section 58200) of, and to add Article 7 (commencing with Section 58200) to, Chapter 1 of Division 1 of Title 6 of the Government Code, relating to validating proceedings.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 7 (commencing with Section 58200) of Chapter 1 of Division 1 of Title 6 of the Government Code is repealed. Repeal

SEC. 2. Article 7 (commencing with Section 58200) is added to Chapter 1 of Division 1 of Title 6 of said code, to read:

Article 7. Validating Proceedings

58200. An action to determine the legality of the existence of the district may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. Action to determine validity

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CHAPTER 1553

An act to repeal Article 19 (commencing with Section 59670) of, and to add Article 19 (commencing with Section 59670) to, Chapter 5 of Division 1 of Title 6 of the Government Code, relating to validating proceedings.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

In effect September 15, 1961

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

SECTION 1. Article 19 (commencing with Section 59670) of Chapter 5 of Division 1 of Title 6 of the Government Code is repealed. Repeal

SEC. 2. Article 19 (commencing with Section 59670) is added to Chapter 5 of Division 1 of Title 6 of said code, to read:

Article 19. Validating Proceedings

59670. Unless commenced within 60 days after the confirmation of the reassessment, a person shall not maintain Limitation

any action or proceeding to cancel, annul, or correct the reassessment, to review any of the acts or determinations made in the proceedings, to question the validity or enjoin the collection of the reassessment or any reassessment of a reassessment made pursuant to this chapter, or to enjoin the issuance of any new bonds to represent them. Thereafter all persons are barred from any such action or proceeding or any defense of the invalidity of the reassessment or any bonds issued on the reassessment.

Action to determine validity

59671. An action to determine the validity of the reassessment may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. For such purpose a reassessment shall be deemed to be in existence upon its confirmation.

Same

59672. In such validation action all findings, conclusions, and determinations of the legislative body which conducted the proceedings are conclusive in the absence of actual fraud.

Invalid bonds

59673. If any reassessment or any refunding bond is held invalid in any action or proceedings upon any ground which would apply to the entire reassessment or entire issue of new bonds, the unpaid original bonds refunded remain in full force and effect and if they have been canceled, the treasurer of the local agency which conducted the invalid proceeding shall issue other bonds in the same tenor, force, and effect as the canceled bonds. The act under which the original bonds were issued relative to the payment of such bonds and the levy, collection, and enforcement of taxes or special assessment taxes for such bonds apply to the unpaid original bonds and to the other bonds issued to replace them.

Reassessment of a reassessment

59674. A reassessment of a reassessment made pursuant to this chapter may be ordered and made under this chapter for the reasons and purposes, and when made have the force and effect of reassessments made pursuant to:

(a) The Improvement Act of 1911, when the new bonds were issued pursuant to Bond Plan A.

(b) The Improvement Bond Act of 1915 when the new bonds were issued pursuant to Bond Plan B.

(c) The Refunding Assessment Bond Act of 1935 when the new bonds were issued pursuant to Bond Plan C.

CHAPTER 1554

An act to amend Section 61671.2 of the Government Code, relating to validating proceedings.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

In effect September 15, 1961

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

SECTION 1. Section 61671.2 of the Government Code is amended to read:

61671.2. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1555

An act to amend Section 4624 of the Health and Safety Code, relating to validating proceedings.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

In effect September 15, 1961

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

SECTION 1. Section 4624 of the Health and Safety Code is amended to read:

4624. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1556

An act to amend Section 4803 of the Health and Safety Code, relating to validating proceedings.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 4803 of the Health and Safety Code is amended to read:

4803. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1557

An act to repeal Article 5 (commencing with Section 33955) of, and to add Article 5 (commencing with Section 33955) to, Chapter 5 of Part 1 of Division 24 and to amend Section 33746 of the Health and Safety Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

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

Repeal

SECTION 1. Article 5 (commencing with Section 33955) of Chapter 5 of Part 1 of Division 24 of the Health and Safety Code is repealed.

SEC. 2. Article 5 (commencing with Section 33955) is added to Chapter 5 of Part 1 of Division 24 of said code, to read:

Article 5. Validating Proceedings

Action to determine validity

33955. An action may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure to determine the validity of bonds and the redevelopment or renewal plan to be financed or refinanced, in whole or in part, by the bonds, or to determine the validity of a redevelopment or renewal plan not financed by bonds, including, without limiting the generality of the foregoing, the legality and validity of all proceedings theretofore taken for or in any way connected with the establishment of the agency, its authority to transact business and exercise its powers, the designation of the redevelopment or renewal area, the designation of the project area, the formulation of the preliminary plan, and the adoption of the redevelopment or renewal plan, and also including the legality and validity of all proceedings theretofore taken and (as provided in the bond resolution) proposed to be taken for the authorization, issuance, sale and delivery of the bonds and for the payment of the principal thereof and interest thereon.

Judgment

33956. The judgment shall determine the validity or invalidity respectively of the matters specified in Section 33955. The judgment shall be subject to being reopened under the provisions of Section 473 or Section 473a of the Code of Civil Procedure or otherwise only within 90 days after the entry of the judgment and petitioner and any person who has appeared in said special proceeding shall have the right to move for a new trial under proper circumstances and upon appropriate grounds and to appeal from said judgment.

Effect of judgment

33957. The judgment, if no appeal is taken, or if taken and the judgment is affirmed shall be forever binding and conclusive, as to all matters therein adjudicated or which at that time could have been adjudicated, against the agency and against all other parties and if the judgment determines that

the agency is lawfully established, that the redevelopment or renewal plan is valid and effective, that the agency is authorized to issue such bonds and that such bonds when issued will be valid, said judgment shall permanently enjoin the institution by any person of any action or proceeding raising any issue as to which said judgment is binding and conclusive.

SEC. 3. Section 33746 of said code is amended to read:

33746. No action attacking or otherwise questioning the validity of any redevelopment plan, or the adoption or approval of such plan, or any of the findings or determinations of the agency or the legislative body in connection with such plan shall be brought prior to the adoption of the redevelopment plan nor at any time after the elapse of 60 days from and after the date of adoption of the ordinance approving the plan. Limitation

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CHAPTER 1558

An act to amend Section 6653 of the Health and Safety Code, relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Section 6653 of the Health and Safety Code is amended to read:

6653. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1559

An act to amend Section 23 of the Mojave Water Agency Law (Chapter 2146, Statutes of 1959), relating to validating proceedings.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Section 23 of the Mojave Water Agency Law (Chapter 2146, Statutes of 1959) is amended to read:

Sec. 23. An action to determine the validity of a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1560

An act to amend Section 3354 of the Labor Code, relating to workmen's compensation.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 3354 of the Labor Code is amended to read:

3354. "Casual" refers only to employments where the work contemplated is to be completed in not exceeding 10 working days, without regard to the number of men employed, and where the total labor cost of such work is less than one hundred dollars ($100); such amount not to include charges other than for personal services.

CHAPTER 1561

An act to add Section 2954 to Article 2 of Chapter 2 of Title 14 of Part 4 of Division 3 of the Civil Code, relating to mortgages and deeds of trust.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 2954 is added to Article 2 of Chapter 2 of Title 14 of Part 4 of Division 3 of the Civil Code, to read:

2954. No person may charge any mortgagor or trustor of the real property subject to the mortgage or deed of trust more than fifteen dollars ($15) for a statement regarding the obligation secured by the mortgage or deed of trust, except that no charge shall be made for such settlement unless such charge has been specifically provided for in such mortgage or deed of trust.

The statement shall include the following, or so much thereof as shall be requested by the lender or trustor:

(a) The present unpaid balance.

(b) The interest rate and the date to which interest has been paid.

(c) The amounts of the periodic payments, if any.

(d) Other than regular periodic payments, the date on which any principal obligation is due in whole or in part and the approximate amount of the payment.

(e) The date to which real estate taxes and special assessments have been paid to the extent such information is known to the lender.

(f) The amount of hazard insurance in effect and the term and premium of such insurance.

(g) The amount in an account, if any, maintained for the accumulation of funds with which to pay taxes and insurance premiums.

As used in this section, "person" includes an individual, corporation, partnership, or any other entity.

This section shall not apply to mortgages or deeds of trust originated prior to December 31, 1961.

CHAPTER 1562

An act to amend Section 24008 of the Vehicle Code, relating to modified vehicles.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 24008 of the Vehicle Code is amended to read:

24008. It is unlawful to operate any passenger vehicle, or commercial vehicle under 4,000 pounds, which has been modified from the original design so that any portion of such vehicle other than the wheels has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel in contact with such roadway.

CHAPTER 1563

An act to amend Section 34380 of the Health and Safety Code, relating to claims for money or damages against a housing authority.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 34380 of the Health and Safety Code is amended to read:

34380. All claims for money or damages against the authority are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Claims, the risk or hazard of which are covered by insurance pursuant to the authorization of Section 34315(f) of this code and which have been filed in the form and within the time required by said Chapter 2 of Division 3.5 of the Government Code, may be referred to the

carrier insuring against such risk or hazard for further action, in accordance with such procedure as may be adopted by the authority.

CHAPTER 1564

An act to provide for the conveyance to Humboldt County of the Prairie Creek Fish Hatchery.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. The Department of Finance shall convey without cost to Humboldt County all of the right, title and interest of the State of California in and to that certain parcel of property known as the Prairie Creek Fish Hatchery, including all improvements constructed thereon, for use by the county as a fish hatchery, excepting and reserving to the State of California all deposits of minerals, including oil and gas, in said parcel.

SEC. 2. Humboldt County shall use these lands and improvements as a fish hatchery. If at any time, the county uses such property for purposes other than a fish hatchery, all right, title and interest of the county shall cease, and the lands shall revert and title thereto shall vest in the State.

SEC. 3. The Department of Finance is authorized for and on behalf of the State of California, to execute such instruments of conveyance as are necessary to convey all right, title and interest of the State of California in such property to the County of Humboldt, excepting and reserving to the State of California all deposits of minerals, including oil and gas, in such property.

SEC. 4. The Legislature finds that there is an urgent need that all available facilities be used to produce fish for the citizens of this State and that use of this property by the County of Humboldt for fish hatchery purposes is a state public purpose since it will permit the continued operation of a fish hatchery which would otherwise be discontinued for economic reasons.

CHAPTER 1565

An act to amend Section 5 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), relating to the Alameda County Flood Control and Water Conservation District.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 5 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters

thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

7. To co-operate, and to act in conjunction with or contribute funds to, the United States or the State of California or any of their engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Alameda, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with or necessary to comply with an act of authorization of the United States, or any state, county, district of any kind, or necessary and proper for the performance of any agreement with any public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Alameda County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Alameda County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima

facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Alameda County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

No action in eminent domain to acquire water rights outside the boundaries of the County of Alameda shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

14. To plan, improve, operate, maintain, and keep in a sanitary condition, a system of public parks, playgrounds, beaches, swimming areas and other facilities for public recreation, for the use and enjoyment of all inhabitants of the district, as an incident to the carrying out of the projects of the district and on land acquired or used for the flood control, drainage and water conservation purposes of this act; to construct, maintain, and operate any other amusement or recreational facilities on such lands, including picnic benches and tables, bathhouses, golf courses, tennis courts, or other special amusements and forms of recreation; to fix and collect reasonable fees for the use by the public of any such special facilities, services or equipment; and to adopt such rules and regulations as in the discretion of the board are necessary to the orderly operation and control of the use by the public of such lands and facilities for recreational purposes; provided, however, that the board shall not, for the purposes specified in this subdivision, interfere with control or operation of any existing public park, playground, beach, swimming area, parkway, recreational ground, or other public property, owned or controlled by any other district or municipality, except with the consent of the governing body of such district or municipality, and upon terms as may be mutually agreed upon between the board and the governing body.

15 The powers hereinabove granted shall include the design, construction, or maintenance of any levees, seawalls, groins, breakwaters, jetties, outlets, channels, harbors, basins, or other work pertaining thereto, in such manner as to render them adaptable and useful to shoreline, beach, harbor, navigation,

park or marina development or use, and to do such work in cooperation with any other public or quasi-public agency or corporation concerned with such development or use.

16. To establish and maintain building setback lines along the banks of any river, creek, stream or other waterway, in any case where the board determines that such setback line is necessary for any of the following reasons:

(a) To prevent impediment of the natural flow of water;

(b) To protect life and property;

(c) To prevent damage from flooding, bank caving, or erosion;

(d) To prevent the pollution of waters.

CHAPTER 1566

An act to amend Section 11508 of the Vehicle Code, and to amend Section 11520 of the Vehicle Code as added by Senate Bill No. 741 of the 1961 Regular Session, relating to dismantling of vehicles.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 11508 of the Vehicle Code is amended to read:

Automobile wrecker

11508. (a) When the transferee of a vehicle is an automobile wrecker who acquired the same for the purpose of dismantling or wrecking the same, and when said transferee shall report the vehicle for the purpose of dismantling as required by Section 11505 of this code, then said transferee shall not be required to file an affidavit of nonoperation and shall not be required to pay fees as would otherwise be required if said vehicle were to be registered for operations on the highways of this State.

(b) When any person acquires a vehicle as transferee for the purpose of dismantling or wrecking the same, the title to the vehicle shall be transferred to the person without payment of any transfer fee or prior unpaid transfer fee upon application for the issuance of a certificate of dismantling.

SEC. 2. Section 11520 of the Vehicle Code, as added by Senate Bill No. 741 of the 1961 Regular Session, is amended to read:

Notification to department

11520. (a) Any licensed automobile wrecker who obtains actual possession as a transferee of a vehicle subject to registration hereunder for the purpose of wrecking or dismantling, shall within twenty-four (24) hours forward notification on an appropriate form, to the department at its headquarters in Sacramento, of acquiring such vehicle and at the same time a copy of said form shall be forwarded to the California Highway Patrol at its headquarters in Sacramento and to local

enforcement agencies when required by local ordinance. A copy of such form shall also be forwarded to the legal owner if known to the wrecker.

(1) A period of seven (7) days, exclusive of Saturdays, Sundays, and holidays set forth in Sections 6700 and 6701 of the Government Code, shall elapse following the forwarding of the notification before the wrecking or dismantling shall begin, unless earlier permission has been received from the department as provided in subdivision (b) of this section, except that vehicles acquired under the provisions of Section 3072 or 3073 of the Civil Code shall not be wrecked or dismantled until permission has been received from the department.

(2) Within 90 days of the date of taking possession, a licensed automobile wrecker shall surrender, or show diligent effort to secure and surrender, to the department the documents evidencing ownership, and the license plates last issued for each vehicle acquired for dismantling purposes.

(b) Any person desiring to dismantle or wreck any vehicle subject to registration hereunder shall surrender to the department the report as required, the certificate of ownership, registration card, and the license plate or plates last issued therefor, and thereby make application for a transfer of ownership, but such person shall not dismantle or wreck the vehicle until permission has been received from the department, except as provided in subdivision (a) (1) of this section. Any person who complies with this subdivision within 24 hours from the time of obtaining actual possession as a transferee of a motor vehicle subject to registration, exclusive of Saturdays, Sundays, and the holidays set forth in Sections 6700 and 6701 of the Government Code. or any person who receives a vehicle under a bill of sale conforming to subdivision (b) of Section 11515 from an insurance company, shall be exempt from the requirements of the first paragraph and paragraph (1) of subdivision (a) of this section.

(1) When the department has received the report when required, the certificate of ownership from such person, the registration card and last issued license plate or plates as required herein, the transfer shall be deemed complete and no transfer fee or prior unpaid transfer fee shall be paid.

(2) When the transferee of a vehicle is an automobile wrecker who acquired the same for the purpose of dismantling or wrecking the same, and when said transferee shall report the vehicle for the purpose of dismantling as required by subdivision (b) of this section, then said transferee shall not be required to file an affidavit of nonoperation and shall not be required to pay fees as would otherwise be required if said vehicle were to be registered for operations on the highways of this State.

(c) Automobile wreckers licensed hereunder shall maintain a record of all vehicles acquired for dismantling or wrecking,

which shall contain the name and address of the person from whom such vehicle was purchased or acquired and the date thereof, the registration number last assigned to the vehicle and a brief description of the vehicle, including insofar as the hereinafter specified data may exist with respect to a given vehicle, the make, type, serial number and the identifying number used for registration purposes.

(d) It shall be prima facie evidence that an identifiable vehicle in a dismantled condition has been so partially dismantled by the person having possession thereof.

(e) Any person who violates this section is guilty of a misdemeanor. Any person not licensed under the provisions of this chapter who is convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than five days nor more than six months or by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or by both such fine and imprisonment and upon a second or any subsequent conviction by imprisonment in the county jail for not less than 30 days nor more than one year or by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000) or by both such fine and imprisonment.

Effect: Stats. 1961, Ch. 1640

SEC. 3. Section 2 of this act shall become operative only if Section 11520 of the Vehicle Code as proposed by Senate Bill No. 741 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Senate Bill No. 741 becomes operative; at which time Section 11508 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 1567

An act to add Chapter 5 (commencing with Section 400) to Division 1 of the Welfare and Institutions Code, relating to the administration of public assistance.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Chapter 5 (commencing with Section 400) is added to Division 1 of the Welfare and Institutions Code, to read:

CHAPTER 5. COUNTY DEMONSTRATION PROJECTS

Intent of Legislature

400. The Legislature recognizes the necessity to improve the administration of public assistance so as to minimize dependency and reduce the total costs of public welfare services by restorative and preventive measures, and to expand protective services for children and adults.

It is the intent of the Legislature in enacting this chapter to provide state assistance to counties to encourage them

to establish demonstration and experimental projects calculated to achieve the objectives stated in this section and to strengthen, extend, and improve public welfare services and their administration.

State funds to defray county costs

401. The State Department of Social Welfare may authorize the payment of state funds to defray part of the cost of a project undertaken by the welfare department of any county if the project is consistent with the purpose of this chapter and meets the criteria established pursuant to Section 402. Any county will be expected to meet at least the cost of equipment, supplies and facilities required by the staff engaged in carrying out any project approved pursuant to this chapter.

Criteria

402. The State Social Welfare Board, in conjunction with the State Department of Social Welfare, shall develop and publish criteria for the submission and approval of county plans for projects proposed to be undertaken pursuant to this chapter. Such criteria shall be so devised as to encourage and stimulate local efforts to improve staff performance and to undertake new and experimental activities specifically designed to increase family responsibility and capacity for self-care.

In order to qualify for state participation in the cost of any local project or activity, the county shall submit a plan to the State Department of Social Welfare which shall provide the following assurances:

(1) The project or activity will be undertaken and directed by the county welfare department.

(2) None of the state funds will be used to offset or reduce the amount of county funds currently applied to or budgeted for ongoing administrative activities and services.

(3) The employment of personnel with qualifications consistent with the disciplines required by the project.

(4) A system for maintaining records and methods of analyses which will permit accurate and regular evaluations of the results achieved by the project or activity.

403. Among the projects approved by the State Department of Social Welfare priority shall be given to those which involve:

(a) Efforts to minimize as much as possible within the limits of state and federal laws the administrative differences between the several categories of assistance;

(b) Demonstrations in providing family service programs;

(c) Employment counseling, training, and placement programs for public welfare recipients;

(d) Extension of rehabilitation and self-care services for handicapped and incapacitated persons not accepted for services offered by the Bureau of Vocational Rehabilitation of the State Department of Education;

(e) Efforts designed to give particular attention to the family where dependency is associated with illegitimacy, parental behavior, delinquency and other family relationship problems;

(f) Co-ordinated use of medical, psychiatric, and casework services with public welfare recipients;

(g) Development of caseload management and case classification programs;

(h) Homemaker services for families and adults;

(i) Protective services for both children and adults;

(j) Projects demonstrating use of preventive services related to dependency, family breakdown, or personal maladjustment; and

(k) Participation of county welfare departments in community service programs particularly in approaches to problems of underprivileged presented by recipients from minority groups.

Progress report

404. The State Department of Social Welfare shall report to the Legislature at its 1963 Regular Session on progress achieved and the use for which funds have been expended under provisions of this chapter.

CHAPTER 1568

An act to add Section 8615 to the Business and Professions Code, relating to structural pest control.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 8615 is added to the Business and Professions Code, to read:

8615. Where a wood-destroying organism inspection of the property is requested by any party to a real property transaction, the real estate broker, if no escrow is involved in the transaction, or the escrow holder, if an escrow is involved in the transaction, shall secure for such party from the registrar a certified copy of all written inspection reports, made on the property and filed with the board during the preceding two years.

The board, subject to the approval of the director, may fix a fee for a certified copy of a written inspection report of not more than two dollars ($2) or less than fifty cents ($0.50).

SEC. 2. This act becomes operative only if Assembly Bill No. 1580 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as said Assembly Bill No. 1580 takes effect.

CHAPTER 1569

An act to amend Section 1533 of the Penal Code, relating to search warrants.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1533 of the Penal Code is amended to read:

1533. On a showing of good cause therefor, the magistrate may, in his discretion, insert a direction in the warrant that it may be served at any time of the day or night; in the absence of such a direction, the warrant may be served only in the daytime.

CHAPTER 1570

An act to amend Section 4532 of the Penal Code, relating to escapes.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 4532 of the Penal Code is amended to read:

4532. (a) Every prisoner arrested and booked for, charged with, or convicted of a misdemeanor who is confined in any county or city jail or prison or industrial farm or industrial road camp or who is engaged on any county road or other county work or who is in the lawful custody of any officer or person, or who is employed or authorized to secure employment away from the place of confinement, pursuant to the Work Furlough Rehabilitation Law (Section 1208), and who thereafter escapes or attempts to escape from such county or city jail, prison, industrial farm or industrial road camp or from the custody of the officer or person in charge of him while engaged on or going to or returning from such county work or from the custody of any officer or person in whose lawful custody he is, is guilty of a felony and, if such escape or attempt to escape was not by force or violence, is punishable by imprisonment in the state prison for not less than six months nor more than five years, regardless of any prior convictions, or in the county jail not exceeding one year; provided, however, that if such escape or attempt to escape is by force or violence, such person is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 10 years, or in the county jail not exceeding one year; provided, that when said second term of imprisonment is to be served in the county jail it shall commence from the time such prisoner would otherwise have been discharged from said jail.

The willful failure of a prisoner employed or authorized to secure employment pursuant to the Work Furlough Rehabilitation Law (Section 1208) to return to the place of confinement not later than the expiration of a period during which, pursuant to that law, he is authorized to be away from such place of confinement, is an escape from such place of confinement punishable as provided in this subdivision.

A conviction of violation of this subdivision, not by force or violence, shall not be charged as a prior felony conviction in any subsequent prosecution for a public offense.

(b) Every prisoner arrested and booked for, charged with, or convicted of a felony who is confined in any county or city jail or prison or industrial farm or industrial road camp or who is engaged on any county road or other county work or who is in the lawful custody of any officer or person, who escapes or attempts to escape from such county or city jail, prison, industrial farm or industrial road camp or from the custody of the officer or person in charge of him while engaged on or going to or returning from such county work or from the custody of any officer or person in whose lawful custody he is, is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 10 years, or in the county jail not exceeding one year; provided, that when said second term of imprisonment is to be served in the county jail it shall commence from the time such prisoner would otherwise have been discharged from said jail.

CHAPTER 1571

An act to amend Section 3 2 of the Los Angeles Metropolitan Transit Authority Act of 1957 (Chapter 547, Statutes 1957), relating to the Los Angeles Metropolitan Transit Authority.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 3.2 of the Los Angeles Metropolitan Transit Authority Act of 1957 is amended to read:

Sec. 3.2. The authority is a public corporation of the State of California. The authority is not a "state agency" as defined by Section 11000 of the Government Code. The powers of the authority are those granted by this act, and the powers granted by this act are not restricted or qualified by Title 2 of the Government Code. Without limiting the generality of the foregoing, the provisions of Chapter 3 (commencing with Section 13290) of Part 3 of Division 3 of Title 2 of the Government Code shall not be applicable to the authority.

The authority shall be subject to the jurisdiction of the Public Utilities Commission with respect to safety rules and other regulations governing the operation of passenger stage

corporations and street railroad corporations as contained in General Order No. 98 of the commission, or any modification thereof.

CHAPTER 1572

An act to add Section 25260 to the Government Code, relating to county working capital funds.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

In effect September 15, 1961

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

SECTION 1. Section 25260 is added to the Government Code, to read:

25260. The board of supervisors may by resolution create one or more working capital funds The board may make available such amounts as are necessary to establish each fund and to maintain its solvency. At the beginning of any fiscal year the board may provide by resolution for the transfer of any or all of the moneys in any fund created pursuant to this section or for the abolishment of any such fund.

Each working capital fund may be used to finance internal service activities rendered to the various departments and agencies of the county or to the districts governed by the board of supervisors, or to finance those activities performed by the county for any local governmental agency by agreement with the governing body of such agency. The fund may finance (1) equipment, (2) materials, (3) supplies, (4) services, and (5) all expenses incurred in establishing and operating the service activities.

The board may provide for the fixing and collection of charges from the recipients of activities financed by the fund, and such charges may include all expense in providing the service activity, including operational cost and depreciation.

The board may designate any officer or employee of the county to administer the fund or any activity within the fund. All funds created pursuant to this section shall be subject to the same accounting controls as other county funds.

CHAPTER 1573

An act to amend Sections 31305, 31306 and 31307 of the Water Code, relating to county water districts.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 31305 of the Water Code is amended to read:

Custody of district money

31305. The board may designate the county treasurer the depositary to have the custody of all, or a portion of, the district's money.

SEC. 2. Section 31306 of said code is amended to read:

Same

31306. If designated as depositary the county treasurer shall:

(a) Receive and receipt for all of the district's money received by him and place it in the county treasury to the credit of the district.

(b) Be responsible upon his official bond for the safekeeping and disbursing of all district money so held by him.

SEC 3. Section 31307 of said code is amended to read:

Warrants

31307. When the county treasurer has been designated the depositary to have custody of district money, he shall pay out that money, or any portion thereof, only upon warrants of the county auditor.

CHAPTER 1574

An act to amend Section 25500 of the Corporations Code, relating to corporate securities.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 25500 of the Corporations Code is amended to read:

25500 No company shall sell any security of its own issue, except upon a sale for a delinquent assessment against the security made in accordance with the laws of this State, or offer for sale, negotiate for the sale of, or take subscriptions for any such security, until it has first applied for and secured from the commissioner a permit authorizing it so to do.

The provisions of this section do not apply to the exchange of securities in those cases where the shares of stock are changed from a par value to a nonpar value or where the par value is changed and exchanging the certificates therefor does not change the aggregate interest of the shareholder in the corporation, except that a permit is required whenever the corporation has more than one class of shares, or where the shares will have a par value or, in the case of nonpar value shares, a stated value, of less than one dollar ($1) per share, or where any changes in the rights, privileges or preferences on shares are made other than those set forth above.

CHAPTER 1575

An act to amend Section 9051 of the Public Resources Code, relating to soil conservation, and making an appropriation.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Section 9051 of the Public Resources Code is amended to read:

9051. All money contributed to the commission shall be paid into the State Treasury to the credit of the Soil Conservation Development Fund, which fund is hereby created. Such money shall be paid out upon the order of the commission to carry out the provisions of this article.

CHAPTER 1576

An act to amend Section 660 of the Vehicle Code, relating to unladen weight of vehicles.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Section 660 of the Vehicle Code is amended to read:

660. The "unladen weight" of a vehicle is the weight equipped and ready for operation on the road including the body, fenders, oil in motor, radiator full of water, with five gallons of gasoline or equivalent weight of other motor fuel; also equipment required by law and any special cabinets, boxes or body parts permanently attached to the vehicle, but excluding any load or any machinery or mechanical apparatus, such as wood saws, well-drilling machines, spray apparatus, tow car cranes, equipment used for loading, compacting, or unloading of refuse, grinding equipment, and transit-mix cement equipment or temporary equipment used to contain or support the load which does not change the body classification, which is not a regular part of a motor vehicle but which may be attached to the body or chassis or connected with the driving mechanism, which shall be regarded as a part of the load but not a part of the unladen weight of the vehicle. Removable sideboards or endgates installed for occasional use but not permanently attached to the body or chassis of a commercial vehicle shall not constitute a part of the unladen weight of the vehicle when such vehicle is used primarily upon the premises of the owner. The unladen weight of a vehicle shall have no application in determining any fee under this code or the Revenue and Taxation Code other than Section 9400 of this code.

CHAPTER 1577

An act to add Chapter 2.5 (commencing with Section 55895) to Part 5 of Division 16 of the Water Code, relating to county waterworks districts.

In effect September 15 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Chapter 2.5 (commencing with Section 55895) is added to Part 5 of Division 16 of the Water Code, to read:

CHAPTER 2.5. ALTERNATIVE PROCEDURE FOR INCLUSION OF UNINHABITED LAND

Alternative procedure

55895. The procedure for the inclusion of uninhabited land provided for in this chapter is an alternative procedure for the inclusion of uninhabited land within a district.

Uninhabited territory

55896. Uninhabited territory within the unincorporated territory of a county and contiguous to any district within such county may be included in the district.

Petition of fee owners

55897. All of the owners in fee of real property in the contiguous territory as shown by the last equalized assessment roll of the county in which the territory is located may file a petition with the board of supervisors of the county in which the district is situated.

Verified petition Contents

55898. The petition shall designate specifically the boundaries of the contiguous territory, shall state that such territory is not within the limits of any other water district or public district formed for similar purposes and shall request that the territory be included within the district. The petition shall be verified by the affidavit of one of the petitioners.

Notice

55899. A notice stating the time when the petition will be presented to the board of supervisors and that all persons interested may appear and be heard shall be published at least two weeks preceding the hearing in a newspaper of general circulation published in the county in which the district is situated.

Hearing

55900. At the hearing the board of supervisors shall hear the petition and any person interested and may adjourn the hearing from time to time

Resolution

55901. Upon the final hearing of the petition the board of supervisors may determine whether or not it is for the best interest of the district and of the contiguous territory that the territory be included in the district. If the board of supervisors finds that it is for the best interest of the district and of the contiguous territory that the territory be so included, it shall, by resolution, modify the boundaries of the district to include such territory.

CHAPTER 1578

An act to add Section 55505 to the Water Code, relating to county waterworks districts.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Section 55505 is added to the Water Code, to read:

55505. The board may by resolution establish a revolving fund for any officer or employee of the district in the same manner revolving funds for county officers are established by the board of supervisors of a county pursuant to Sections 29321 to 29330, inclusive, of the Government Code and for such purpose the term "board of supervisors" shall mean the board. Any revolving fund so established shall be limited to the uses and expenditures applicable to revolving funds for county officers.

CHAPTER 1579

An act relating to the conveyance of land to the City of Long Beach.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. As used in this act:

(a) "Subject lands" means the real property described as follows: Subject lands

Parcel 1.

Blocks 50, 51, 52, 53, 54, 55, 56, 57, 58, 61, 62, 63, 64, 65, 66, 67, 68, 71, 72, 73, 74, 75, 76, 77, 78, 79, and that portion of Block 60 in Los Angeles County, of Alamitos Bay Tract, as per map recorded in Book 5 Page 137 of Maps, Records of Los Angeles County, State of California.

Parcel 2.

That certain parcel of land, consisting of a strip of land one hundred (100.00) feet in width, bounded on the Southwest by the Northeasterly line of said Alamitos Bay Tract, on the Northwest by the Northeasterly prolongation of the Northwesterly line of Block 79 of said Alamitos Bay Tract, on the Northeast by a line parallel to and distant Northeasterly 100.00 feet at a right angle from said Northeasterly line of said Alamitos Bay Tract, and on the Southeast by the Northeasterly prolongation of the Southeasterly line of Block 71 of said Alamitos Bay Tract.

Parcel 3.

That certain parcel of land, consisting of a strip of land one hundred (100.00) feet in width, bounded on the Southwest by the Northeasterly line of said Alamitos Bay Tract, on the Northwest by the Northeasterly prolongation of the Northwesterly line of Block 68 of said Alamitos Bay Tract, on the Northeast by a line parallel to and distant northeasterly 100 00 feet at a right angle from said Northeasterly line of said Alamitos Bay Tract, and on the Southeast by the Northeasterly prolongation of the Northwesterly line of Block 62 of said Alamitos Bay Tract.

Parcel 4.

That certain parcel of land described as follows: Beginning at the most easterly corner of Parcel 3 above described; thence Southeasterly to the most Westerly corner of "Parcel No. 2", as designated and described in the First Amended and Supplemental Complaint on file in that certain action pending in the Superior Court of the State of California, in and for the County of Orange, numbered 22975, entitled, "Los Angeles County Flood Control District, Plaintiff, vs. East Naples Land Company, et al, Defendants"; thence along the Southwesterly line of said "Parcel No. 2" south 40° 20′ 25″ east 186.44 feet to the intersection of said line with the Southeast boundary line of the City of Long Beach; thence along said boundary line South 32° 58′ 15″ west 94.63 feet to the Northeasterly line of said Alamitos Bay Tract; thence Northwesterly along the Northeasterly line of said Alamitos Bay Tract to the most Northerly corner of Block 62 of said Alamitos Bay Tract; and thence Northeasterly along the Northeasterly prolongation of the Northwesterly line of said Block 62 to the point of beginning.

Parcel 5.

That certain parcel of land bounded on the Northwest by the Southwesterly prolongation of the Northwesterly line of Block 50 of said Alamitos Bay Tract, on the Northeast by the Southwesterly line of said Alamitos Bay Tract and the Southwesterly line of said Tract No. 5325, on the Southeast by the Southeast boundary line of the City of Long Beach, and on the Southwest by the Southwest boundary line of the City of Long Beach.

Parcel 6

Block 19 of the Alamitos Bay Tract, as per map recorded in Book 5, Page 137, of Maps, Records of Los Angeles County, State of California.

Parcel 7.

Blocks A and B of Tract No. 5325, as per map recorded in Book 58, Page 54, of Maps, Records of Los Angeles County, State of California.

Parcel 8.

The sidewalk (10 feet wide) shown on Alamitos Bay Tract, as per map recorded in Book 5, Page 137, of Maps, Records of Los Angeles County, State of California, lying northerly of and adjacent to the northerly lines of Block 58 of said Alamitos Bay Tract and the southerly half of the sidewalk (10 feet wide) lying northerly of and adjacent to Block 57, of said Alamitos Bay Tract, and as vacated by order of the Board of Supervisors of said Los Angeles County and noted in Road Book 9, Page 324, on file in the office of said Board.

Parcel 9.

The northerly half of the sidewalk (8 feet wide) lying between Blocks 18 and 62 of Alamitos Bay Tract, as per map recorded in Book 5, Page 137, of Maps, Records of Los Angeles County, as vacated by order of the Board of Supervisors of Los Angeles County and noted in Road Book 10, Page 40, on file in the office of said Board.

Parcel 10.

A certain 15-foot strip of land adjoining Block 61 and that portion of Block 60 in Los Angeles County, of Alamitos Bay Tract, vacated by order of the Board of Supervisors of Los Angeles County, as shown on map recorded in Book 107, Pages 126 and 127, Miscellaneous Records of Los Angeles County, State of California.

Parcel 11:

72nd Place (formerly Avenue 19) lying between Blocks 61 and 62 of the Alamitos Bay Tract, as per map recorded in Book 5, Page 137, of Maps, Records of Los Angeles County, State of California, vacated by order of the Board of Supervisors of Los Angeles County, noted in Road Book 10, Page 40, on file in the office of said Board.

Parcel 12.

That portion of Ocean Boulevard in the City of Long Beach, California, between the southeasterly line of 72nd Place, formerly Avenue Nineteen, and the southeasterly line of 74th Place, formerly Avenue Twenty-one, as Avenue Nineteen and Avenue Twenty-one are shown on map of Tract No. 5325, recorded in Book 58, Page 54, of Maps, in the office of the County Recorder of the County of Los Angeles, vacated by order of the City Council of Long Beach, adopted March 1, 1955 and recorded in Book 47217, Page 84, of Official Records, Los Angeles County.

Parcel 13.

73rd Place in the City of Long Beach, California, formerly Avenue Twenty, between the southwesterly line of Ocean Boulevard and the southwesterly line of Tract No. 5325, as Avenue Twenty is shown on map of Tract No. 5325, recorded

in Book 58, Page 54, of Maps, in the office of the County Recorder of the County of Los Angeles, vacated by order of the City Council of Long Beach, adopted March 1, 1955 and recorded in Book 47217, Page 84, of Official Records, Los Angeles County.

Parcel 14.

74th Place in the City of Long Beach, California, formerly Avenue Twenty-one, between the southwesterly line of Ocean Boulevard and the southwesterly line of Tract No. 5325, as Avenue Twenty-one is shown on map of Tract No. 5325, recorded in Book 58, Page 54, of Maps, in the office of the County Recorder of the County of Los Angeles, vacated by order of the City Council of Long Beach, adopted March 1, 1955 and recorded in Book 47217, Page 84, of Official Records, Los Angeles County.

Parcel 15.

That portion of 15-foot alleys in the City of Long Beach, California, situated southwesterly of Ocean Boulevard in Block A of Tract No. 5325, as per map recorded in Book 58, Page 54, of Maps, in the office of the County Recorder of the County of Los Angeles, more particularly described as follows: Beginning at the most easterly corner of Lot 8, Block A, said Tract No. 5325; thence southwesterly along the southeasterly lines of said Lot 8 and Lot 9 and the prolongation thereof to the northeasterly line of Lot 3, said Block A; thence southeasterly along the northeasterly lines of Lots 3, 4 and 5, said Block A, to the most easterly corner of said Lot 5; thence northeasterly in a direct line to the most southerly corner of Lot 6, said Block A; thence northwesterly along the southwesterly line of said Lot 6 to the most westerly corner of said Lot 6; thence northeasterly along the northwesterly lines of Lot 6 and Lot 7, said Block A, to the most northerly corner of said Lot 7; and thence northwesterly in a direct line to the point of beginning, vacated by order of the City Council of Long Beach, adopted March 1, 1955 and recorded in Book 47217, Page 84, of Official Records, Los Angeles County.

Parcel 16.

All of the 15-foot alleys in the City of Long Beach, California, situated southwesterly of Ocean Boulevard in Block B of Tract No. 5325, as per map recorded in Book 58, Page 54, of Maps, in the office of the County Recorder of the County of Los Angeles, more particularly described as follows: Beginning at the most easterly corner of Lot 8, said Block B; thence southwesterly along the southeasterly lines of said Lot 8 and Lot 9 to the most southerly corner of said Lot 9; thence northwesterly along the southwesterly line of said Lot 9 to the most westerly corner of said Lot 9; thence southwesterly in a direct line to the most northerly corner of Lot 1, said Block B; thence southeasterly along the northeasterly lines of Lots

1, 2, 3, 4 and 5, said Block B, to the most easterly corner of said Lot 5; thence northeasterly in a direct line to the most southerly corner of Lot 6, said Block B; thence northwesterly along the southwesterly line of said Lot 6 to the most westerly corner of said Lot 6; thence northeasterly along the northwesterly lines of Lot 6 and Lot 7, said Block B, to the most northerly corner of said Lot 7; and thence northwesterly in a direct line to the point of beginning, vacated by order of the City Council of Long Beach, adopted March 1, 1955 and recorded in Book 47217, Page 84, of Official Records, Los Angeles County.

Parcel 17.

All that certain real property in the City of Long Beach, County of Los Angeles, State of California, described as follows: All that portion of Lot A-2 of Rancho Los Alamitos, as shown on Map No. 1 of a portion of the Rancho Los Alamitos, recorded in Book 700, Pages 138 and 139, of Deeds, in the County Recorder of Los Angeles County, bounded on the north by the northerly line of said Lot A-2, on the south by the northerly line of Alamitos Bay Tract, as shown on "Map of Alamitos Bay Tract", recorded in Book 5, Page 137, of Maps, records of Los Angeles County, and on the east by the northeasterly prolongation of the center line of 72nd Place (formerly Avenue 19), as shown on said "Map of Alamitos Bay Tract".

Parcel 18.

That portion of Lot A-2 as shown on Map No. 1 of a portion of the Rancho Los Alamitos, recorded in Book 700, Pages 138 and 139 of Deeds, in the office of the County Recorder of the County of Los Angeles, described as follows: Beginning at a point on the Northeasterly line of said Block 60, distant thereon North 57° 50′ 37″ West 76.49 feet from the most Easterly corner thereof, said point of beginning being the most Northerly corner of that certain parcel of land designated and described as "Parcel No. 3" in the First Amended and Supplemental Complaint on file in that certain action pending in the Superior Court of the State of California, in and for the County of Orange, numbered 22975, entitled "Los Angeles County Flood Control District, Plaintiff, vs. East Naples Land Company, et al, Defendants"; thence along the Westerly and Northerly boundary lines of "Parcel No. 2", as designated and described in said First Amended and Supplemental Complaint, North 18° 09′ 45″ East 39 07 feet; North 40° 20′ 25″ West 375.00 feet; and North 49° 39′ 35″ East 316.48 feet to a point in the Northeasterly line of said Lot A-2; thence along said Northeasterly line of said Lot A-2 North 65° 11′ 00″ West 372.56 feet, more or less, to the intersection of said Northeasterly line of said Lot A-2 with the Northeasterly prolongation of the center line of 72nd Place (formerly Avenue 19) aforesaid; thence along said Northeasterly prolongation of said

center line South 32° 09′ 23″ West 475.50 feet, more or less, to the intersection of said center line with the Northeasterly line of said Alamitos Bay Tract; thence along the Northeasterly line of said Alamitos Bay Tract South 57° 50′ 37″ East 18.00 feet to the most Northerly corner of Block 61 aforesaid; thence along the Northeasterly line of said Block 61 South 71° 5′ 20″ East 308.07 feet to the most Northerly corner of Block 60 aforesaid; thence along the Northeasterly line of said Block 60 South 57° 50′ 37″ East 323.51 feet to the point of beginning.

(b) "State" means the State of California, including any and all boards, officers, departments and commissions.

(c) "City" means the City of Long Beach, including any and all boards, officers, departments and commissions.

(d) "People's case" means that action numbered Second Civil No. 24616 now on appeal in the District Court of Appeal, Second Appellate District, Division Three, State of California.

Legislative findings

SEC. 2. It is hereby found and determined:

(a) Because of geographical factors, the city can better administer for public use the subject lands for park, playground, marine, recreational and beach purposes than the State.

(b) The city is willing to accept such administration and control from the State upon the following conditions, which the State finds are necessary, reasonable and proper:

(1) The State shall convey to the city all its right, title and interest in and to the surface of the subject lands, and in and to all portions of the surface of said lands down to and including two hundred (200) feet below such surface. The State expressly reserves all rights it now has, if any, to use the surface of the subject lands and all portions of the subsurface of said lands down to and including 200 feet below such surface, for the development and production of oil, gas, other hydrocarbons and minerals from beneath those specific parcels of the subject lands involved in the aforementioned People's case, and for their recovery, removal, transportation, storage and sale.

(2) Such conveyance shall be consistent with and in furtherance of, and shall not affect, amend, replace nor modify those certain trust purposes and conditions as set forth in Chapter 102, Statutes of 1925, and Chapter 158, Statutes of 1935, whereby portions of the subject lands were originally conveyed to the City of Long Beach in trust.

(3) Such conveyance shall in no wise in any degree nor to any extent whatsoever affect, modify nor remove from judicial consideration the issues in the People's case. It is the intention of the Legislature that the People's case shall be completely unaffected by this statute, and that the court shall consider such case as though this statute never had been passed.

(4) That within 10 years from the effective date of this act said lands shall be substantially improved by said city and

if the Division of Beaches and Parks of the Department of Natural Resources determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and said lands shall revert and rest in the State.

(5) The conveyance of that portion of the grant lying in Alamitos Bay between the extensions of 55th and 69th Places is made upon the express condition that the property conveyed hereby shall be used for a public park, or beach used by all the public for recreational purposes, and for no other purposes whatsoever, and should said property or any portion thereof be used for any other purpose, then, in that event, such portion of the property hereby conveyed shall immediately revert unto the grantor herein, its successors or assigns.

It is further provided that the property herein conveyed in Alamitos Bay between the extensions of 55th and 69th Places shall not be occupied by any seawall which will destroy the beach unless necessary for the preservation of public property, public health and safety, but, subject to such hereinabove stated exceptions, shall be used exclusively for a walk-in type of beach for use by all the public and the city shall maintain the same at its highest potential as a beach recreational area.

It is further understood that it is the intention of the City of Long Beach to move the Alamitos Bay Yacht Club from its present location to the easterly portion of the subject lands and it is understood that when such relocation is accomplished then the area now used by said yacht club will thereafter be used as a public beach for the use of all the public and will not again be occupied by any private yacht club or similar restrictive use.

Grant to City of Long Beach

SEC. 3. There is hereby granted to the City of Long Beach, a municipal corporation, in trust, all the right, title and interest of the State of California in and to the surface, and those portions of the subsurface, down to and including two hundred (200) feet below the surface of the subject lands, for the purposes, and subject to the conditions specified in Section 2.

CHAPTER 1580

An act to amend Section 18165 of the Streets and Highways Code, relating to assessments for street lighting.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 18165 of the Streets and Highways Code is amended to read:

18165. The city council shall, at the time of making the next general tax levy and in the manner provided for the

general tax levy, levy a special assessment tax upon all lands, and may at such time and in such manner levy a special assessment upon all improvements, within the district, and within any zone therein, which will be sufficient to raise that portion of the estimated cost of the improvement for the next year which is to be borne by the district.

The city council shall state in its levy whether the special assessment is upon all land within the district or upon all land and all improvements within the district.

CHAPTER 1581

An act to add Section 4458.2 to the Labor Code, relating to workmen's compensation.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 4458.2 is added to the Labor Code, to read:

4458.2. If a male member registered as an active police member of any regularly organized volunteer police department as described in Section 3362 suffers injury or death while in the performance of his duty as policeman, then, irrespective of his remuneration from this or other employment or from both, his average weekly earnings for the purposes of determining temporary disability indemnity and permanent disability indemnity shall be taken at the maximum fixed for each, respectively, in Section 4453. Four times his average annual earnings in disability cases and in death cases shall be taken at the maximum limits provided in Sections 4452 and 4702 respectively.

CHAPTER 1582

An act to amend Section 19150 of the Streets and Highways Code, relating to highway lighting districts.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 19150 of the Streets and Highways Code is amended to read:

19150. Within 10 days after the establishment of the district, the governing body shall advertise for bids for installing and maintaining the system and for servicing the same. The contract shall be awarded to the lowest responsible bidder. However, the rates to be paid shall not exceed the lawful rates ap-

plicable for the particular class of service and when necessary shall be those authorized by the Public Utilities Commission of the State of California. The contract for service shall be for a period not less than three years from and after the date electric energy and service is first delivered to the lighting district pursuant to such contract and shall be extended automatically thereafter for successive terms of one year each; provided, that the agreement may be terminated by either party upon not less than sixty (60) days' written notice prior to the expiration date of the original term or any extended term. The governing body shall reserve the right to abrogate the contract whenever service is offered to be supplied at two-thirds of the fixed contract price.

No advertising for bids or awarding of the contract based thereon shall be required when the proposed contract includes the furnishing of electric energy, and the entire area of the district is served, or will be so served, by a single public utility whose rates are subject to regulation by the Public Utilities Commission.

CHAPTER 1583

An act to add Sections 976 and 977 to the Labor Code, relating to employment.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 976 is added to the Labor Code, to read:

976. No person, including employment agencies as defined in Section 1551 of this code, shall publish or cause to be published any advertisement, solicitation or communication in any newspaper, poster or letter, offering employment as a salesman, broker or agent, whether as an employee or independent contractor, which advertisement, solicitation or communication (a) is willfully designed to mislead any person as to compensation or commissions which may be earned; or (b) falsely represents the compensation or commissions which may be earned. Misleading advertising

This section shall not be applicable to any publisher of a newspaper, magazine, or other publication, who publishes an advertisement, solicitation or communication in good faith, without knowledge of its false, deceptive or misleading character.

SEC. 2. Section 977 is added to said code, to read:

977. Any person, or agent or officer thereof, who violates Section 976 is guilty of a misdemeanor. Penalty

CHAPTER 1584

An act to amend Sections 194, 194.1, and 194.2 of the Streets and Highways Code, and to amend Section 11005 of the Revenue and Taxation Code, relating to the population of cities and annexed territories.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 194 of the Streets and Highways Code is amended to read:

Expenditures within cities

194. The commission shall allocate annually, and the department shall expend or cause to be expended within the cities and cities and counties of this State, from the State Highway Fund, the amount transferred to the State Highway Fund from the Highway Users Tax Fund for expenditure in cities, as provided in Section 2107.

Such expenditures shall be made within each city, including city and county, in the proportion that the total population of such city bears to the total population of all cities in this State. For the purpose of this section the population in each city is that determined by the last preceding federal census. In the case of a city incorporated subsequent to the last census, or in the case of inhabited unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the city, or of the annexed territory, by multiplying the number of registered electors therein by three. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the annexed territory, by the use of any federal decennial or special census or an estimate pursuant to Section 194.2 by which the population of the annexed territory was counted, or, if no such other estimate or census was made, by multiplying the number of registered electors therein by three two years after the completion of annexation proceedings or at such earlier time as the legislative body may request

SEC. 2. Section 194.1 of said code is amended to read:

Cities with substantially increased populations

194.1. Any city or city and county whose population has been increased substantially since the last federal census may apply to the United States Bureau of Census to determine the increase in population. Upon receipt from the bureau of its determination of population, the city or city and county shall file a certified copy of the determination with the department and the Controller.

Allocations

All allocations under Section 194 and all payments under Section 11005 of the Revenue and Taxation Code for any allocation subsequent to the filing of the determination shall be based upon the population so determined. The respective departments in making the computations required by these sec-

tions shall add to the total population of all cities and cities and counties all increases of population shown by the determination over the population of the last federal census. For the purposes of this paragraph, a written or telegraphic certification from the Director of the Census to the department and the Controller of the determination of population may be accepted by the department and the Controller in lieu of the filing by the city or city and county of the certified copy of the determination.

Cost

The cost of any investigation by the United States Bureau of Census is a proper charge against the city or city and county applying therefor and shall be paid by it to the bureau.

This section does not apply to counties.

SEC. 3. Section 194.2 of said code is amended to read:

Estimates of population by Department of Finance

194.2. On and after July 1, 1958, any city or city and county may apply to the Department of Finance to estimate its population. The department may make the estimate if in the opinion of the department there is available adequate information upon which to base the estimate; provided, however, the department may develop or contract for the development of additional information if, in the opinion of the department, such additional information may make an estimate feasible Upon completion of the estimate, the Department of Finance shall file a certified copy thereof with the department and the Controller.

All allocations under Section 194 and all payments under Section 11005 of the Revenue and Taxation Code for any allocation subsequent to the filing of the estimate shall be based upon the population so estimated. The respective departments, in making the computations required by these sections, shall add to the total population of all cities and cities and counties all increases of population shown by the estimate.

The Department of Finance may assess a reasonable charge, not to exceed the actual cost thereof, for the preparation of population estimates pursuant to this section, which is a proper charge against the city or city and county applying therefor. The amount received shall be deposited in the State Treasury as a reimbursement to be credited to the appropriation from which the expenditure is made.

Population estimates conducted pursuant to this section shall not be applied for more frequently than once in every calendar year.

Application

This section does not apply to counties.

SEC. 4. Section 11005 of the Revenue and Taxation Code is amended to read:

Motor vehicle license fee balance

11005. The balance of all motor vehicle license fees and any other money deposited, in accordance with law, in the Motor Vehicle License Fee Fund and remaining unexpended therein at the close of business on the last day of the calendar month immediately preceding the month in which such balance is required to be disbursed under the provisions of this section, after payment of refunds therefrom and after making the

deductions authorized by Sections 11003 and 11004 shall, on order of the Controller, be disbursed during the months of December and June of each fiscal year as follows:

(a) Fifty percent thereof shall be paid to the cities and cities and counties of this State in the proportion that the population of each city or city and county bears to the total population of all cities and cities and counties in this State, as determined by the Controller. For the purpose of this subdivision the population of each city or city and county is that determined by the last federal census. In the case of a city incorporated subsequent to the last census, or in the case of an inhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the city or the annexed territory by multiplying the number of registered electors therein by three. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the Controller shall ascertain the population of the annexed territory, by the use of any federal decennial or special census or estimate pursuant to Section 194.2 of the Streets and Highways Code by which the population of the annexed territory was counted, or, if no such other estimate or census was made, by multiplying the number of registered electors therein by three two years after the completion of annexation proceedings or at such earlier time as the legislative body may request. In the case of the consolidation of one city with another subsequent to the last census the population of the consolidated city for the purpose of this subdivision is the aggregate population of the respective cities as determined by the last federal census.

The money so paid shall be expended by the cities and cities and counties for law enforcement, the regulation and control and fire protection of highway traffic, and any other state purpose.

(b) Fifty percent thereof shall be paid to the counties and cities and counties of the State in the proportion that the population of each county or city and county bears to the total population of all the counties and cities and counties of the State, as determined by the Controller. For the purpose of this subdivision the population of each county or city and county is that determined by the last federal census, or as determined by Section 11005.6.

(c) The Controller, during the month of April, may advance 75 percent of such balance he estimates shall be disbursed to each city, county, and city and county during the month of June of each fiscal year pursuant to this section.

CHAPTER 1585

An act to amend Section 7045 of the Business and Professions Code, relating to the practice of contracting.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 7045 of the Business and Professions Code is amended to read:

7045. This chapter does not apply to the sale or installation of any finished products, materials or articles of merchandise, which do not become a fixed part of the structure, nor shall it apply to a materialman or manufacturer furnishing finished products, materials, or articles of merchandise who does not install such items.

CHAPTER 1586

An act to add Article 2 (commencing with Section 1920) to Chapter 4 of Division 4 of the Elections Code, and to add Article 2 (commencing with Section 5200) to Chapter 4 of Division 4 of the Elections Code as proposed by Assembly Bill No. 8, relating to referendum and recall elections in special districts.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 2 (commencing with Section 1920) is added to Chapter 4 of Division 4 of the Elections Code, to read:

Article 2. Referendum and Recall

Right to petition for referendum

1920. The electors of any district, which is a local public entity as defined by Section 700 of the Government Code, and to which Section 1900 of this code applies, shall have the right to petition for referendum on legislative acts of such district in the same manner and subject to the same rules as are set forth in Sections 1651, 1652, 1653, and 1654 of this code, except that all computations referred to in those sections and officers of the county mentioned in those sections shall be construed to refer to comparable computations and officers of the district.

Reference of legislative questions

1921. The governing board of any district to which Section 1920 applies may refer legislative questions to the electors of the district in the same manner as the board of supervisors

may refer county questions pursuant to Section 1650 of this code.

Annexation questions

1922. Any district to which Section 1920 applies may refer the question of annexation of territory to the district or withdrawal of territory from the district to the electors of the territory proposed to be annexed, in the same manner as other legislative questions are referred to the electors of the county pursuant to Section 1650 of this code, in all cases where no other provision is made by law for holding an election on such issue.

Right of recall

1923. The right of recall may be exercised in any district to which Section 1920 applies in the same manner as in a general law city.

NOTE: The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

Effect· Stats 1961. Ch 23

SEC. 3. Section 2 of this act shall become operative only if the Elections Code as proposed by Assembly Bill No. 8 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 8 takes effect; at which time the provisions of the Elections Code as added by Section 1 of this act are repealed.

CHAPTER 1587

An act to add Section 53065 to the Government Code, relating to fiscal matters regarding districts.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 53065 is added to the Government Code, to read:

53065. The provisions of law relating to budgets, borrowing, and other fiscal matters which apply to counties shall also apply to any district, whose governing body is the board of supervisors or for which county fiscal officers are ex officio fiscal officers, except that this section shall not apply:

(a) To school districts;

(b) To districts including two or more counties;

(c) Where such matters are otherwise provided by law.

CHAPTER 1588

An act to amend Section 5406 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5406 of the Labor Code is amended to read:

5406. The period within which may be commenced proceedings for the collection of the benefits provided by Article 4 of Chapter 2 of Part 2 of this division is one year from:

(a) The date of death where death occurs within one year from date of injury; or

(b) The date of last furnishing of any benefits under Chapter 2 of Part 2 of this division, where death occurs more than one year from the date of injury; or

(c) The date of death, where death occurs more than one year after the date of injury and compensation benefits have been furnished.

No such proceedings may be commenced more than one year after the date of death, nor more than 240 weeks from the date of injury.

CHAPTER 1589

An act to add Section 6560.3 to the Business and Professions Code, relating to the practice of barbering.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 6560.3 is added to the Business and Professions Code, to read:

6560.3. Any person, upon payment of the required fee, shall be granted permission to take the examination to determine his fitness to receive a certificate of registration to practice barbering if he complies with each of the following:

(a) He is at least 21 years of age and of good moral character and temperate habits.

(b) He has completed the ninth grade, or has the equivalent education as determined by an examination conducted by an examining agency prescribed by the board.

(c) He has a valid license or certificate of registration as a practicing barber from another state.

(d) He has graduated from a college of barbering in that state and has continuously engaged in the practice of barbering in such state for at least 12 years.

Proof of the necessary practice of barbering and the dates thereof, shall be verified in writing by at least two responsible persons who resided in each community in which the person practiced barbering during the 12-year period.

No application for a certificate of registration under this section shall be received after the expiration of 90 days from the effective date of the section.

CHAPTER 1590

An act to amend Section 18739 of the Business and Professions Code, relating to boxing.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 18739 of the Business and Professions Code is amended to read:

18739. No boxing contest or sparring match shall be more than 12 rounds of not more than three minutes each in length, except that championship matches may, if approval of the commission is first obtained, be 15 rounds of not more than three minutes each in length. There shall be one minute rest between consecutive rounds. Except as above provided, no boxer shall be allowed to participate in more than 12 rounds within 12 consecutive hours.

Operative date Approval of constitutional amendment

SEC. 2. This act shall become operative only if the voters approve the amendment to the State Constitution renumbering and amending Section 25¾ of Article IV thereof, proposed at the 1961 Regular Session of the Legislature, and in such case at the same time as said constitutional amendment becomes effective.

CHAPTER 1591

An act to amend Sections 31527 and 31780 of, and to add Article 15.5 (commencing with Section 31841) and Article 16 (commencing with Section 31861) to Chapter 3 of Part 3 of Division 4, of Title 3 of the Government Code, relating to county retirement systems.

In effect September 15, 1961

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 31527 of the Government Code is amended to read:

Regulations

31527. In its regulations, the board may include the following provisions:

(a) From what warrants deductions of members' contributions shall be made.

(b) For a period of time longer than one year during which a member may redeposit in the retirement fund an amount equal to all of the accumulated normal contributions which he has withdrawn, plus regular interest thereon from the date of return to service.

(c) For a period of time longer than one year during which a member brought within the field of membership may pay into the retirement fund the amount equal to the contributions he would have made plus interest, if he had been a member from the date of its organization, or from the date of his entrance into county service, whichever is later.

(d) For a withdrawal charge against a member who withdraws his accumulated contributions. The withdrawal charge shall not exceed the interest credited to the member subsequent to the effective date of the regulation.

(e) For the exemption or exclusion from membership as a peace officer member or as a safety member or from membership altogether, in the discretion of the board, of persons whose tenure is temporary, seasonal, intermittent, or for part time only, or persons whose rate of compensation is less than eighty dollars ($80) a month, or persons whose compensation is fixed at a rate by the day or hour.

(f) For the periodic physical examination, at county expense, of safety members.

(g) The amount of additional deductions from the salaries or wages of members pursuant to Article 15.5 or 16. Such a provision may be adopted in anticipation of, and prior to Article 15.5 or 16 becoming operative in the particular county.

SEC. 2. Section 31780 of said code is amended to read:

Death before retirement

31780. Upon the death before retirement of a member while in service or while physically or mentally incapacitated for the performance of his duty, if such incapacity has been continuous from discontinuance of service, or within one month after discontinuance of service unless the member's accumulated contributions have been paid to him pursuant to Section 31628, the retirement system is liable for a death benefit which shall be paid:

(a) As provided in Section 31765 or 31765.1 or 31781.1 or 31787 if the surviving spouse or guardian of one or more of the surviving children of the member so elects, or

(b) If no election is made pursuant to Section 31765, or 31765.1, or 31781.1, or 31787 and no person is entitled to a survivor's allowance pursuant to Article 15.5 or 16 to such person as he nominates by written designation duly executed and filed with the board, before the death of the member, or

(c) If no such election is made, and a parent as defined in Article 15.5 but no other person is entitled to a survivor's allowance pursuant to Article 15.5 or 16 and a surviving spouse or child is designated as beneficiary, to such surviving spouse or child, or

(d) If no such election is made, no person is entitled to a survivor's allowance pursuant to Article 15.5 or 16, and a member has not nominated a beneficiary, to his estate.

SEC. 3. Article 15.5 (commencing with Section 31841) is added to Chapter 3 of Part 3 of Division 4, of Title 3 of said code, to read:

Article 15.5. Survivors' Allowances

Operation

31841. This article shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this article applicable in such county.

Application

31841.1. This article shall not be applicable to any member who because of his county service is subject to the federal old age and survivors insurance provisions of the Federal Social Security Act.

"Eligible spouse"

31842. As used in this article "eligible spouse" means an individual who is caring for one or more of the children (as defined in Section 31843) of a deceased member and who is:

(a) The widow of such deceased male member, or

(b) The divorced former wife of such deceased male member, from whom she was receiving not less than one-half of her support at the time of his death, or

(c) The widower of such deceased female member from whom he was receiving not less than one-half of his support at the time of her death.

31843. As used in this article "child" means a member's child who is dependent upon such member at the time of his death and while such child is unmarried and:

(a) Under 18 years of age, or

(b) Whether under or over 18 years of age, totally disabled and such disability occurred prior to such child attaining age 18 years.

"Parent"

31844. As used in this article "parent" means:

(a) The father of the deceased member who at the time of the death of such member was not less than 65 years of age and was receiving not less than one-half of his support from the member, and who has not remarried since the member's death.

(b) The mother of the deceased member who at the time of the death of such member was not less than 62 years of age and was receiving not less than one-half of her support from the member, and who has not remarried since the member's death.

Benefits Spouse

31845. Upon the death of a member prior to retirement who was a member continuously for not less than 18 months immediately prior to his death, survived by an eligible spouse, if such eligible spouse waives the amount, if any, payable as a death benefit pursuant to Section 31781, such eligible spouse shall be paid a monthly survivor's allowance equal to the sum, based upon the member's compensation at the time of his death and the number of children for which such eligible spouse is caring, specified in Section 31849 minus the amount

to which such eligible spouse is entitled pursuant to Section 31765, 31765.1, 31781.1, 31781.2, or 31787.

Children

31846. Upon the death of a member prior to retirement who was a member continuously for not less than 18 months immediately prior to his death and who is survived by one or more children, during such time as no eligible spouse is entitled to a survivor's allowance pursuant to this article, if the father or mother having custody or guardian of such child or children waives the amount, if any, payable as a death benefit pursuant to Section 31781, such child or children shall be entitled to a monthly survivor's allowance equal to the sum, based upon the member's compensation at the time of his death and the number of children, specified in Section 31849 minus the amount to which such children are entitled pursuant to Section 31765, 31765.1, 31781,1, 31781.2, or 31787.

Two or more children

31847. The monthly survivor's allowance in the case of two or more children entitled thereto shall be divided equally between them.

Parents

31848. Upon the death of a member prior to retirement who was a member continuously for not less than 10 years immediately prior to his death, who is survived by one or both parents, if no death benefit is paid to any one pursuant to Section 31781 other than the member's widow, widower, or children, such parent, or both of such parents shall each be entitled to a monthly survivor's allowance equal to the sum, based upon the member's compensation at the time of his death, specified in Section 31849.

Monthly survivors' allowances

31849. Monthly survivors' allowances shall be based upon the following table:

Member's dependents	Monthly amount if member's monthly salary at death was: Less than $375	$375 but less than $425	$425 and over
Eligible spouse caring for one child	$150.00	$165.00	$180.00
Eligible spouse caring for two children	200.00	220.00	240.00
Eligible spouse caring for three or more children	225.00	242.00	260 00
One child only	75.00	82.50	90.00
Two children only	125.00	137.50	150.00
Three children only	175.00	192.50	210.00
Four or more children only	225.00	242.50	260.00
Parent	75 00	82.50	90.00

Benefits Widow

31850. Upon the death of a member prior to retirement who was a member continuously for not less than 18 months immediately prior to his death survived by a widow or widower with whom he was living at the time of his death, the retirement system shall pay to such widow or widower in addition to all other payments due, if any, to such widow or widower a lump sum supplemental survivorship benefit of two hundred

fifty-five dollars ($255). If such member is not survived by such a widow or widower, the retirement system shall apply such lump sum supplemental survivorship benefit to reimburse the person who paid the funeral expenses of such member to an amount not to exceed two hundred fifty-five dollars ($255).

Additional deductions

31851. In addition to the contributions required elsewhere in this chapter there shall be deducted from the salary or wages of each member (to finance the costs of the benefits provided in this article) an amount specified in the regulations of the board. The board shall fix the additional contributions of members at amounts which it finds will pay one-half of the cost of the survivors' benefits and lump sum supplemental survivorship benefit provided for in this article. Unless and until such regulations otherwise provide such amount shall equal eighty-eight cents ($0.88) per month for safety members and sixty-eight cents ($0.68) per month for all other members.

Same

31852. The amounts deducted pursuant to Section 31851 shall not be considered to be a portion of a member's accumulated contributions and shall not be refunded to a member upon termination of service, or for any other reason.

SEC. 3. Article 16 (commencing with Section 31861) is added to Chapter 3 of Part 3 of Division 4 of Title 3 of said code, to read:

Article 16. Alternate Survivors' Allowances

Operation

31861. This article shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this article applicable in such county.

Application

31862. In counties to which this article applies, this article provides an alternative system of survivors' allowance applicable only to the members who elect to participate.

Election of members

31863. Except as otherwise provided in Section 31864, any member within 30 days after this article becomes operative in the county, or within 30 days after entry into service, or during the calendar months of November or December of any year, may elect to make contributions for, and participate in, the benefits provided for by this article. An election made more than 30 days after this article becomes operative in this county and more than 30 days after entrance into service shall become operative the following January first.

Rescission of election

31864. Any member who has elected to participate in the benefits provided for by this article may rescind such election during the months of November or December of any year. Such election shall become operative on the following January first. No part of the contributions deducted, pursuant to this article from his salary or wages will be refunded to such member. Such member may not again elect to participate in the benefits provided for by this article.

Application upon election

31865. If a member elects to participate in the benefits of this article all of the provisions of Article 15.5 shall apply

to such member and to his eligible spouse, children, and parents, and to all other persons to whom Article 15.5 applies, and such provisions are herein incorporated by reference as if set forth in full except as hereinafter in this article provided otherwise.

Additional contributions

31866. The board shall fix the additional contributions of members at amounts which it finds will pay one-half of the cost of the survivors' benefits and lump sum supplemental survivorship benefit provided for in this article.

Members subject to Federal Social Security Act

31866.1. Members who because of county service, are subject to the federal old age and survivors insurance provisions of the Federal Social Security Act shall pay the entire cost of the survivors benefits and lump sum supplemental survivorship benefit provided for in this article.

Additional contributions

31867. Until the regulations of the board designate otherwise the additional contribution of each safety member shall be one dollar and thirty cents ($1.30) per month and of each other member shall be one dollar and seventy-one cents ($1.71) per month.

Minimum membership period

31868. If a member elected to participate in the benefits provided for by this article more than 30 days after this article became operative in the county, a survivor's allowance shall not be due to either his eligible spouse or child, and a lump sum supplemental survivorship benefit shall not be due, unless additional deductions were made pursuant to this article from the salary or wages of such member for not less than 18 months.

Same

31869. If a member elected to participate in the benefits provided for by this article more than 30 days after this article becomes operative in the county, a survivor's allowance shall not be due to any parent of such member unless additional deductions were made pursuant to this article from the salary or wages of such member for not less than 10 years.

CHAPTER 1592

An act to amend Sections 10109, 10110, 10111, and 10502 of the Streets and Highways Code, relating to the Municipal Improvement Act of 1913.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 10109 of the Streets and Highways Code is amended to read:

Ownership of works, etc., by public agencies

10109. Whenever the improvement or acquisition includes the acquiring or the installation of works, appliances or improvements authorized by this division, and the works, appliances, or improvements are, or may be, under the ownership, management, or control of any public agency other than the city making the acquisition or ordering the work done, the

works, appliances, or improvements may be acquired or installed under the proceedings specified in this division.

SEC. 2. Section 10110 of said code is amended to read:

Agreement with public agencies: Provisions

10110. Before the ordering of the work, acquisitions or improvements which are to be owned, managed or controlled by any other public agency, the legislative body shall enter into an agreement with the public agency which has, or may have, charge of the works, appliances, or improvements. Among other things such agreement may provide for any or all of the following:

(a) For the supplying by the public agency of plans and specifications in accordance with the provisions of Chapter 5 (commencing at Section 5170) of Part 3 of Division 7 of this code.

(b) For the performance of work or service by the public agency, and the payment to the public agency out of the improvement fund for such work, service, or charges.

(c) For the acquisition by the legislative body of works or appliances already installed and for the conveyance of said works to the public agency. The owner of such works or appliances may be a party to the agreement.

(d) That the agreement shall become effective after proceedings have been taken pursuant to this division and the funds are available to carry out all the terms thereof. Whenever it is proposed to annex to the public agency the territory in which the installation or acquisition is contemplated, proceedings may be taken up to and including the confirmation of the assessment as provided for in Section 10312 prior to the commencement of the annexation proceedings. If the annexation is successful, the assessment shall be recorded and such other proceedings taken as may enable the parties to comply with the terms of the agreement. If the annexation proceedings fail, further proceedings under the resolution of intention are barred.

SEC. 3. Section 10111 of said code is amended to read:

Title to works, etc

10111. After the work, acquisitions or improvements have been completed and accepted, or conveyed to the public agency, title to the works, appliances or improvements so installed, acquired or conveyed shall vest in the public agency and constitute a part of its system, and shall at all times thereafter be used, operated, maintained, and managed by it as a part of such system.

SEC. 4. Section 10502 of said code is amended to read:

Bids: Certified check or bond

10502. Each bid shall be accompanied by a certified check, amounting to 10 percent of the bid, payable to the order of the clerk of the legislative body, or by a bond for that amount and so payable, signed by the bidder and two sureties, who shall justify, before any officer competent to administer an oath, in double that amount, and over and above all statutory exemptions or by a corporate surety bond to the satisfaction and approval of the superintendent of streets. The amount so posted shall be forfeited to the municipality if the bidder does

not, within 15 days after written notice that the contract has been awarded to him, enter into a contract with the municipality for the work. The faithful performance of the contract shall be secured by an undertaking in such penal sum as the legislative body requires, with sureties satisfactory to the legislative body. When the proceedings include the acquisition or construction of works, appliances, or improvements to be owned, managed or controlled by a public agency other than the municipality making the acquisitions or ordering the work done, the legislative body of the municipality may require that the undertaking also inure to the benefit of such public agency to the extent of its interest in the entire project. The contractor shall also furnish a labor and material bond as required by law.

CHAPTER 1593

An act to amend Section 42280 of the Water Code, relating to water storage districts.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

In effect September 15, 1961

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

SECTION 1. Section 42280 of the Water Code is amended to read:

42280. If the board of any district fails to complete and file its report within 10 years from the date of the filing of the order of the department declaring the district duly organized, the project of the district shall be deemed abandoned and the board shall within 90 days thereafter pay all outstanding debts and claims against the district and shall within that time remit to the assessment payers of the district in proportion to the amount paid by the assessment payers on the last call or assessment levied by the board the balance of any funds then remaining with the treasurer of the district or to its credit with the county treasurers of affected counties. The department, on hearing and after good cause shown, may extend the time to complete and file the report for an additional period or periods of time which shall not exceed five years altogether; provided, that if such extension has been granted, the department, on hearing and after good cause shown for a further extension, may again extend the time to complete and file the report for a further additional period or periods of time which shall not exceed a further five years; provided, that notwithstanding preceding extensions including the last further extension above provided, the department on hearing and after good cause shown for another extension, may again extend the time to complete and file the report for another period or periods of time which shall not exceed five years more.

CHAPTER 1594

An act to amend Section 28128 of the Government Code, relating to compensation for public service in counties.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 28128 of the Government Code is amended to read:

28128. In a county of the 28th class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor, ten thousand dollars ($10,000) a year.

(b) The district attorney, thirteen thousand dollars ($13,000) a year, which is in full for all services performed by him as district attorney. He shall devote his entire time during office hours to the duties of his office, and shall not engage in private law practice during his term of office.

(c) Each supervisor, four thousand eight hundred dollars ($4,800) a year, which is in full for all services performed by him as supervisor. Each supervisor shall be allowed one hundred dollars ($100) a month as an allowance for mileage traveled within the county in attending the meetings of the board of supervisors and in performing other duties as supervisor, which shall be paid on the first day of each month irrespective of the number of miles traveled within the county. If it is necessary for a supervisor to travel outside the county on official matters pertaining to his duties as supervisor, he shall receive actual and necessary expenses and mileage, and shall file a demand in the same manner as other county officers. Each supervisor may use an automobile provided and maintained by the county in connection with the performance of official duties within and without the county. If an automobile is furnished at county expense, it is in lieu of mileage, except if the automobile is not available at all times through accident or otherwise, mileage at the rate of ten cents ($0.10) a mile shall be allowed during the period of nonavailability. If a supervisor is not furnished an automobile at county expense and it is necessary for him to travel outside the county on official business and transportation is not furnished by common carrier, mileage at the rate of ten cents ($0.10) a mile for all mileage actually traveled outside the county shall be paid.

(d) Grand jurors, for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations shall receive five dollars ($5) per day and fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the places of service, in going only.

Trial jurors in superior and justice courts, in civil and criminal cases, shall receive compensation and mileage as provided by law; provided, nevertheless, that the fees of all trial jurors in all civil cases shall be paid by the litigants as other costs are paid.

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

CHAPTER 1595

An act to add Section 2811 to the Streets and Highways Code, relating to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 2811 is added to the Streets and Highways Code, to read:

2811. This division shall not apply to the proceedings of the legislative body of any entity in granting to the legislative body of another entity the power and authority to exercise extraterritorial jurisdiction within its boundaries. However, the legislative body of the entity granted such power and authority shall comply with this division as to all property proposed to be assessed or with such provisions of Part 1 hereof as may be applicable.

CHAPTER 1596

An act to amend Sections 35000 and 35001 of the Government Code, relating to the annexation of territory to cities.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 35000 of the Government Code is amended to read:

35000. Each person signing a petition for the annexation of territory by a city shall, at the time he signs the petition, write the date upon which he signs the petition.

Date of signature

SEC. 2. Section 35001 of said code is amended to read:

35001. A petition for the annexation of territory by a city shall not be filed or accepted for filing if any date required to be affixed under Section 35000 is a date prior to six months of the date of filing.

Six month limit

CHAPTER 1597

An act to amend Sections 35101.5 and 35302.5 of the Government Code, relating to the annexation of territory to cities

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 35104.5 of the Government Code is amended to read:

Public real property

35104.5. Real property belonging to a public agency may be annexed pursuant to this article.

SEC. 2. Section 35302.5 of said code is amended to read:

Same

35302.5. Real property belonging to a public agency may be annexed pursuant to this article.

CHAPTER 1598

An act to amend Section 35124 of the Government Code, relating to the annexation of territory to cities.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

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

35124 The notice shall:

(a) State the date of the election.

(b) State distinctly the proposition to be submitted.

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

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

(e) Instruct electors as to the manner of voting.

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

CHAPTER 1599

An act to amend Sections 35121, 35312, and 35313 of the Government Code, relating to city annexation.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 35312 of the Government Code is amended to read:

Written protests

35312. At any time prior to final adjournment of the hearing on protests, any owner of property within the territory may file written protest against the annexation. The protest

shall state the name of the owner of the property affected and the street address or other description of the property sufficient to identify it on the last equalized assessment roll. A metes and bounds description shall not be required if the property can be otherwise described in a manner sufficient to identify it on the last equalized assessment roll. As used in this article, "owner" means the owner as shown on the last equalized assessment roll, except that the person entitled to be shown as owner on the current assessment roll shall be deemed the owner, and except that, where the property affected is subject to a recorded written agreement to buy, the purchaser under such agreement to buy shall be deemed the owner. Protests may be made on behalf of the owner by an agent authorized in writing by the owner to act as agent with respect to such land, except that protest may be made on behalf of a private corporation which is an owner of property by any officer or employee of the corporation without written authorization by the corporation to act as agent or make such protest. "Owner"

SEC. 2. Section 35121 of said code is amended to read:

35121. At the time set for hearing protests, or to which the hearing may have been continued, the city legislative body shall hear and pass upon all protests so made: Hearing

(a) If privately owned property and no publicly owned property is proposed to be annexed, further proceedings shall not be taken if protest is made by private owners of one-half of the value of the territory proposed to be annexed. The value given such property for protest purposes shall be that shown on the last equalized assessment roll if the property is not exempt from taxation. If the property is exempt from taxation, its value for protest purposes shall be determined by the county assessor in the same amount as he would assess such property if it were not exempt from taxation.

(b) If privately owned property and publicly owned property are proposed to be annexed in the same proceeding, further proceedings shall not be taken if protest is made by public and private owners of one-half of the value of the territory. The value given privately owned property shall be determined pursuant to subdivision (a) of this section. The value given publicly owned property for protest purposes shall be determined by the county assessor in the same manner as is provided in subdivision (a) of this section for privately owned property, exempt from taxation.

(c) The value for protest purposes to be given property held in joint tenancy or tenancy in common shall be determined by the legislative body in proportion to the proportionate interest of the protestant in such property.

(d) As used in this article, "value of the territory" means the value of the land, exclusive of improvements thereon.

(e) When property is subject to a written recorded agreement to buy, the purchaser under the agreement may protest and the seller may not even though he is shown as the owner on the last equalized assessment role.

Determinations of the value of publicly owned property, or privately owned property exempt from taxation by the county assessor for protest purposes shall be obtained from the assessor by the protestant and submitted to the legislative body with the written protest.

SEC. 3. Section 35313 of said code is amended to read:

Passing on protests

35313. At the time set for hearing protests, or to which the hearing may have been continued, the legislative body shall hear and pass upon all protests so made:

(a) If privately owned property and no publicly owned property is proposed to be annexed, further proceedings shall not be taken if protest is made by private owners of one-half of the value of the territory proposed to be annexed. The value given such property for protest purposes shall be that shown on the last equalized assessment roll if the property is not exempt from taxation. If the property is exempt from taxation, its value for protest purposes shall be determined by the county assessor in the same amount as he would assess on such property if it were not exempt from taxation.

(b) If privately owned property and publicly owned property are proposed to be annexed in the same proceeding, further proceedings shall not be taken if protest is made either by private owners of one-half of the value of the privately owned territory proposed to be annexed or by public owners of one-half of the publicly owned territory proposed to be annexed. The value given privately owned property shall be determined pursuant to subdivision (a) of this section. The value given publicly owned property for protest purposes shall be determined by the county assessor in the same manner as is provided in subdivision (a) of this section for privately owned property, exempt from taxation.

"Value of the territory"

(c) As used in this article, "value of the territory" means the value of land and improvements thereon.

(d) The value for protest purposes to be given property held in joint tenancy or tenancy in common shall be determined by the legislative body in proportion to the proportionate interest of the protestant in such property.

Determinations of the value of publicly owned property, or privately owned property exempt from taxation by the county assessor for protest purposes shall be obtained from the assessor by the protestant and submitted to the legislative body with the written protest.

CHAPTER 1600

An act to amend Section 17158 of the Vehicle Code, relating to the automobile guest statute.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 17158 of the Vehicle Code is amended to read:

17158. No person riding in or occupying a vehicle owned by him and driven by another person with his permission and no person who as a guest accepts a ride in any vehicle upon a highway without giving compensation for such ride, nor any other person, has any right of action for civil damages against the driver of the vehicle or against any other person legally liable for the conduct of the driver on account of personal injury to or the death of the owner or guest during the ride, unless the plaintiff in any such action establishes that the injury or death proximately resulted from the intoxication or willful misconduct of the driver.

CHAPTER 1601

An act to add Section 24262 to the Government Code, relating to county offices.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 24262 is added to the Government Code, to read:

24262. Notwithstanding any other provision of this chapter, no office of the sheriff or clerk shall be established elsewhere than at the county seat without the approval of the board of supervisors.

CHAPTER 1602

An act to amend Section 28112 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 28112 of the Government Code is amended to read:

28112. In a county of the 12th class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand six hundred dollars ($9,600) a year.

(b) The district attorney, sixteen thousand five hundred dollars ($16,500) a year and actual traveling expenses while away from his office on county business. He shall hold no other county office.

(c) Each supervisor, eight thousand four hundred dollars ($8,400) a year and his actual traveling expenses from his resi-

dence to the place of meeting of the board at the county seat when attending board meetings and the necessary actual expenses incurred by him while engaged in county business. Each supervisor shall be available for the performance of the duties of his office at all times during county business hours. Each supervisor shall spend one day in each week, other than the day the board is officially in session, at the office of the board in the county courthouse. The particular day which each supervisor shall be on duty shall be determined by unanimous agreement of the board, or if they do not agree then by lot, so that a supervisor will be on duty on Tuesday, Wednesday, Thursday, and Friday of each week.

(d) For acting as a grand juror, each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, six dollars ($6) a day and ten cents ($0.10) for each mile actually traveled in the performance of such duties, together with other actual and necessary expenses. No mileage shall be allowed for traveling outside of the county.

Trial jurors in the superior court, municipal court and justice courts shall receive for each day's required attendance in court, five dollars ($5), and eight cents ($0.08) for each mile from their residence to and from the place where the court is held, to be allowed only for each day the jurors are required to and do attend.

CHAPTER 1603

An act to amend Section 35111 of the Government Code, relating to the annexation of territory to cities.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 35111 of the Government Code is amended to read:

35111. Before circulating a petition relating to alteration of the boundaries of, or annexation of territory to, a city, the proponents shall publish a notice of intention to do so pursuant to the Elections Code. The notice shall contain the names of the proponents intending to circulate the petition and the specific boundaries of the territory proposed to be annexed, and shall be accompanied by a printed statement not exceeding 500 words in length, containing reasons for the petition.

CHAPTER 1604

An act to add Section 35012 to the Government Code, relating to the annexation of territory to cities.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Section 35012 is added to the Government Code, to read:

35012. Any person making a protest to an annexation or to an annexation election may withdraw his protest at any time prior to final adjournment of the hearing on protests by filing with the clerk of the legislative body of the annexing city a written statement that he withdraws his protest. If the withdrawal is made during the hearing the written statement may be filed with the legislative body or with the clerk.

CHAPTER 1605

An act to amend Sections 4854 and 4856 of the Health and Safety Code, relating to sanitation districts.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.] In effect September 15, 1961

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

SECTION 1. Section 4854 of the Health and Safety Code is amended to read:

4854. Upon the dissolution of any district the property of the district lying within the corporate limits of any city vests absolutely in the city, and, unless the entire district is within the corporate limits of a city, the property of the district lying without the corporate limits of any incorporated city vests absolutely in the county in which the district is situated. Dissolution

If the entire district is within the corporate limits of a city, upon the dissolution of the district, all property and assets of the district vest absolutely in the city.

SEC. 2. Section 4856 of said code is amended to read:

4856. Any funds belonging to the district at the time of dissolution shall, unless the entire district is within the corporate limits of a city, be transferred to the cities and the county, as the case may be, in proportion to the assessed valuation of the taxable real property in the cities and county respectively, as it appears on the last equalized assessment roll of the county prior to the dissolution. Transfer of funds

If the entire district is within the corporate limits of a city, any funds belonging to the district at the time of dissolution shall be transferred to such city.

CHAPTER 1606

An act to amend Sections 651, 652, 655, 656, 660, and 668 of the Harbors and Navigation Code, relating to vessels.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 651 of the Harbors and Navigation Code is amended to read:

Definitions

651. As used in this chapter, unless the context clearly requires a different meaning:

(a) "Commission" means the Small Craft Harbors Commission, Department of Natural Resources.

(b) "Department" means the Department of Natural Resources.

(c) "Division" means the Division of Small Craft Harbors, Department of Natural Resources.

(d) "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

(1) A seaplane on the water.

(a) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself.

(e) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States government or any federal agency successor thereto.

(f) "Owner" is a person having all the incidents of ownership, including the legal title, of a vessel whether or not such person lends, rents, or pledges such vessel; the person entitled to the possession of a vessel as the purchaser under a conditional sale contract; or the mortgagor of a vessel. "Owner" does not include a person holding legal title to a vessel under a conditional sales contract, the mortgagee of a vessel, or the rentor or lessor of a vessel to the State or to any county, city, district, or political subdivision of the State under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more

(g) "Legal owner" is a person holding the legal title to a vessel under a conditional sale contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the State, or to any county, city, district or political subdivision of the State, under a lease, lease-sale, or rental-purchase agreement which grants

possession of the vessel to the lessee for a period of 30 consecutive days or more.

(h) "Registered owner" is the person registered by the Department of Motor Vehicles as the owner of the vessel.

(i) "Waters of this State" means any waters within the territorial limits of this State.

(j) "Person" means an individual, partnership, firm, corporation, association or other entity, but does not include the United States, the State or a municipality or subdivision thereof.

(k) "Operate" means to navigate or otherwise use a motorboat or vessel upon the waters of this State.

(*l*) "Undocumented vessel" means any vessel which is not required to have and does not have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto.

SEC. 2. Section 652 of said code is amended to read:

652 (a) Motorboats subject to the provisions of this chapter shall be divided into four classes as follows: Motorboats

Class A. Less than 16 feet in length.

Class 1. Sixteen feet or over and less than 26 feet in length.

Class 2. Twenty-six feet or over and less than 40 feet in length.

Class 3. Forty feet or over.

(b) Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited: Lights

(1) Every motorboat of classes A and 1 shall carry the following lights:

First. A bright white light aft to show all around the horizon.

Second. A combined lantern in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(2) Every motorboat of classes 2 and 3 shall carry the following lights:

First. A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to two points aft the beam on either side.

Second. A bright white light aft to show all around the horizon and higher than the white light forward.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken

light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The side light shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

Lantern or sidelight

(3) Each motorboat of every class when propelled by sail alone shall carry only the combined lantern or separate sidelights as appropriate to its class, and in addition, one white light at the stern so constructed that it shall show an unbroken light over an area of the horizon of 12 points of the compass so fixed as to show the light six points from right aft on each side of the vessel.

"Visible"

(4) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.

(5) When propelled by sail and machinery any motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.

Compliance with federal requirements

(c) Any vessel may carry and exhibit the lights required by the Federal Regulations for Preventing Collisions at Sea, 1948, Federal Act of October 11, 1951 (33 U S C. 143-147d) as amended, in lieu of the lights required by subdivision (b) of this section.

Whistle

(d) Every motorboat of class 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

Bell

(e) Every motorboat of class 2 or 3 shall be provided with an efficient bell.

Life preservers

(f) Every undocumented vessel shall carry at least one life preserver, or lifebelt, or ring buoy, or other device of the sort prescribed by the regulations of the commission for each person on board, so placed as to be readily accessible; provided, that every undocumented vessel carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the commission for each person on board.

Fire extinguishers

(g) Every motorboat shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the commission, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

Application

(h) The provisions of subdivisions (d), (e) and (g) of this section shall not apply to motorboats while competing in any race or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

(i) Every motorboat shall have the carburetor or carburetors of every engine therein, except outboard motors, using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the commission. Flame arrestor, etc.

(j) Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by the regulations of the commission for properly and efficiently ventilating the bilges of the engines and fuel tank compartments so as to remove any explosive or inflammable gases. Ventilation

(k) The commission may make rules and regulations modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation laws or with the navigation rules promulgated by the United States Coast Guard. Rules and regulations

(*l*) The commission may establish and maintain for the operation of vessels on the waters of this State pilot rules in conformity with the pilot rules contained in the federal navigation laws or the navigation rules promulgated by the United States Coast Guard.

(m) No person shall operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof.

SEC. 3. Section 655 of said code is amended to read:

655. (a) No person shall operate any motorboat or vessel or manipulate any water skis, aquaplane or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person. The commission shall adopt regulations for the operation of motorboats or vessels, water skis, aquaplanes or similar devices in a manner which will minimize the danger to life, limb, or property consistent with reasonable use of the equipment for the purpose for which it was designed. Reckless, etc operation

(b) No person shall operate any motorboat or vessel or manipulate any water skis, aquaplane or similar device while under the influence of intoxicating liquor or under the influence of any narcotic drug, barbiturate or marijuana. Intoxication

SEC. 4. Section 656 of said code is amended to read:

656. (a) It shall be the duty of the operator of a vessel involved in a collision, accident or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers, to render to other persons affected by the collision, accident or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty, and also to give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty. Duty in collision, accident, etc

(b) In the case of collision, accident or other casualty involving an undocumented vessel, the operator or owner

thereof, if the collision, accident or other casualty results in death or injury to a person or damage to property in excess of one hundred dollars ($100) shall file with the department a full description of the collision, accident or other casualty on such forms and including such information as the commission may, by regulation, require. The department shall furnish approved forms for the filing of such reports.

(c) Neither the report required by this section nor any action taken by the department with regard to such report shall be referred to in any way, or be any evidence of negligence or due care of any party, at the trial of any action at law to recover damages.

SEC. 5. Section 660 of said code is amended to read:

Application and construction

660. (a) The provisions of this chapter, and of other applicable laws of this State, shall govern the operation, equipment, and all other matters relating thereto whenever any motorboat or vessel shall be operated on the waters of this State, or when any activity regulated by this chapter shall take place thereon. Nothing in this chapter shall be construed to prevent the adoption of any ordinance, law, regulation or rule relating to vessels by any entity otherwise authorized by law to adopt such measures, including but not limited to any city, county, city and county port authority or district; provided, however, that such measures relating to undocumented vessels shall pertain only to time-of-day restrictions, speed zones, special-use areas and sanitation and pollution control, the provisions of which are not in conflict with the provisions of this chapter or the regulations adopted by the commission. Such measures shall be submitted to the division prior to adoption and at least 30 days prior to the effective date thereof.

(b) The commission is authorized to make special rules and regulations with reference to the operation of any motorboats or vessels on any body of water within the territorial limits of two or more cities, counties, cities and counties or other political subdivisions where no special rules or regulations exist or when required to establish uniformity in such special rules or regulations as the commission may determine (1) are not uniform under local laws and (2) as to which uniformity is practicable and necessary.

SEC. 6. Section 668 of said code is amended to read:

Penalties

668. (a) Any person who violates any provisions of Sections 652, 654, or 659 of this code or any regulations adopted by the commission pursuant thereto is guilty of a misdemeanor and shall be subject to a fine of not to exceed fifty dollars ($50) or imprisonment in the county jail for not to exceed five days, or both, for each violation.

(b) Any person who violates any provisions of subdivision (a) or (b) of Section 658 of this code is guilty of a misdemeanor and shall be subject to a fine of not to exceed one hundred dollars ($100) for each violation.

(c) Any person who violates any provision of Sections 655, 656, or subdivision (d) or (e) of Section 658 of this code or any special rules and regulations adopted by the commission pursuant to the provisions of subdivisions (b) or (c) of Section 660 of this code is guilty of a misdemeanor and shall be subject to a fine of not to exceed five hundred dollars ($500) or imprisonment in the county jail for not to exceed six months, or both, for each violation.

CHAPTER 1607

An act to amend Section 29151 of the Government Code, relating to county funds.

[Approved by Governor July 12, 1961 Filed with Secretary of State July 13, 1961]

In effect September 15, 1961

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

SECTION 1. Section 29151 of the Government Code is amended to read:

29151. The amounts in the unappropriated reserves, including accretions from cancellations, and amounts received from subventions, grants, gifts, donations and revenues for services provided under contract or agreement which are not specifically set forth in the budget may be made available for appropriation by a four-fifths vote of the members of the board at any regular or special meeting of which all members have had reasonable notice.

CHAPTER 1608

An act to add Section 463 to the Vehicle Code, relating to parking of vehicles.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 463 is added to the Vehicle Code, to read:

463. "Park or parking" shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

CHAPTER 1609

An act to amend Section 31452.5 of the Government Code, relating to county employee retirement systems.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 31452.5 of the Government Code is amended to read:

31452.5. The board may comply with and give effect to a revocable written authorization signed by a retired member entitled to a retirement allowance or benefit under this chapter, authorizing the treasurer to deduct a specified amount from the retirement allowance or benefit payable to any such retired member for the purpose of paying premiums on any policy or certificate of group life insurance or group disability insurance issued by an admitted insurer, or for any prepaid group medical or hospital service plan, or both, approved by such board, for the benefit of such retired member or his dependents, or for the purchase of shares in or the payment of money to any regularly chartered credit union, and each month shall draw his order in favor of the insurer, institution or credit union named in said written authorization for an amount equal to the deductions so authorized and made during the month. The board may charge a reasonable fee for the making of such deductions and payments and such fees shall be deposited in the county fund from which salaries are paid.

CHAPTER 1610

An act to add Section 4026 to the Penal Code, relating to prisoners in county and city jails.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 4026 is added to the Penal Code, to read:

4026. The sheriff or other officer in charge of a county or city jail may provide for the manufacture of small articles of handiwork by prisoners out of raw materials purchased by the prisoners with their own funds or funds borrowed from the inmates welfare fund, which articles may be sold to the public at the county or city jails, in public buildings, at fairs, or on property operated by nonprofit associations. County- or city-owned property shall not be sold or given to prisoners for use under this section, except as expressly permitted by this

section. The sheriff or other officer in charge shall provide that all of the sale price of the articles be deposited to the account of the prisoner manufacturing the article after repaying the inmates' welfare fund any amount borrowed.

CHAPTER 1611

An act to amend Section 1820 of the Military and Veterans Code, relating to insignia of veterans' organizations.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1820 of the Military and Veterans Code is amended to read:

1820. Any person who willfully wears or uses the badge, lapel button, rosette, or other recognized and estimable insignia of the Grand Army of the Republic, the United Spanish War Veterans, the American Legion, Disabled American Veterans, or Veterans of Foreign Wars, unless he is entitled to wear or use it under the rules and regulations of the Department of California, Grand Army of the Republic, the United Spanish War Veterans, the American Legion, Disabled American Veterans, or Veterans of Foreign Wars, is guilty of a misdemeanor, and is punishable by imprisonment for a term not to exceed 30 days in the county jail, or a fine not to exceed twenty dollars ($20), or by both such fine and imprisonment.

CHAPTER 1612

An act to amend Section 1248 of, and to add Sections 1252.1 and 1252.2 to, the Code of Civil Procedure, and to add Section 5096.3 to the Revenue and Taxation Code, relating to taxes.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1248 of the Code of Civil Procedure is amended to read:

1248. The court, jury, or referee must hear such legal testimony as may be offered by any of the parties to the proceeding, and thereupon must ascertain and assess:

Matters determined from testimony

1. The value of the property sought to be condemned, and all improvements thereon pertaining to the realty, and of each and every separate estate or interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein shall be separately assessed;

2. If the property sought to be condemned constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff;

3. Separately, how much the portion not sought to be condemned, and each estate or interest therein, will be benefited, if at all, by the construction of the improvement proposed by the plaintiffs; and if the benefit shall be equal to the damages assessed under subdivision 2, the owner of the parcel shall be allowed no compensation except the value of the portion taken; but if the benefit shall be less than the damages so assessed, the former shall be deducted from the latter, and the remainder shall be the only damages allowed in addition to the value;

4. If the property sought to be condemned be water or the use of water, belonging to riparian owners, or appurtenant to any lands, how much the lands of the riparian owner, or the lands to which the property sought to be condemned is appurtenant, will be benefited, if at all, by a diversion of water from its natural course, by the construction and maintenance, by the person or corporation in whose favor the right of eminent domain is exercised, of works for the distribution and convenient delivery of water upon said lands; and such benefit, if any, shall be deducted from any damages awarded the owner of such property;

5. If the property sought to be condemned be for a railroad, the cost of good and sufficient fences, along the line of such railroad, and the cost of cattle-guards, where fences may cross the line of such railroad; and such court, jury or referee shall also determine the necessity for and designate the number, place and manner of making such farm or private crossings as are reasonably necessary or proper to connect the parcels of land severed by the easement condemned, or for ingress to or egress from the lands remaining after the taking of the part thereof sought to be condemned, and shall ascertain and assess the cost of the construction and maintenance of such crossings;

6. If the removal, alteration or relocation of structures or improvements is sought, the cost of such removal, alteration or relocation and the damages, if any, which will accrue by reason thereof;

7. As far as practicable, compensation must be assessed for each source of damages separately.

8. When the property sought to be taken is encumbered by a mortgage or other lien, and the indebtedness secured thereby is not due at the time of the entry of the judgment, the amount of such indebtedness may be, at the option of the plaintiff, deducted from the judgment, and the lien of the mortgage or other lien shall be continued until such indebtedness is paid; except that the amount for which, as between the plaintiff and the defendant, the plaintiff is liable under Section 1252.1 may not be deducted from the judgment.

SEC. 2. Section 1252.1 is added to the Code of Civil Procedure, to read:

Liability for taxes

1252.1. As between the plaintiff and defendant, the plaintiff is liable for any ad valorem taxes, penalties and costs upon the property sought to be taken by eminent domain that would be subject to cancellation under Chapter 4 (commencing with Section 4986) of Part 9 of Division 1 of the Revenue and Taxation Code if the plaintiff were a public agency covered by Section 4986 of the Revenue and Taxation Code and if such taxes, penalties and costs had not been paid, whether or not the plaintiff is such a public agency.

If the defendant has paid any amount for which, as between the plaintiff and defendant, the plaintiff is liable under this section, the plaintiff shall pay to the defendant a sum equal to such amount.

If the plaintiff takes possession of the property prior to judgment, the amount the defendant is entitled to be paid under this section shall be claimed at the time and in the manner provided for claiming costs. If the plaintiff does not take possession of the property prior to judgment, the amount the defendant is entitled to be paid under this section shall be claimed not later than 30 days after the title vests in the plaintiff and shall be claimed in the manner provided for claiming costs.

SEC. 3. Section 1252.2 is added to the Code of Civil Procedure, to read:

Separate valuations

1252.2. When the property sought to be taken by eminent domain does not have a separate valuation on the assessment roll, any party to the eminent domain proceeding may, at any time after the lis pendens is filed, apply to the tax collector to have the property sought to be taken separately valued on the roll. Upon such application, the property shall be separately valued in accordance with Chapter 3 (commencing with Section 2800) of Part 5 of Division 1 of the Revenue and Taxation Code. Sections 2804 and 2805 of the Revenue and Taxation Code do not apply to an application under this section.

SEC. 4. Section 5096.3 is added to the Revenue and Taxation Code, to read:

Tax refund

5096.3. If taxes have been paid on property which is acquired by eminent domain or by negotiated purchase after the lien date by the State or by any county, city, school district or other public agency of this State, the amount of such taxes which would have been subject to cancellation under Section 4986 if unpaid shall be deemed to be erroneously collected and shall be refunded to such public agency. For the purposes of this article, such public agency shall be deemed to be the person who paid the taxes.

Operative date

SEC. 5. This act becomes operative on July 1, 1962.

CHAPTER 1613

An act to amend Sections 1243.5, 1249, 1253, 1254, 1255a and 1255b of, to renumber and amend Sections 1254.5 and 1254.7 of, and to add Sections 1243.4 and 1249.1 to, the Code of Civil Procedure, relating to eminent domain.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

SECTION 1. Section 1243.4 is added to the Code of Civil Procedure, to read:

Immediate possession for certain uses

1243.4. In any proceeding in eminent domain brought by the State, or a county, or a municipal corporation, or metropolitan water district, municipal utility district, municipal water district, drainage, irrigation, levee, reclamation or water conservation district, or similar public corporation, the plaintiff may take immediate possession and use of any right-of-way, or lands to be used for reservoir purposes, required for a public use whether the fee thereof or an easement therefor be sought, in the manner and subject to the conditions prescribed by law.

SEC. 2. Section 1243.5 of the Code of Civil Procedure is amended to read:

Security deposit

1243.5. (a) In any proceeding in eminent domain, if the plaintiff is authorized by law to take immediate possession of the property sought to be condemned, the plaintiff may, at any time after the issuance of summons and prior to the entry of judgment, apply ex parte to the court for an order determining the amount to be deposited as security for the payment of the just compensation which will be made for the taking of the property and any damage incident thereto. Such security shall be in the amount the court determines to be the probable just compensation which will be made for the taking of the property and any damage incident thereto. After depositing the security, the plaintiff may, at any time prior to the entry of judgment, apply ex parte to the court for an order authorizing it to take immediate possession of and to use the property sought to be condemned.

(b) If the court determines that the plaintiff is entitled to take the property by eminent domain and to take immediate possession thereof, and if the court determines that the plaintiff has deposited the security, the court shall by order authorize the plaintiff to take immediate possession of and to use the property sought to be condemned. The order authorizing immediate possession shall:

Order

(1) Describe the property and the estate or interest therein sought to be condemned, which description may be made by reference to the complaint.

(2) State the purposes of the condemnation.

(3) State the amount of the deposit.

(4) State the date after which the plaintiff is authorized to take possession of the property which date, unless the plaintiff requests a later date, shall be the earliest date on which the plaintiff would be entitled to take possession of the property if service were made under subdivision (c) of this section on the day the order is made.

(c) At least 20 days prior to the time possession is taken, the plaintiff shall serve a copy of the order on the record owner or owners of the property and on the occupants, if any. Service of the order shall be made by personal service unless the person on whom service is to be made has previously appeared in the proceeding or has previously been served with a copy of the summons and complaint in the manner prescribed by law, in which case service of the order may be made by mail upon such person and his attorney of record, if any. If a person upon whom a copy of the order authorizing immediate possession is required to be personally served under this section resides out of the State, or has departed from the State or cannot after due diligence be found within the State, the plaintiff may in lieu of such personal service send a copy of the order by registered or certified mail addressed to such person at his last known address. If a copy of the order is sent by registered or certified mail in lieu of personal service, the plaintiff shall file an affidavit in the proceeding setting forth the facts showing the reason personal service could not have been made. The court may, for good cause shown by affidavit, authorize the plaintiff to take possession of the property without serving a copy of the order of immediate possession upon a record owner not occupying the property. A single service upon or mailing to those at the same address shall be sufficient. The court may, for good cause shown by affidavit, shorten the time specified in this subdivision to a period of not less than three days.

"Record owner or owners of the property"

As used in this subdivision, "record owner or owners of the property" means both the person or persons in whose name the legal title to the fee appears by deeds or other instruments duly recorded in the recorder's office of the county in which the property is located and the person or persons, if any, in possession of the property under a written and duly recorded lease or agreement of purchase.

(d) At any time after the court has made an order authorizing immediate possession, the court may, upon motion of any party to the eminent domain proceeding, order an increase or a decrease in the security that the plaintiff is required to deposit pursuant to this section if the court determines that the security which should be deposited for the taking of the property and any damage incident thereto is different from the amount of the security theretofore deposited. Prior to judgment, such security may not be reduced to an amount less than that already withdrawn pursuant to Section 1243 7.

(e) The amount required to be deposited by the plaintiff and the amount of such deposit withdrawn by the defendant

may not be given in evidence or referred to in the trial of the issue of compensation

(f) The plaintiff shall not be held to have abandoned or waived the right to appeal from the judgment by taking possession of the property pursuant to this section.

SEC. 3. Section 1254.5 of the Code of Civil Procedure is renumbered and amended to read:

Depository

1243.6. When money is required to be deposited as provided by Section 1243.5, the court shall order the money to be deposited in the State Treasury, unless the plaintiff requests the court to order deposit in the county treasury, in which case the court shall order deposit in the county treasury. If money is deposited in the State Treasury pursuant to this section it shall be held, invested, deposited, and disbursed in the manner specified in Section 1254, and interest earned or other increment derived from its investment shall be apportioned and disbursed in the manner specified in that section.

SEC. 4. Section 1254.7 of the Code of Civil Procedure is renumbered and amended to read:

Withdrawal of money

1243.7. (a) At any time after money has been deposited as provided in Section 1243.5, the party whose property or interest in property is being taken may apply to the court, in the manner hereinafter provided, for the withdrawal of all or any portion of the amount deposited for his property or property interest. Upon such application, the court shall order that portion of the amount applied for, which the applicant is entitled to withdraw under the provisions of this section, to be paid to such applicant from the money deposited in connection with such property or property interest.

(b) If the total amount sought to be withdrawn prior to judgment exceeds the amount of the original deposit, each applicant, before any of such excess is withdrawn, shall file an undertaking executed by two or more sufficient sureties approved by the court to the effect that they are bound to the plaintiff in double the amount of such excess for the return of any amount withdrawn by the applicant that exceeds the amount to which the applicant is entitled as finally determined in the eminent domain proceeding, together with legal interest from the date of its withdrawal.

If there is more than one applicant and the total amount sought to be withdrawn exceeds the amount of the original deposit, the applicants, in lieu of filing separate undertakings, may jointly file an undertaking executed by two or more sufficient sureties approved by the court to the effect that they are bound to the plaintiff in double the amount of such excess for the return of any amount withdrawn by the applicants that exceeds the amount to which the applicants are entitled as finally determined in the eminent domain proceeding together with legal interest from the date of its withdrawal.

If the undertaking required by this subdivision is executed by an admitted surety insurer, the undertaking is sufficient in amount if the surety is bound only to the extent that the

amount sought to be withdrawn exceeds the amount originally deposited.

The plaintiff may consent to an undertaking that is less than the amount required under this subdivision.

If the undertaking is executed by an admitted surety insurer, the applicant filing the undertaking is entitled to recover the premium paid for the undertaking, but not to exceed 2 percent of the face value of the undertaking, as a part of the recoverable costs in the eminent domain proceeding.

(c) The application shall be made by affidavit wherein the applicant shall set forth his interest in the property and request withdrawal of a stated amount. The applicant shall serve a copy of the application on the plaintiff and no withdrawal shall be made until at least 20 days after such service of the application, or until the time for all objections has expired, whichever is later.

(d) Within the 20-day period, the plaintiff may object to such withdrawal by filing an objection thereto in court on the ground that an undertaking should be filed or that the amount of, or the sureties upon, such an undertaking are insufficient.

(e) Within the 20-day period, the plaintiff may object to such withdrawal by filing an objection thereto in court on the grounds that other persons are known or believed to have interests in the property. In this event the plaintiff shall attempt to personally serve on such other persons a notice to such persons that they may appear within 10 days after such service and object to such withdrawal, and that failure to appear will result in the waiver of any right to such amount withdrawn or further rights against the plaintiff to the extent of the sum withdrawn. The plaintiff shall state in such objection the names and last known addresses of other persons known or believed to have an interest in the property, whether or not it has been able to serve them with such notice and the date of such service. If the plaintiff in its objection reports to the court that it is unable to personally serve persons known or believed to have interests in the property within the 20-day period, said money shall not be withdrawn until the applicant causes such personal service to be made.

(f) If the persons so served appear and object to the withdrawal, or if the plaintiff so requests, the court shall thereupon hold a hearing after notice thereof to all parties and shall determine the amounts to be withdrawn, if any, and by whom. If the court determines that a party is entitled to withdraw any portion of a deposit which another person claims, the court may require such party, before withdrawing such portion, to file an undertaking executed by two or more sufficient sureties approved by the court to the effect that they are bound to the adverse claimant in such amount as is fixed by the court, but not to exceed double the portion claimed by the adverse claimant, for the payment to the person entitled thereto of any amount withdrawn that exceeds the amount to which such party is entitled as finally determined in the eminent domain

proceeding, together with legal interest from the date of its withdrawal. No persons so served shall have any claim against the plaintiff for compensation for the value of the property taken or severance damages thereto, or otherwise, to the extent of the amount withdrawn by all parties; provided, the plaintiff shall remain liable for said compensation to persons having an interest of record who are not so served.

(g) If withdrawn, the receipt of any such money shall constitute a waiver by operation of law of all defenses in favor of the person receiving such payment except his claim for greater compensation. Any amount so paid to any party shall be credited upon the judgment in the eminent domain proceeding.

(h) Any amount withdrawn by any party in excess of the amount to which he is entitled as finally determined in the eminent domain proceeding shall be paid to the party entitled thereto together with legal interest thereon from the date of its withdrawal, and the court in which the eminent domain proceeding is pending shall enter judgment therefor against the defendant. If the defendant does not pay the judgment within 30 days after the judgment is entered, the court may, on motion, enter judgment against the sureties for such amount together with the interest that may be due thereon.

SEC. 5. Section 1249 of the Code of Civil Procedure is amended to read:

Right to damages

1249. For the purpose of assessing compensation and damages the right thereto shall be deemed to have accrued at the date of the issuance of summons and its actual value at that date shall be the measure of compensation for all property to be actually taken, and the basis of damages to property not actually taken but injuriously affected, in all cases where such damages are allowed as provided in Section 1248; provided, that in any case in which the issue is not tried within one year after the date of the commencement of the action, unless the delay is caused by the defendant, the compensation and damages shall be deemed to have accrued at the date of the trial. No improvements put upon the property subsequent to the date of the service of summons shall be included in the assessment of compensation or damages.

SEC. 6. Section 1249.1 is added to the Code of Civil Procedure, to read:

Improvements

1249.1. All improvements pertaining to the realty that are on the property at the time of the service of summons and which affect its value shall be considered in the assessment of compensation, damages and special benefits unless they are removed or destroyed before the earliest of the following times:

(a) The time the title to the property is taken by the plaintiff.

(b) The time the possession of the property is taken by the plaintiff.

(c) The time the defendant moves from the property in compliance with an order of possession.

SEC. 7. Section 1253 of the Code of Civil Procedure is amended to read:

1253. When payments have been made and the bond given, if the plaintiff elects to give one, as required by Sections 1251 and 1252, the court shall make a final order of condemnation, which shall describe the property condemned, the estate or interest acquired therein and the purposes of such condemnation. A certified copy of the order shall thereupon be filed in the office of the recorder of the county in which the property is located. The title to the property described in the final order of condemnation vests in the plaintiff for the purposes described therein upon the date that a certified copy of the final order of condemnation is filed in the office of the recorder of the county. Final order

SEC. 8. Section 1254 of the Code of Civil Procedure is amended to read:

1254. (a) In any case in which the plaintiff is not in possession of the property sought to be condemned, the plaintiff may, at any time after trial and judgment entered or pending an appeal from the judgment and after payment into court for the defendant of the full amount of the judgment and such further sum as may be required by the court as a fund to pay any further damages and costs that may be recovered in the proceeding, apply ex parte for an order authorizing it to take possession of and to use the property sought to be condemned. Possession

(b) If in the judgment the court determined that the plaintiff is entitled to acquire the property by eminent domain and if the court determines that the plaintiff has made the required payment into court, the court shall by order authorize the plaintiff to take possession of and use the property during the pendency of and until the final conclusion of the litigation, and shall, if necessary, stay all actions and proceedings against the plaintiff on account thereof. The order shall state the date after which the plaintiff is authorized to take possession of the property which date, unless the plaintiff requests a later date, shall be 10 days after the date of the order.

(c) At least 10 days prior to the time possession is taken, the plaintiff shall serve upon the defendants and their attorneys, either personally or by mail, a copy of the order of the court authorizing it to take possession of the property. A single service upon or mailing to those at the same address is sufficient.

(d) At any time after the court has made an order authorizing the plaintiff to take possession pursuant to this section, the court may, upon motion of any party to the eminent domain proceeding, order an increase or a decrease in the amount that the plaintiff is required to pay into court as a further sum pursuant to this section.

(e) The plaintiff shall not be held to have abandoned or waived the right to appeal from the judgment by paying into court the amount of the judgment and such further sum as

may be required by the court and taking possession of the property pursuant to this section.

(f) The defendant, who is entitled to the money paid into court for him upon any judgment, shall be entitled to demand and receive the full amount of the judgment at any time thereafter upon obtaining an order therefor from the court. The court, or a judge thereof, upon application by such defendant, shall order and direct that the money so paid into court for him be delivered to him upon his filing a satisfaction of the judgment, or upon his filing a receipt therefor, and an abandonment of all defenses to the action or proceeding, except as to the amount of damages that he may be entitled to in the event that a new trial is granted. A payment to a defendant, as aforesaid, shall be held to be an abandonment by such defendant of all defenses interposed by him, excepting his claim for greater compensation.

(g) Any amount withdrawn by any party in excess of the amount to which he is entitled as finally determined in the eminent domain proceeding shall be paid without interest to the party entitled thereto, and the court in which the eminent domain proceeding is pending shall enter judgment therefor against such party.

(h) The payment of the money into court, as hereinbefore provided for, shall not discharge the plaintiff from liability to keep the said fund full and without diminution; but such money shall be and remain, as to all accidents, defalcations, or other contingencies (as between the parties to the proceeding), at the risk of the plaintiff, and shall so remain until the amount of the compensation or damages is finally settled by judicial determination, and until the court awards the money, or such part thereof as shall be determined upon, to the defendant, and until he is authorized or required by rule of court to take it. If, for any reason, the money shall at any time be lost, or otherwise abstracted or withdrawn, through no fault of the defendant, the court shall require the plaintiff to make and keep the sum good at all times until the litigation is finally brought to an end, and until paid over or made payable to the defendant by order of court, as above provided. The court shall order the money to be deposited in the State Treasury, unless the plaintiff requests the court to order deposit in the county treasury, in which case the court shall order deposit in the county treasury. If the court orders deposit in the State Treasury, it shall be the duty of the State Treasurer to receive all such moneys, duly receipt for, and to safely keep the same in the Condemnation Deposits Fund, which fund is hereby created in the State Treasury and for such duty he shall be liable to the plaintiff upon his official bond. Money in the Condemnation Deposits Fund may be invested and reinvested in any securities described in Section 16430, Government Code, or deposited in banks as provided in Chapter 4 (commencing with Section 16500) of Part 2 of Division 4 of Title 2, Government Code. The Pooled Money Investment Board shall

designate at least once a month the amount of money available in the fund for investment in securities or deposit in bank accounts, and the type of investment or deposit and shall so arrange the investment or deposit program that funds will be available for the immediate payment of any court order or decree. Immediately after such designation the Treasurer shall invest or make deposits in bank accounts in accordance with the designations.

(i) For the purposes of this section, a written determination signed by a majority of the members of the Pooled Money Investment Board shall be deemed to be the determination of the board. Members may authorize deputies to act for them for the purpose of making determinations under this section.

(j) Interest earned and other increment derived from investments or deposits made pursuant to this section, after deposit of money in the State Treasury, shall be deposited in the Condemnation Deposits Fund. After first deducting therefrom expenses incurred by the Treasurer in taking and making delivery of bonds or other securities under this section, the State Controller shall apportion as of June 30th and December 31st of each year the remainder of such interest earned or increment derived and deposited in the fund during the six calendar months ending with such dates. There shall be apportioned and paid to each plaintiff having a deposit in the fund during the six-month period for which an apportionment is made, an amount directly proportionate to the total deposits in the fund and the length of time such deposits remained therein. The State Treasurer shall pay out the money deposited by a plaintiff in such manner and at such times as the court or a judge thereof may, by order or decree, direct.

(k) In all cases where a new trial has been granted upon the application of the defendant, and he has failed upon such trial to obtain greater compensation than was allowed him upon the first trial, the costs of such new trial shall be taxed against him.

SEC. 9. Section 1255a of the Code of Civil Procedure is amended to read:

Abandonment of proceeding

1255a. (a) The plaintiff may abandon the proceeding at any time after the filing of the complaint and before the expiration of 30 days after final judgment, by serving on defendants and filing in court a written notice of such abandonment; and failure to comply with Section 1251 of this code shall constitute an implied abandonment of the proceeding.

(b) The court may, upon motion made within 30 days after such abandonment, set aside the abandonment if it determines that the position of the moving party has been substantially changed to his detriment in justifiable reliance upon the proceeding and such party cannot be restored to substantially the same position as if the proceeding had not been commenced.

(c) Upon the denial of a motion to set aside such abandonment or, if no such motion is filed, upon the expiration of the

time for filing such a motion, on motion of any party, a judgment shall be entered dismissing the proceeding and awarding the defendants their costs and disbursements, which shall include all necessary expenses incurred in preparing for trial and during trial and reasonable attorney fees These costs and disbursements, including expenses and attorney fees, may be claimed in and by a cost bill, to be prepared, served, filed and taxed as in civil actions; provided, however, that upon judgment of dismissal on motion of plaintiff, defendants, and each of them, may file a cost bill within 30 days after notice of entry of such judgment; that said costs and disbursements shall not include expenses incurred in preparing for trial where the action is dismissed 40 days or more prior to the time set for the pretrial conference in the action or, if no pretrial conference is set, the time set for the trial of the action.

(d) If, after the plaintiff takes possession of or the defendant moves from the property sought to be condemned in compliance with an order of possession, the plaintiff abandons the proceeding as to such property or a portion thereof or it is determined that the plaintiff does not have authority to take such property or a portion thereof by eminent domain, the court shall order the plaintiff to deliver possession of such property or such portion thereof to the parties entitled to the possession thereof and shall make such provision as shall be just for the payment of damages arising out of the plaintiff's taking and use of the property and damages for any loss or impairment of value suffered by the land and improvements after the time the plaintiff took possession of or the defendant moved from the property sought to be condemned in compliance with an order of possession, whichever is the earlier.

SEC. 10. Section 1255b of the Code of Civil Procedure is amended to read:

Legal interest

1255b (a) The compensation and damages awarded in an eminent domain proceeding shall draw legal interest from the earliest of the following dates:

(1) The date of the entry of judgment.

(2) The date that the possession of the property sought to be condemned is taken or the damage thereto occurs.

(3) The date after which the plaintiff may take possession of the property as stated in an order authorizing the plaintiff to take possession.

(b) If after the date that interest begins to accrue the defendant continues in actual possession of or receives rents, issues and profits from the property, the value of such possession and of such rents, issues and profits shall be offset against the interest that accrues during the period the defendant continues in actual possession or receives such rents, issues or profits.

(c) The compensation and damages awarded in an eminent domain proceeding shall cease to draw interest on the earliest of the following dates:

(1) As to any amount deposited pursuant to Section 1243.5, the date that such amount is withdrawn by the person entitled thereto.

(2) As to any amount paid into court pursuant to Section 1254, the date of such payment.

(3) As to any amount paid to the person entitled thereto, the date of such payment.

(4) If the full amount the defendant is then entitled to receive as finally determined in the eminent domain proceeding together with the full amount of the interest then due thereon is paid into court for the defendant after entry of judgment, the date of such payment.

SEC. 11. All sections of this act other than Section 6 apply to all actions or proceedings in eminent domain pending in the courts at the time this act takes effect in which no order authorizing the plaintiff to take possession of the property sought to be condemned prior to the final order of condemnation has been made prior to the effective date of this act. Section 6 of this act does not apply to any action or proceeding pending in the courts on such effective date. Application

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CHAPTER 1614

An act to amend Section 12505 of the Vehicle Code, and to amend Section 12804 of the Vehicle Code as proposed to be amended by Assembly Bill No. 2229 of the 1961 Regular Session, relating to drivers' licenses.

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 12505 of the Vehicle Code is amended to read:

12505. For the purposes of this division, any person who, while residing in this State, accepts gainful employment within this State, is a resident of this State. Resident

Any nonresident over the age of 21 years having in his immediate possession a valid driver's license issued to him by his home state or county may operate a motor vehicle in this State for not to exceed 10 days from the date of his establishing residence or accepting employment in this State while residing in this State without obtaining a driver's license under this code.

SEC. 2. Section 12804 of said code is amended to read:

12804. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, his understanding of traffic signs and signals and the applicant shall be required Examination

to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer and submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code.

(b) Any applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive in accordance with the following classifications:

(1) Class D. Any single motor vehicle having not more than two axles or any such vehicle towing any other vehicle having a gross weight of 6,000 pounds or less.

(2) Class C. Any single motor vehicle having not more than two axles or any such vehicle towing any other vehicle.

(3) Class B. Any single motor vehicle or any such vehicle towing one other vehicle.

(4) Class A. Any vehicle or combination of vehicles.

(c) The department may accept a certificate of driving experience in lieu of a driving test on class A, B, or C applications when such certificate is issued by an employer of the applicant provided the applicant has first met the requirements for a class D license. Such certificate may be submitted as evidence of the applicant's experience or training in the operation of the types of equipment covered by the license for which he is applying.

Effect: Stats. 1961 Ch. 1615

SEC. 3. Section 2 of this act shall become operative only if Section 12804 of the Vehicle Code as proposed to be amended by Assembly Bill No. 2229 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 2229 takes effect; at which time Section 12804 of the Vehicle Code as amended by Assembly Bill No. 2229 is repealed.

CHAPTER 1615

An act to amend Sections 310, 12500, 12502, 12503, 12506, 12510, 12511, 12512, 12514, 12515, 12517, 12518, 12519, 12800, 12804, 12811, 12813, 12814, 13100, 13550, 13551, 13802, 14605, 14606, 14607, 14900, 16081, 22514, 42230, and the heading of Division 6 (commencing with Section 12500) of, and to repeal Sections 250, 450, 12801, 12812, and 14604 of the Vehicle Code, relating to drivers' licenses.

In effect September 15, 1961

[Approved by Governor July 12, 1961. Filed with Secretary of State July 13, 1961.]

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

Repeal

SECTION 1. Section 250 of the Vehicle Code is repealed.

SEC. 2. Section 310 of said code is amended to read:

310. "Driver's license" is a license to drive the type of motor vehicle or combination of vehicles for which a person is licensed under this code. "Driver's license"

SEC. 3. Section 450 of said code is repealed. Repeal

SEC. 4. The heading of Division 6 (commencing with Section 12500) of said code is amended to read:

DIVISION 6. DRIVERS' LICENSES

SEC. 5. Section 12500 of said code is amended to read:

12500. (a) No person shall drive a motor vehicle upon a highway unless he then holds a driver's license issued under this code, except such persons as are expressly exempted under this code. License required

(b) A driver's license of any class described in Section 12804 shall entitle the licensee to operate any vehicle or combination of vehicles included within the class for which such license was issued.

SEC. 6. Section 12502 of said code is amended to read:

12502. A nonresident over the age of 21 years having in his immediate possession a valid driver's license issued to him in his home state or country may operate a motor vehicle in this State for not to exceed one year without obtaining a license under this code. Nonresident over 21

SEC. 7. Section 12503 of said code is amended to read:

12503. A nonresident over the age of 21 years whose home state or country does not require the licensing of drivers may operate a foreign vehicle owned by him for not to exceed 30 days without obtaining a license under this code. Same

SEC. 9. Section 12506 of said code is amended to read:

12506. The department may issue to any person applying for a driver's license, a temporary driver's license. A temporary license shall permit the operation of a motor vehicle upon the highways for a period of 60 days, when the licensee has the license in his immediate possession, and while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a license. The temporary license is invalid when the applicant's license has been issued or refused. Temporary driver's license

SEC. 10. Section 12510 of said code is amended to read:

12510 All operator's or chauffeur's licenses valid on the effective date of this act shall continue to be valid until their normal expiration date. Renewal of driver's licenses shall thereafter be made pursuant to the provisions of this code. Validity of outstanding licenses

SEC 11. Section 12511 of said code is amended to read:

12511. No person shall have in his possession or otherwise under his control more than one valid driver's license issued under this code More than one license

SEC. 12. Section 12512 of said code is amended to read:

12512. Except as provided in Sections 12513 and 12514, no driver's license shall be issued to any person under the age of 16 years Minimum age

SEC. 13. Section 12514 of said code is amended to read:

Validity of junior permits.

12514. (a) Junior permits issued pursuant to Section 12513 shall not be valid for a period exceeding that established on the original request as the approximate date the minor's operation of a vehicle will no longer be necessary. In any event, no permit shall be valid on or after the 16th birthday of the applicant.

Revocation

(b) The department may revoke any permit when such action appears necessary for the welfare of the minor or in the interests of safety.

Cancellation

(c) In the event conditions or location of residence, which required the minor's operation of a vehicle, change prior to expiration of the permit the department may cancel such permit.

Revocation

(d) Upon determination that the permittee has operated a vehicle in violation of restrictions, the department shall revoke such permit.

(e) A junior permit shall be construed to be a form of driver's license and shall be subject to all provisions of this code applying to driver's licenses, except as modified in this section and Section 12513

(f) An instruction permit valid for a period not to exceed six months may be issued after eligibility has been established under Section 12513.

SEC. 14. Section 12515 of said code is amended to read:

Employment of persons under 18 years

12515. No person under the age of 18 years shall be employed for compensation by another for the purpose of driving a motor vehicle on the highways.

SEC. 15. Section 12517 of said code is amended to read:

Schoolbus operation

12517. No person shall operate a schoolbus in the transportation of pupils to or from a private school unless such person holds a valid driver's license and a schoolbus driver's certificate issued by the department under the same standards and requirements as are applied to public schoolbus drivers at the time of issuance of the certificate.

SEC. 16. Section 12518 of said code is amended to read:

Nonresident servicemen

12518. The provisions of Section 12504 shall apply to any nonresident who is under the age of 21 years and who is a member of the armed forces of the United States on active duty within this State, except that the maximum period during which such nonresident may operate a motor vehicle in this State without obtaining a driver's license shall be limited to a period of 60 days immediately following the entry of such nonresident into this State.

SEC. 17. Section 12519 of said code is amended to read:

Farm labor trucks

12519. No person shall operate a farm labor truck or a farm labor bus unless he has in his possession a valid driver's license issued by the department to permit the operation of farm labor vehicles or is expressly exempted under this code.

SEC. 18. Section 12800 of said code is amended to read:

12800. Every application for a driver's license shall contain the following information: Application Contents

(a) The applicant's true full name, age, sex, and residence address.

(b) A brief description of the applicant for the purpose of identification.

(c) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(d) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(e) Whether the applicant has ever previously been refused a driver's license in this State and, if so, the date of and the reason for the refusal.

(f) Whether the applicant has previously operated a motor vehicle and, if so, for what length of time.

(g) Whether the applicant has the normal use of both hands and feet.

(h) Whether the applicant has ever been afflicted with apoplexy, epilepsy, paralysis, insanity, or other disability or disease affecting his ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(i) Whether the applicant understands traffic signs and signals.

(j) Any other information necessary to enable the department to determine whether the applicant is entitled to a license under this code.

SEC. 19. Section 12801 of said code is repealed. Repeal

SEC. 20. Section 12804 of said code is amended to read:

12804 (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, his understanding of traffic signs and signals and the applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer, and submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. Knowledge of code, English, etc

(b) Any applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor

vehicle or combination of vehicles he desires a license to drive in accordance with the following classifications:

(1) Class E. Any single motor vehicle, except buses, having not more than two axles or any such vehicle towing any other vehicle having a gross weight of 6,000 pounds or less.

(2) Class D. Any single motor vehicle, including buses, having not more than two axles or any such vehicle towing any other vehicle having a gross weight of 6,000 pounds or less.

(3) Class C. Any single motor vehicle having not more than two axles or any such vehicle towing any other vehicle.

(4) Class B. Any single motor vehicle or any such vehicle towing one other vehicle.

(5) Class A. Any vehicle or combination of vehicles.

(c) The department may accept a certificate of driving experience in lieu of a driving test on class A, B, C or D applications when such certificate is issued by an employer of the applicant provided the applicant has first met the requirements for a class E license. Such certificate may be submitted as evidence of the applicant's experience or training in the operation of the types of equipment covered by the license for which he is applying.

SEC. 21. Section 12811 of said code is amended to read:

License: Issuance

12811. When the department determines that the applicant is lawfully entitled to a license it shall issue to the person a driver's license as applied for. The license shall state the type of motor vehicle or combination of vehicles the licensee is qualified to operate and shall bear thereon the distinguishing number assigned to the applicant, the date of expiration, the name, age, and residence address of the licensee, a brief description and photograph of the licensee for the purpose of identification and space for the signature of the licensee.

Contents

Each license shall also contain a space for the endorsement thereon of a record of each suspension or revocation thereof.

The department shall use such process or processes in the issuance of licenses, that prohibit as near as possible, the ability to alter or reproduce the license, or prohibit the ability to superimpose a photograph on such license without ready detection.

Repeal

SEC. 22. Section 12812 of said code is repealed.

SEC. 23. Section 12813 of said code is amended to read:

Restrictions

12813. (a) The department upon issuing a driver's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of, or special mechanical control devices required on, a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) The department may issue either a special restricted license or may set forth the restrictions upon the usual license form.

SEC. 24. Section 12814 of said code is amended to read: Renewal

12814 Application for renewal of a license shall be made by the person to whom the license was issued. The department may in its discretion require an examination of the applicant as upon an original applicant.

SEC. 25. Section 13100 of said code is amended to read:

13100. When used in reference to a driver's license, "cancellation" means that a driver's license certificate is terminated without prejudice and must be surrendered Any person whose license has been canceled may immediately apply for a license. Cancellation of license may be made only when specifically authorized in this code or when a license has been issued through error or voluntarily surrendered to the department. "Cancellation"

SEC. 26. Section 13550 of said code is amended to read:

13550. Whenever any person is convicted of any offense for which this code makes mandatory the revocation or suspension by the department of the privilege of the person to operate a motor vehicle, or is convicted under Section 23102, unless, under Section 13352 the court recommends that there be no suspension, the privilege of the person to operate a motor vehicle is suspended or revoked until the department takes the action required by this code, and the court in which the conviction is had shall require the surrender to it of the driver's license issued to the person convicted and the court shall within 10 days after the conviction forward the same with the required report of such conviction to the department Revocation, etc Grounds

SEC. 27. Section 13551 of said code is amended to read:

13551. Whenever the department revokes or suspends the privilege of any person to operate a motor vehicle, the revocation or suspension shall apply to all driver's licenses held by him, and all such licenses shall be surrendered to the department unless previously surrendered to the court. Whenever the department cancels a driver's license, the license shall be surrendered to the department All suspended licenses shall be retained by the department. Upon the expiration of the period of suspension by the department of any license, the department shall return the license to the licensee, or may grant him a new one. Surrender of licenses

SEC. 28. Section 13802 of said code is amended to read:

13802. In applying the provisions of Section 13800 the department shall give due consideration to the amount of use or mileage traveled in the operation of a motor vehicle. Use and mileage to be considered

SEC. 29. Section 14604 of said code is repealed. Repeal

SEC. 30. Section 14605 of said code is amended to read:

14605. (a) No person shall operate a motor vehicle within an offstreet parking facility unless he is licensed as a driver under the provisions of this code. Offstreet parking facility

(b) No operator of an offstreet parking facility shall hire or retain in his employment an attendant whose duties involve the operating of motor vehicles unless such attendant, at all times during such employment, is licensed as a driver under the provisions of this code.

Employment, etc of unlicensed driver

SEC. 31. Section 14606 of said code is amended to read:

14606. No person shall employ or hire nor shall knowingly permit or authorize the driving of a motor vehicle, owned by him or under his control, upon the highways by any person unless the person is then licensed under this code.

Allowing unlicensed child, etc., to drive

SEC. 32. Section 14607 of said code is amended to read:

14607 No person shall cause or knowingly permit his child, ward, or employee under the age of 21 years to drive a motor vehicle upon the highways unless such child, ward, or employee is then licensed under this code.

Renewal fee

SEC. 33. Section 14900 of said code is amended to read:

14900. (a) Upon application for an original driver's license or for the renewal of a driver's license there shall be paid the department a fee of three dollars ($3). The payment of the fee shall entitle the person paying same to make application for a driver's license and to three examinations within a period of six months.

The term "driver's license" as used in this section includes all licenses of every kind issued under Division 6 of this code.

(b) Any person who, by reason of physical disabilities, is unable to move about as a pedestrian shall be exempt from the fee provided in this section, but only in the event the license issued to such person restricts such person to the operation of a self-propelled wheelchair or invalid tricycle.

Persons employed to drive

SEC. 34. Section 16081 of said code is amended to read:

16081. The privilege of a person employed for the purpose of driving a motor vehicle for compensation whose occupation requires the use of a motor vehicle in the course of his employment to drive a motor vehicle not registered in his name and in the course of his employment shall not be suspended under this chapter even though his privilege to drive is otherwise suspended under this chapter.

Fire hydrants Parking

SEC 35. Section 22514 of said code is amended to read:

22514. No person shall stop, park, or leave standing any vehicle within 15 feet of a fire hydrant except when local authorities indicate a different distance by signs or markings, and except when such vehicle is attended by a licensed driver who is seated in the front seat and who can immediately move such vehicle in case of necessity. This section shall not apply in respect to any vehicle owned or operated by a fire department and clearly marked as a fire department vehicle.

Return of fees

SEC. 36. Section 42230 of said code is amended to read:

42230. Whenever any application made under this code is accompanied by any fee, except an application for a duplicate driver's license, as required by law, and the application is refused or rejected, the fees shall be returned to the applicant except that whenever any application is made for the first set of special plates under subdivision (a) of Section 9262, and the application is refused or rejected, the sum of eight dollars ($8) only shall be returned to the applicant, or when application is made for the first set of special plates under subdivision (1) of Section 9264 and the application is refused or

rejected, the sum of five dollars ($5) shall be returned to the applicant.

CHAPTER 1616

An act to repeal Chapter 2 (commencing with Section 550) of Part 1 of Division 2 of, and to add Chapter 2 (commencing with Section 500) to Part 1 of Division 2 of, the Welfare and Institutions Code, and to add Section 272 to the Penal Code, and to add Chapter 4 (commencing with Section 232) to Title 2 of Part 3 of Division 1 of the Civil Code, and to amend Section 27706 of the Government Code, Section 1407 of the Probate Code, and Section 40502 of the Vehicle Code and to repeal Sections 131 and 131.1 of, and to amend Sections 131.2 and 131.5 of, the Code of Civil Procedure, relating to care and custody of minors.

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

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

SECTION 1. Chapter 2 (commencing with Section 550) of Part 1 of Division 2 of the Welfare and Institutions Code is repealed. Repeal Effect, etc

The repeal of said chapter does not terminate or affect the jurisdiction of any court in any case pending on the effective date of this section, nor does it terminate or affect any right accrued before such date, but to the extent that any such case or the exercise of any such right is otherwise subject to the provisions of Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code, as added by Section 2 of this act, proceedings in the case, on or after such effective date, shall conform to the requirements of that chapter.

In any case in which a statute refers by number to a section or sections or other portion of Chapter 2 (commencing with Section 550) of Part 1 of Division 2 of the Welfare and Institutions Code, repealed by this act, and the same or substantially the same provisions of such section or sections or other portion of the chapter are re-enacted by this act, such reference shall be construed as a reference to the section or sections containing such re-enacted provisions as enacted by this act and as subsequently amended.

SEC. 2. Chapter 2 (commencing with Section 500) is added to Part 1 of Division 2 of said code, to read:

CHAPTER 2. JUVENILE COURT LAW

Article 1. General Provisions

500. This chapter shall be known and may be cited as the "Juvenile Court Law." Short title

Construction

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

Purpose of chapter

502. The purpose of this chapter is to secure for each minor under the jurisdiction of the juvenile court such care and guidance, preferably in his own home, as will serve the spiritual, emotional, mental, and physical welfare of the minor and the best interests of the State; to preserve and strengthen the minor's family ties whenever possible, removing him from the custody of his parents only when his welfare or safety and protection of the public cannot be adequately safeguarded without removal; and, when the minor is removed from his own family, to secure for him custody, care, and discipline as nearly as possible equivalent to that which should have been given by his parents. This chapter shall be liberally construed to carry out these purposes.

Noncriminal proceedings

503 An order adjudging a minor to be a ward of the juvenile court shall not be deemed a conviction of a crime for any purpose, nor shall a proceeding in the juvenile court be deemed a criminal proceeding.

Information relating to arrest of minors under 18 years

504. The Bureau of Criminal Identification and Investigation shall not knowingly transmit to any person or agency any information relating to an arrest or taking into custody of a minor under the age of 18 years at the time of such arrest or taking into custody unless such information also includes the disposition resulting therefrom.

"Disposition"

"Disposition," as used herein, includes a release of such minor from custody without the filing of an accusatory pleading or the filing of a petition under the provisions of this chapter, a determination of the issue of wardship by the juvenile court, or a determination by the juvenile court that such minor is not a fit subject to be dealt with under the provisions of this chapter.

This section shall not be construed to prohibit the Bureau of Criminal Identification and Investigation from transmitting fingerprints or photographs of a minor under the age of 18 years to a law enforcement agency for the purpose of obtaining identification of the minor or from requesting from such agency the history of the minor.

This section shall not be construed to prohibit the Bureau of Criminal Identification and Investigation from transmitting any information relating to an arrest or taking into custody of a minor under the age of 18 years received by said bureau prior to the effective date of this section

Religious placement

505. All commitments to institutions or for placement in family homes under this chapter shall be, so far as practicable, either to institutions or for placement in family homes of the same religious belief as that of the person so committed or of his parents or to institutions affording opportunity for instruction in such religious belief.

Separation of certain persons

506. No person taken into custody solely upon the ground that he is a person described in Section 600 or adjudged to be such and made a dependent child of the juvenile court pursuant to this chapter solely upon that ground shall, in any detention or commitment under this chapter, be brought into direct contact or personal association with any person taken into custody on the ground that he is a person described by Section 601 or Section 602, or who has been made a ward of the juvenile court on either such ground.

Separate, segregated facilities for such persons alleged to be within the description of Section 600, or persons adjudged to be such and made dependent children of the court pursuant to this chapter solely upon that ground shall be provided by the board of supervisors. Such separate, segregated facilities may be provided in the juvenile hall or elsewhere.

Detention

507. No court, judge, referee, or peace officer shall knowingly detain in any jail or lockup any person under the age of 18 years, unless a judge of the juvenile court shall determine that there are no other proper and adequate facilities for the care and detention of such person, or unless such person has been transferred by the juvenile court to another court for proceedings not under the juvenile court law and has been charged with or convicted of a felony. If any person under the age of 18 years is transferred by the juvenile court to another court and is charged with or convicted of a felony as herein provided and is not released pending hearing, such person may be committed to the care and custody of a sheriff, constable, or other peace officer who shall keep such person in the juvenile hall or in such other suitable place as such latter court may direct, provided that no such person shall be detained in or committed to any hospital except for medical or other remedial care and treatment or observation.

Separation from adult prisoners

508. When any person under 18 years of age is detained in or sentenced to any institution in which adults are confined, it shall be unlawful to permit such person to come or remain in contact with such adults.

Inspection of jails

509. The judge of the juvenile court of a county, or, if there is more than one such judge, the presiding judge of the juvenile court shall, at least annually, inspect any jail or lockup which, in the preceding calendar year was used for confinement for more than 24 hours of any minor under the age of 18 years. The judge shall note in the minutes of the court whether the jail or lockup is a suitable place for confinement of minors under the age of 18 years.

The Youth Authority shall likewise conduct an annual inspection of each jail or lockup situated in this State which, during the preceding calendar year, was used for confinement for more than 24 hours of any minor under the age of 18 years.

If either the judge of the juvenile court or the Youth Authority, after inspection of a jail or lockup, finds that it is not a suitable place for confinement of minors under the age of 18 years, the juvenile court or the Youth Authority shall

give notice of its finding to all persons having authority to confine such minors pursuant to this chapter and commencing 60 days thereafter such jail or lockup shall not be used for confinement of such minors until such time as the judge or Youth Authority, as the case may be, finds, after reinspection of the jail or lockup, that the conditions which rendered the facility unsuitable have been remedied, and such facility is a suitable place for confinement of such minors.

The custodian of each jail and lockup shall make such reports as may be required by the Youth Authority or the juvenile court to effectuate the purposes of this section.

Commitment to state prison

510. No person under the age of 16 years shall be committed to a state prison or be transferred thereto from any other institution.

Fee for filing petitions

511. There shall be no fee for filing a petition under this chapter nor shall any fees be charged by any public officer for his services in filing or serving papers or for the performance of any duty enjoined upon him by this chapter, except where the sheriff transports a person to a state institution. If the judge of the juvenile court orders that a ward or dependent child go to a state institution without being accompanied by an officer or that a ward or dependent child be taken to an institution by the probation officer of the county or parole officer of the institution or by some other suitable person, all expenses necessarily incurred therefor shall be allowed and paid in the same manner and from the same funds as such expenses would be allowed and paid were such transportation effected by the sheriff.

Contempt of court

512. Any willful disobedience or interference with any lawful order of the juvenile court or of a judge or referee thereof constitutes a contempt of court.

Failure to appear

513. In each instance in which a provision of this chapter authorizes the execution by any person of a written promise to appear or to have any other person appear before the probation officer or before the juvenile court, any willful failure of such promissor to perform as promised constitutes a misdemeanor and is punishable as such if at the time of the execution of such written promise the promissor is given a copy of such written promise upon which it is clearly written that failure to appear or to have any other person appear as promised is punishable as a misdemeanor.

"Probation officer"

514. As used in this chapter, unless otherwise specifically provided, the term "probation officer" shall mean the juvenile probation officer or the person who is both the juvenile probation officer and the adult probation officer, and the term "department of probation" shall mean the department of juvenile probation or the department wherein the services of juvenile and adult probation are both performed.

Persons fleeing the state

515. This chapter shall not apply to any person who violates any law of this State defining a crime and is at the time of such violation under the age of 18 years if such person thereafter flees from this State. Any such person may be pro-

ceeded against in the manner otherwise provided by law for proceeding against persons accused of crime. Upon the return of such person to this State by extradition or otherwise, proceedings shall be commenced in the manner provided for in this chapter.

Toys

516. The board of supervisors may by ordinance provide that any bicycles or toys, or both, in the possession of the sheriff of any such county which have been unclaimed for a period of at least six months may, instead of being sold at public auction to the highest bidder pursuant to the provisions of Section 1873 of the Civil Code, be turned over to the probation officer of such county for use by him in any program of activities designed to prevent juvenile delinquency.

Article 2. Commissions and Committees

Juvenile justice commission

525. In each county there shall be a juvenile justice commission consisting of not less than seven citizens. Each person serving as a member of a probation committee immediately prior to the effective date of this section shall be a member of the juvenile justice commission and shall continue to serve as such until such time as his term of appointment as a member of the probation committee would have expired under any prior provision of law. Upon a vacancy occurring in the membership of the commission and upon the expiration of the term of office of any member, a successor shall be appointed by the judge of the juvenile court or, in counties having more than one judge of the juvenile court, by the presiding judge of the juvenile court for a term of four years. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his predecessor.

Regional juvenile justice commission

526. In lieu of county juvenile justice commissions, the boards of supervisors of two or more adjacent counties may agree to establish a regional juvenile justice commission consisting of not less than eight citizens, and having a sufficient number of members so that their appointment may be equally apportioned between the participating counties The judge of the juvenile court or, in counties having more than one judge of the juvenile court, the presiding judge of the juvenile court of each of the participating counties shall appoint an equal number of members to the regional justice commission and they shall hold office for a term of four years. Of those first appointed, however, if the number appointed be an even number, half shall serve for a term of two years and half shall serve for a term of four years and if the number of members first appointed be an odd number, the greater number nearest half shall serve for a term of two years and the remainder shall serve for a term of four years. The respective terms of the members first appointed shall be determined by lot as soon as possible after their appointment. Upon a vacancy occurring in the membership of the commission and upon the expiration of the term of office

of any member, a successor shall be appointed by the judge of the juvenile court or, in counties having more than one judge of the juvenile court, by the presiding judge of the juvenile court of the county which originally appointed such vacating or retiring member. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee shall hold office for the unexpired term of his predecessor.

Notice of appointment

527. The clerk of the court of the appointing judge shall immediately notify each person appointed a member of a county or regional juvenile justice commission and thereupon such person shall appear before the appointing judge and qualify by taking an oath faithfully to perform the duties of a member of the juvenile justice commission. The qualification of each member shall be entered in the juvenile court record.

Chairman

528. A juvenile justice commission shall elect a chairman and vice chairman annually.

Commission inquiries

529. It shall be the duty of a juvenile justice commission to inquire into the administration of the juvenile court law in the county or region in which the commission serves. For this purpose the commission shall have access to all publicly administered institutions authorized or whose use is authorized by this chapter situated in the county or region, shall inspect such institutions no less frequently than once a year, and may hold hearings. A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the commission.

Inspection of jails

A juvenile justice commission shall annually inspect any jail or lockup within the county which in the preceding calendar year was used for confinement of more than 24 hours of any minor under the age of 18 years. It shall report the results of such inspection together with its recommendations based thereon, in writing, to the juvenile court and to the Youth Authority.

Recommendations

530. A juvenile justice commission may recommend to any person charged with the administration of any of the provisions of this chapter such changes as it has concluded, after investigation, will be beneficial. A commission may publicize its recommendations.

Reimbursement of expenses

531. Members of a juvenile justice commission shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Such reimbursement shall be made by the county of appointment or, in the case of a regional justice commission, the duty of reimbursement shall be divided among the participating counties in the manner prescribed by agreement of the boards of supervisors.

Additional agencies

535. The board of supervisors may by ordinance provide for the establishment, support, and maintenance of one or more agencies or departments to co-operate with and assist in co-ordinating on a countywide basis the work of those community agencies engaged in activities designed to prevent

juvenile and adult delinquency; and such agencies or departments may co-operate with any such public or community committees, agencies, or councils at their invitation.

Public councils or committees

536 The juvenile court and the probation department of any county may establish, or assist in the establishment of, any public council or committee having as its object the prevention of juvenile delinquency and may co-operate with, or participate in, the work of any such councils or committees for the purpose of preventing or decreasing juvenile delinquency, including the improving of recreational, health, and other conditions in the community affecting juvenile welfare.

Article 2.5. Probation Committee

Probation committee

540. In counties having a population in excess of 2,000,000 in lieu of a county juvenile justice commission, there shall be a probation committee consisting of not less than seven members who shall be appointed by the same authority as that authorized to appoint the probation officer in such county.

541. The members of a probation committee appointed and holding office under prior provisions of law on the effective date of this article, shall continue in office and shall be members of the probation committee created hereby for the same term as that for which they were appointed.

Terms of office

542. The members of the probation committee shall hold office for four years and until their successors are appointed and qualify. Of those first appointed, however, one shall hold office for one year, two for two years, two for three years, and two for four years; and the respective terms of the members first appointed shall be determined by lot as soon as possible after their appointment. When a vacancy occurs in a probation committee by expiration of the term of office of any member thereof, his successor shall be appointed to hold office for the term of four years. When a vacancy occurs for any other reason the appointee shall hold office for the unexpired term of his predecessor.

Function

543. The probation committee shall function in an advisory capacity to the probation officer.

Article 3. The Juvenile Court

Jurisdiction

550. Each superior court shall exercise the jurisdiction conferred by this chapter, and while sitting in the exercise of such jurisdiction, shall be known and referred to as the juvenile court.

Designation of judge to handle judicial business of juvenile court

551. In counties having more than one judge of the superior court, the presiding judge of such court or the senior judge if there is no presiding judge shall annually, in the month of January, designate one or more judges of the superior court to hear all cases under this chapter during the ensuing year, and he shall, from time to time, designate such additional judges as may be necessary for the prompt disposition of the judicial business before the juvenile court.

In all counties where more than one judge is designated as a judge of the juvenile court, the presiding judge of the superior court shall also designate one such judge as presiding judge of the juvenile court.

Referees

553. The judge of the juvenile court, or in counties having more than one judge of the juvenile court, the presiding judge of the juvenile court or the senior judge if there is no presiding judge, may appoint one or more referees to serve on a full-time or part-time basis. A referee shall serve at the pleasure of the appointing judge, and unless the appointing judge makes his order terminating the appointment of a referee, such referee shall continue to serve as such until the appointment of his successor. Except as otherwise provided by law, the amount and rate of compensation to be paid referees shall be fixed by the board of supervisors. Every referee first appointed on or after the effective date of this section must have been admitted to practice before the Supreme Court of this State for at least five years or have had at least five years experience in probation work at the supervising level or have had a combination of such experience in law, probation work, or any of them aggregating five years

Same Cases

554 A referee shall hear such cases as are assigned to him by the presiding judge of the juvenile court, with the same powers as a judge of the juvenile court. A referee shall promptly furnish to the presiding judge of the juvenile court and shall serve upon the minor's parent or guardian a written copy of his findings and order and shall also furnish to the parent or guardian, with the findings and order, a written explanation of the right of the parent or guardian to seek review of the order by the juvenile court. Service, as provided in this section, shall be by mail to the last known address of such parent or guardian or to the address designated by a parent or guardian appearing at the hearing before the referee.

Effect of order of referee

555 No order of a referee removing a minor from his home shall become effective until expressly approved by a judge of the juvenile court.

Same

556. Except as provided in Section 557, all orders of a referee other than those specified in Section 555 shall become immediately effective, subject also to the right of review as hereinafter provided, and shall continue in full force and effect until vacated or modified upon rehearing by order of the judge of the juvenile court.

Approval of referee orders

557 The judge of the juvenile court, or in counties having more than one judge of the juvenile court, the presiding judge of the juvenile court may establish requirements that any or all orders of referees shall be expressly approved by a judge of the juvenile court before becoming effective.

Service of order and findings of referee

558. At any time prior to the expiration of 10 days after service of a written copy of the order and findings of a referee, a minor or his parent or guardian may apply to the juvenile court for a rehearing. Such application may be directed to all or to any specified part of the order or findings. If all of

the proceedings before the referee have been taken down by an official reporter, the judge of the juvenile court may, after reading the transcript of such proceedings, grant or deny such application. If proceedings before the referee have not been taken down by an official reporter, such application shall be granted as of right.

Rehearing

559. A judge of the juvenile court may, on his own motion, order a rehearing of any matter heard before a referee.

Same: De novo

560. All rehearings of matters heard before a referee shall be before a judge of the juvenile court and shall be conducted de novo.

Traffic hearing officers Appointment

561. The judge of the juvenile court, or in counties having more than one judge of the juvenile court the presiding judge of the juvenile court or the senior judge if there is no presiding judge, may appoint one or more persons of suitable experience, who may be judges of the municipal court or justices of the justice court or a probation officer or assistant or deputy probation officers, to serve as traffic hearing officers on a full-time or part-time basis. A hearing officer shall serve at the pleasure of the appointing judge, and unless the appointing judge makes his order terminating the appointment of a hearing officer, such hearing officer shall continue to serve as such until the appointment of his successor. The board of supervisors shall determine whether any compensation shall be paid to hearing officers, not otherwise employed by a public agency or holding another public office, and shall establish the amounts and rates thereof An appointment of a probation officer, assistant probation officer, or deputy probation officer as a traffic hearing officer may be made only with the consent of the probation officer.

Same Disposal of cases

562. Subject to the orders of the juvenile court, a traffic hearing officer may hear and dispose of any and all cases wherein a minor under the age of 18 years at the date of the alleged offense is charged with any violation of the Vehicle Code not declared to be a felony, or a violation of an ordinance of a city or county relating to traffic offenses.

Conduct of hearing

563. With the consent of the minor, a hearing before a traffic hearing officer or a hearing before a referee or a judge of the juvenile court wherein such minor is charged with such traffic offense may be conducted upon an exact legible copy of a written notice given pursuant to Article 2 (commencing with Section 40500) of Chapter 2 of Division 17 or Section 41103 of the Vehicle Code, in lieu of a petition as provided in Article 7 of this chapter.

Disposition of traffic cases

564. Upon a hearing conducted in accordance with Section 563, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may

(1) Reprimand the minor and dismiss the matter, or

(2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter, or

(3) Make any or all of the following orders:

(a) That the driving privileges of the minor be suspended or restricted for a period not to exceed 30 days,

(b) That the minor attend traffic school over a period not to exceed 60 days,

(c) That the minor pay to the general fund of the county a sum, not to exceed twenty-five dollars ($25),

(d) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months

The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

Report of findings

565. A traffic hearing officer shall promptly furnish a written report of his findings and orders to the clerk of the juvenile court. The clerk of the juvenile court shall promptly transmit an abstract of such findings and orders to the Department of Motor Vehicles.

Effect of orders

566. Subject to the provisions of Section 567, all orders of a traffic hearing officer shall be immediately effective

Rehearings

567. Upon motion of the minor or his parent or guardian for good cause, or upon his own motion, a judge of the juvenile court may, set aside or modify any order of a traffic hearing officer, or may order or himself conduct a rehearing.

Transfer of case

568. At any time prior to the final disposition of a hearing pursuant to Section 563, the judge, referee, or traffic officer may, on motion of the minor, his parent, or guardian, or on its own motion, transfer the case to the county of the minor's residence for further proceedings pursuant to Sections 564, 565, 566, and 567.

Annual regional conferences

569. At the direction and under the supervision of the Judicial Council, judges of the juvenile courts and juvenile court referees shall meet, at least annually, in statewide or regional conferences, to discuss problems arising in the course of administration of this chapter, for the purpose of improving the administration of justice in the juvenile courts. Actual and necessary expenses incurred by a judge or referee in attending any such conference shall be a charge upon the county.

Rules of practice and procedure

570. The Judicial Council shall establish rules governing practice and procedure in the juvenile court not inconsistent with law.

Article 4. Probation Officers

Probation officer

575. There shall be in each county the offices of probation officer, assistant probation officer, and deputy probation officer. A probation officer shall be appointed in every county.

Probation officers in any county shall be nominated by the juvenile justice commission or regional juvenile justice commission of such county in such manner as the judge of the

juvenile court in that county shall direct, and shall then be appointed by such judge.

The probation officer may appoint as many deputies or assistant probation officers as he desires; but such deputies or assistant probation officers shall not have authority to act until their appointments have been approved by a majority vote of the members of the juvenile justice commission, and by the judge of the juvenile court. The term of office of each such deputy or assistant probation officer shall expire with the term of the probation officer who appointed him, but the probation officer, with the written approval of the majority of the members of the juvenile justice commission and of the judge of the juvenile court, may, in his discretion, revoke and terminate any such appointment at any time.

Probation officers may at any time be removed by the judge of the juvenile court for good cause shown; and the judge of the juvenile court may in his discretion at any time remove any such probation officer with the written approval of a majority of the members of the juvenile justice commission.

Effect of county charter

576. In counties having charters which provide a method of appointment and tenure of office for probation officers, assistant probation officers, deputy probation officers, and the superintendent, matron, and other employees of the juvenile hall, such charter provisions shall control as to such matters, and in counties which have established or hereafter establish merit or civil service systems governing the methods of, appointment and the tenure of office, of probation officers, assistant probation officers, deputy probation officers, and of the superintendents, matrons and other employees of the juvenile hall the provisions of such merit or civil service systems shall control as to such matters; but in all other counties, such matters shall be controlled exclusively by the provisions of this code.

Employment of experts

577. The probation officer may, within budgetary limitations established by the board of supervisors, employ such psychiatrists, psychologists, and other clinical experts as are required to assist in determining appropriate treatment of minors within the jurisdiction of the juvenile court and in the implementation of such treatment.

Bond

578. Each probation officer and each assistant and deputy probation officer receiving an official salary shall furnish a bond in the sum of not more than two thousand dollars ($2,000) and approved by the judge of the juvenile court, conditioned for the faithful discharge of the duties of his office If such bonds, or any of them, are furnished by a surety company licensed to transact business in the State, the premium thereon shall be paid out of the county treasury. In the event the probation officer, assistants and deputies are included as covered employees in a master bond pursuant to Sections 1481 and 1481.1 of the Government Code, the individual bonds prescribed above shall not be required.

Books and accounts

579. For the purpose of handling the reimbursement and other payments provided for in this chapter, the probation officer or other county officer designated by the board of supervisors of the county shall keep suitable books and accounts and shall give and keep suitable receipts and vouchers. The auditor of the county shall audit such books and accounts annually on a fiscal year basis ending June 30 of each year and shall make a report thereon to the judge of the court and to the supervisors of the county prior to the 31st day of the next succeeding month of January.

Receipt and disbursement of money

580. In addition to the powers and duties of the probation officer elsewhere prescribed in this chapter, he is authorized to receive money, give his receipt therefor, immediately deposit such money in the county treasury, and direct the disbursement thereof in the same manner that county trust money is disbursed, in any of the following instances:

(a) Money payable to spouse or child in an action for divorce, separate maintenance, or similar action, together with court costs and attorney's fees, upon order of a court of competent jurisdiction.

(b) Money payable to or on behalf of a ward or dependent child of the juvenile court or a person concerning whom a petition has been filed in the juvenile court.

(c) Money payable to, by, or on behalf of probationers under the supervision of the probation officer.

(d) Money payable to a child, wife, or indigent parent when it has been alleged or claimed that there has been a violation of either Section 270, 270a, or 270c of the Penal Code and the matter has been referred to the probation officer by the district attorney.

(e) Gifts of money made to the county to assist in the prevention or correction of delinquency or crime when the donor requests the probation officer to disburse such funds for such purposes and the board of supervisors accepts the gift upon such conditions.

(f) Other similar cases.

In addition to the foregoing, the probation officer is authorized to receive money payable to the county when ordered so to do by a court of competent jurisdiction. Such money shall be immediately deposited in the county treasury.

Presence in court

581. The probation officer shall be present in court to represent the interests of each person who is the subject of a petition to declare such person to be a ward or dependent child upon all hearings or rehearings of his case, and shall furnish to the court such information and assistance as the court may require If so ordered, he shall take charge of such person before and after any hearing or rehearing.

It shall be the duty of the probation officer to prepare for every hearing on the disposition of a case as provided by Section 702 a social study of the minor, containing such matters as may be relevant to a proper disposition of the case.

Such social study shall include a recommendation for the disposition of the case.

Investigations for court

582. The probation officer shall upon order of any court in any matter involving the custody, status, or welfare of a minor or minors, make an investigation of appropriate facts and circumstances and prepare and file with the court written reports and written recommendations in reference to such matters. The court is authorized to receive and consider the reports and recommendations of the probation officer in determining any such matter.

Investigation of private institutions

583. At any time the judge of the juvenile court may, and upon the request of the county board of supervisors shall, require the probation officer to examine into and report to the court upon the qualifications and management of any society, association, or corporation, other than a state institution, which applies for or receives custody of any ward or dependent child of the juvenile court. No probation officer, however, shall, under authority of this section, enter any institution without its consent. If such consent is refused, commitments to that institution shall not be made.

Powers

584. Every probation officer, assistant probation officer, and deputy probation officer shall have the powers of a peace officer.

Reports to Youth Authority

585 All probation officers shall make such special and periodic reports to the Youth Authority as the authority may require and upon forms furnished by the authority.

Reports to Bureau of Criminal Statistics

586. All probation officers shall make such periodic reports to the Bureau of Criminal Statistics as the bureau may require and upon forms furnished by the bureau.

Present officers

587. Any person lawfully appointed to serve as a probation officer or assistant or deputy probation officer prior to the effective date of this section shall continue in his office or employment as if appointed in the manner prescribed by this article.

Article 5. Jurisdiction

Persons within jurisdiction of juvenile court

600 Any person under the age of 21 years who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge such person to be a dependent child of the court:

(a) Who is in need of proper and effective parental care or control and has no parent or guardian, or has no parent or guardian willing to exercise or capable of exercising such care or control, or has no parent or guardian actually exercising such care or control.

(b) Who is destitute, or who is not provided with the necessities of life, or who is not provided with a home or suitable place of abode, or whose home is an unfit place for him by reason of neglect, cruelty, or depravity of either of his parents, or of his guardian or other person in whose custody or care he is

Same

601. Any person under the age of 21 years who persistently or habitually refuses to obey the reasonable and proper orders

or directions of his parents, guardian, custodian or school authorities, or who is beyond the control of such person, or any person who is a habitual truant from school within the meaning of any law of this State, or who from any cause is in danger of leading an idle, dissolute, lewd, or immoral life, is within the jurisdiction of the juvenile court which may adjudge such person to be a ward of the court.

Same

602. Any person under the age of 21 years who violates any law of this State or of the United States or any ordinance of any city or county of this State defining crime or who, after having been found by the juvenile court to be a person described by Section 601, fails to obey any lawful order of the juvenile court, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.

Criminal proceedings Prior submission to juvenile court

603. No court shall have jurisdiction to conduct a preliminary examination or to try the case of any person upon an accusatory pleading charging such person with the commission of a public offense or crime when such person was under the age of 18 years at the time of the alleged commission thereof unless the matter has first been submitted to the juvenile court by petition as provided in Article 7 (commencing with Section 650), and said juvenile court has made an order directing that such person be prosecuted under the general law.

Same Suspension of proceedings

604. (a) Whenever a case is before any court upon an accusatory pleading and it is suggested or appears to the judge before whom such person is brought that the person charged was, at the date the offense is alleged to have been committed, under the age of 18 years, such judge shall immediately suspend all proceedings against such person on such charge; he shall examine into the age of such person, and if, from such examination, it appears to his satisfaction that such person was at the date the offense is alleged to have been committed under the age of 18 years, he shall forthwith certify to the juvenile court of his county:

Certification to juvenile court

(1) That such person (naming him) is charged with such crime (briefly stating its nature);

(2) That such person appears to have been under the age of 18 years at the date the offense is alleged to have been committed, giving date of birth when known;

(3) That proceedings have been suspended against such person on such charge by reason of his age, with the date of such suspension.

To such certification, the judge shall attach a copy of the accusatory pleading.

(b) Whenever a case is pending in any court upon an accusatory pleading and it appears to the satisfaction of the judge that the person charged is under the age of 21 years, the judge may certify the case to the juvenile court of his county in the manner prescribed by subdivision (a) of this section.

(c) When a court certifies a case to the juvenile court pursuant to subdivision (a) or subdivision (b), it shall be deemed

that jeopardy has not attached by reason of the proceedings prior to certification, but the court may not resume proceedings in the case, nor may a new proceeding under the general law be commenced in any court with respect to the same matter unless the juvenile court has found that the minor is not a fit subject for consideration under the Juvenile Court Law and has ordered that proceedings under the general law resume or be commenced.

(d) The certification and accusatory pleading shall be promptly transmitted to the clerk of the juvenile court. Upon receipt thereof, the clerk of the juvenile court shall immediately notify the probation officer who shall file a petition in accordance with the requirements of Section 656, except that such petition need not be verified.

Statute of limitations suspended

605. Whenever a petition is filed in a juvenile court alleging that a minor is a person within the description of Section 602, and while the case is before the juvenile court, the statute of limitations applicable under the general law to the offense alleged to bring the minor within such description is suspended.

Criminal prosecution

606. When a petition has been filed in a juvenile court, the minor who is the subject of the petition shall not thereafter be subject to criminal prosecution based on the facts giving rise to the petition unless the juvenile court finds that the minor is not a fit and proper subject to be dealt with under this chapter and orders that criminal proceedings be resumed or instituted against him.

Retention of jurisdiction

607. The court may retain jurisdiction over any person who is found to be a ward or dependent child of the juvenile court until such ward or dependent child attains the age of 21 years; but if a ward has attained the age of 19 years or more at the time of adjudication of wardship, the court may retain jurisdiction for two years from and after the date of such adjudication.

Article 6. Temporary Custody and Detention

Temporary custody: Without warrant

625. A peace officer may, without a warrant, take into temporary custody a minor:

(a) Who is under the age of 18 years when such officer has reasonable cause for believing that such minor is a person described in Sections 600, 601, or 602, or

(b) Who is a ward or dependent child of the juvenile court or concerning whom an order has been made under Section 636 or 702, when such officer has reasonable cause for believing that person has violated an order of the juvenile court or has escaped from any commitment ordered by the juvenile court, or

(c) Who is under the age of 21 years and who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care.

Same Subsequent procedure

626. An officer who takes a minor into temporary custody under the provisions of Section 625 shall thereafter proceed as follows:

(a) He may release such minor; or

(b) He may prepare in duplicate a written notice to appear before the probation officer of the county in which such minor was taken into custody at a time and place specified in the notice. The notice shall also contain a concise statement of the reasons such minor was taken into custody. He shall deliver one copy of the notice to such minor or to a parent, guardian, or responsible relative of such minor and may require such minor or his parent, guardian, or relative, or both, to sign a written promise that either or both will appear at the time and place designated in the notice. Upon the execution of the promise to appear, he shall immediately release such minor. He shall, as soon as practicable, file one copy of the notice with the probation officer; or

(c) He may take such minor without unnecessary delay before the probation officer of the county in which such person was taken into custody and deliver the custody of such minor to the probation officer.

In determining which disposition of the minor he will make, the officer shall prefer the alternative which least restricts the minor's freedom of movement, provided such alternative is compatible with the best interests of the minor and the community.

Notice to parents, etc

627. When an officer takes a minor before a probation officer at a juvenile hall or to any other place of confinement pursuant to this article, he shall take immediate steps to notify the minor's parent, guardian, or a responsible relative that such minor is in custody and the place where he is being held.

Immediate investigation

628. Upon delivery to the probation officer of a minor who has been taken into temporary custody under the provisions of this article, the probation officer shall immediately investigate the circumstances of the minor and the facts surrounding his being taken into custody and shall immediately release such minor to the custody of his parent, guardian, or responsible relative unless it appears that further detention of such minor is a matter of immediate and urgent necessity for the protection of such minor or the person or property of another, or unless it appears that such minor is likely to flee the jurisdiction of the court, or unless it appears that such minor has violated an order of the juvenile court.

Written promise to appear

629. As a condition for the release of such minor, the probation officer may require such minor or his parent, guardian, or relative, or both, to sign a written promise that either or both of them will appear before the probation officer at the juvenile hall or other suitable place designated by the probation officer at a specified time.

Detention hearing

630. If the probation officer determines that the minor shall be retained in custody, he shall immediately file a petition pursuant to Section 656 with the clerk of the juvenile

court who shall set the matter for hearing on the detention hearing calendar. The probation officer shall thereupon notify a parent or guardian of the minor of the time and place of such hearing. Such notice may be given orally.

Release

631. Whenever a minor under the age of 18 years is taken into custody by a peace officer or probation officer, such minor shall be released within 48 hours after having been taken into custody, excluding nonjudicial days, unless within said period of time a petition to declare him a ward or dependent child has been filed pursuant to the provisions of this chapter or a criminal complaint against him has been filed in a court of competent jurisdiction.

Detention hearing

632. Unless sooner released, a minor taken into custody under the provisions of this article shall be brought before a judge of the juvenile court for a hearing (which shall be referred to as a "detention hearing") to determine whether the minor shall be further detained, as soon as possible but in any event before the expiration of the next judicial day after a petition to declare such minor a ward or dependent child has been filed. If the minor is not brought before a judge of the juvenile court within the period prescribed by this section, he shall be released from custody.

Same
Notice of rights

633. Upon his appearance before the court at the detention hearing, such minor and his parent or guardian, if present, shall first be informed of the reasons why the minor was taken into custody, the nature of the juvenile court proceedings, and the right of such minor and his parent or guardian to be represented at every stage of the proceedings by counsel.

Appointment of counsel

634. When it appears to the court that the minor or his parent or guardian desires counsel but is indigent and cannot for that reason employ counsel, the court may appoint counsel. In such a case the court must appoint counsel for the minor if he is charged with misconduct which would constitute a felony if committed by an adult. In any case in which it appears to the court that there is such a conflict of interest between a parent or guardian and child that one attorney could not properly represent both, the court may appoint counsel, in addition to counsel already employed by a parent or guardian or appointed by the court to represent the minor or a parent or guardian.

Examination and release of minor by court

635. The court will examine such minor, his parent, guardian, or other person having relevant knowledge, hear such relevant evidence as the minor, his parent or guardian or their counsel desires to present, and, unless it appears that such minor has violated an order of the juvenile court or has escaped from the commitment of the juvenile court or that it is a matter of immediate and urgent necessity for the protection of such minor or the person or property of another that he be detained or that such minor is likely to flee the jurisdiction of the court, the court shall make its order releasing such minor from custody.

Detention of minor

636. If it appears upon the hearing that such minor has violated an order of the juvenile court or has escaped from a commitment of the juvenile court or that it is a matter of immediate and urgent necessity for the protection of such minor or the person or property of another that he be detained or that such minor is likely to flee the jurisdiction of the court, the court may make its order that such minor be detained in the juvenile hall or other suitable place designated by the juvenile court for a period not to exceed 15 judicial days and shall enter said order together with its findings of fact in support thereof in the records of the court.

Rehearing

637. When a hearing is held under the provisions of this article and no parent or guardian of such minor is present and no parent or guardian has had actual notice of the hearing, a parent or guardian of such minor may file his affidavit setting forth such facts with the clerk of the juvenile court and the clerk shall immediately set the matter for rehearing at a time within 24 hours, excluding Sundays and nonjudicial days from the filing of the affidavit. Upon the rehearing, the court shall proceed in the same manner as upon the original hearing.

Continuance

638 Upon motion of the minor or a parent or guardian of such minor, the court shall continue any hearing or rehearing held under the provisions of this article for one day, excluding Sundays and nonjudicial days.

Reappearance

639. Upon any hearing or rehearing under the provisions of this article, the court may order such minor or any parent or guardian of such minor who is present in court to again appear before the court or the probation officer at a time and place specified in said order.

Medical, etc., care of detained persons

640. Whenever any person is detained under the provisions of this article and is in need of medical, surgical, dental, or other remedial care, the probation officer may, upon the recommendation of the attending physician, authorize the performance of such medical, surgical, dental, or other remedial care. Nothing contained herein shall limit the rights of the parent or guardian of such person to furnish such medical, surgical, dental, or other remedial care. Except in cases of extreme emergency or in cases where the probation officer cannot, with reasonable diligence, locate the parent or guardian, the probation officer shall notify the parent or guardian of the person of the care found to be needed before such care is provided, and if the parent or guardian objects, such care shall be given only upon order of the court.

Detention in another county

641. Whenever any minor is taken into temporary custody under the provisions of this article in any county other than the county in which the minor is alleged to be within or to come within the jurisdiction of the juvenile court, which county is referred to herein as the requesting county, the officer who has taken the minor into temporary custody may notify the law enforcement agency in the requesting county of the fact that the minor is in custody. When a law enforcement officer, of such requesting county files a petition pursuant

to Section 656 with the clerk of the juvenile court of his respective county and secures a warrant therefrom, he shall forward said warrant, or a telegraphic copy thereof to the officer who has the minor in temporary custody as soon as possible within 48 hours, excluding Sundays and nonjudicial days, from the time said juvenile was taken into temporary custody. Thereafter an officer from said requesting county shall take custody of the minor within five days, in the county in which the minor is in temporary custody, and shall take the minor before the juvenile court judge who issued the warrant, or before some other juvenile court of the same county without unnecessary delay. If the minor is not brought before a judge of the juvenile court within the period prescribed by this section, he must be released from custody.

Article 7. Commencement of Proceedings

Commencement of proceedings

650. A proceeding in the juvenile court to declare a minor a ward or a dependent child of the court is commenced by the filing with the court, by the probation officer, of a petition, in conformity with the requirements of this article.

Venue

651. Either the juvenile court in the county in which a minor resides or in the county where the minor is found or in the county in which the acts take place or the circumstances exist which are alleged to bring such minor within the provisions of Sections 600, 601 or 602, is the proper court to commence proceedings under this chapter.

Investigations by probation officer

652. Whenever the probation officer has cause to believe that there was or is within the county, or residing therein, a person within the provisions of Sections 600, 601 or 602, the probation officer shall immediately make such investigation as he deems necessary to determine whether proceedings in the juvenile court should be commenced.

Application to commence proceedings

653. Whenever any person applies to the probation officer to commence proceedings in the juvenile court, such application shall be in the form of an affidavit alleging that there was or is within the county, or residing therein, a minor within the provisions of Sections 600, 601 or 602, or that a minor committed an offense described in Section 602 within the county, and setting forth facts in support thereof. The probation officer shall immediately make such investigation as he deems necessary to determine whether proceedings in the juvenile court should be commenced. If the probation officer does not take action under Section 654 and does not file a petition in the juvenile court within three weeks after such application, he shall endorse upon the affidavit of applicant his decision not to proceed further and his reasons therefor and shall immediately notify the applicant of the action taken or the decision rendered by him under this section. The probation officer shall retain the affidavit and his indorsement thereon for a period of 30 days after such notice to applicant.

Supervision of minor with consent of parent

654. In any case in which a probation officer, after investigation of an application for petition or other investigation he is authorized to make, concludes that a minor is within the jurisdiction of the juvenile court or will probably soon be within such jurisdiction, he may, in lieu of filing a petition, and with consent of the minor's parent or guardian, undertake a program of supervision of the minor, for not to exceed six months, and attempt thereby to adjust the situation which brings the minor within the jurisdiction of the court or creates the probability that he will soon be within such jurisdiction. Nothing in this section shall be construed to prevent the probation officer from filing a petition at any time within said six-month period.

Failure to commence proceedings Petition to court

655. When any person has applied to the probation officer, pursuant to Section 653, to commence juvenile court proceedings and the probation officer fails to file a petition and fails to take action under Section 654 within three weeks after such application, such person may, within one month after making such application, apply to the juvenile court to review the decision of the probation officer, and the court may either affirm the decision of the probation officer or order him to commence juvenile court proceedings.

Contents of petition

656. A petition to commence proceedings in the juvenile court to declare a minor a ward or a dependent child of the court shall be verified and must contain:

(a) The name of the court to which the same is addressed.

(b) The title of the proceeding.

(c) The code section or sections and subdivision or subdivisions under which the proceedings are instituted.

(d) The name, age, and address, if any, of the minor upon whose behalf the petition is brought.

(e) The name or names and residence address, if known to petitioner, of all parents and guardians of such minor. If there is no parent or guardian residing within the State, or if his place of residence is not known to petitioner, the petition must also contain the name and residence address, if known, of any adult relative residing within the county, or, if there be none, the adult relative residing nearest to the location of the court.

(f) A concise statement of facts, separately stated, to support the conclusion that the minor upon whose behalf the petition is being brought is a person within the definition of each of the sections and subdivisions under which the proceedings are being instituted.

(g) The fact that the minor upon whose behalf the petition is brought is detained in custody or is not detained in custody and, if he is detained in custody, the date on which such detention was ordered by the court.

Setting for hearing

657. Upon the filing of the petition, the clerk of the juvenile court shall set the same for hearing within 30 days, except that in the case of a minor detained in custody at the time of the filing of the petition, the petition must be set for hearing

within 15 judicial days from the date of the order of the court directing such detention.

Notice of filing of petition

658 Upon the filing of the petition, the clerk of the juvenile court shall issue a notice, to which shall be attached a copy of the petition, and he shall cause the same to be served upon each of the persons described in subsection (e) of Section 656 whose residence addresses are set forth in said petition and thereafter before the hearing upon all such persons whose residence addresses become known to the clerk.

659. The notice must contain:

Contents of notice

(a) The name and address of the person to whom the notice is directed.

(b) The date, time, and place of the hearing on the petition.

(c) The name of the minor upon whose behalf the petition has been brought.

(d) Each section and subdivision under which the proceeding has been instituted.

(e) A statement that the minor, or his parent or guardian, is entitled to have his attorney present at the hearing on the petition, and that, if the parent or guardian is indigent and cannot afford an attorney, and the minor or his parent or guardian desires to be represented by an attorney, such parent or guardian shall promptly notify the clerk of the juvenile court.

Service of notice

660. If a person upon whom a notice and copy of the petition is required to be served is known to reside in the county, the clerk of the juvenile court shall cause the notice and copy of the petition to be personally served on such person as soon as possible after filing of the petition and at least 24 hours before the time set for the hearing on the petition. If such person is known to reside outside of the county, the clerk of the juvenile court shall mail the notice and copy of the petition, by certified mail, to such person, as soon as possible after filing of the petition and at least five days before the time set for the hearing on the petition. Personal service of the notice and copy of the petition outside of the county at least five days before the time set for the hearing on the petition is equivalent to service by certified mail. Service may be waived by any person by a voluntary appearance entered in the minutes of the court or by a written waiver of service filed with the clerk of the court at or prior to the hearing.

Citations directing appearance

661. In addition to the notice provided in Sections 658 and 659, the juvenile court may issue its citation directing any parent or guardian of the person concerning whom a petition has been filed to appear at the time and place set for any hearing under the provisions of this chapter, including a hearing under the provisions of Section 563, and directing any person having custody or control of the minor concerning whom the petition has been filed to bring such minor with him. Personal service of such citation shall be made at least 24 hours before the time stated therein for such appearance.

Warrant

662. In case such citation cannot be served, or the person served fails to obey it, or in any case in which it appears to the court that the citation will probably be ineffective, a warrant of arrest may issue on the order of the court either against the parent, or guardian, or the person having the custody of the minor, or with whom the minor is

Warrant for arrest of minor

663. Whenever a petition has been filed in the juvenile court alleging that a minor comes within the provisions of Section 601 or 602 of this code and praying for a hearing thereon, or whenever any subsequent petition has been filed praying for a hearing in the matter of said minor and it appears to the court that the conduct and behavior of the said minor may endanger the health, person, welfare, or property of himself or others, or that the circumstances of his home environment may endanger the health, person, welfare or property of said minor, a warrant of arrest may be issued immediately for the minor.

Subpoenas

664. Upon request of the probation officer, the minor or the minor's parent, guardian, or custodian, the court or the clerk of the court shall issue, and, on the court's own motion, it may issue subpoenas requiring attendance and testimony of witnesses and production of papers at any hearing under the provisions of this chapter.

Article 8. Hearings

Special or separate session of court

675. All cases under the provisions of this chapter shall be heard at a special or separate session of the court, and no other matter shall be heard at such session. No person on trial, awaiting trial, or under accusation of crime, other than a parent, guardian, or relative of the minor, shall be permitted to be present at any such session, except as a witness

Private hearings

676. Unless requested by the minor concerning whom the petition has been filed and any parent or guardian present, the public shall not be admitted to a juvenile court hearing. The judge or referee may nevertheless admit such persons as he deems to have a direct and legitimate interest in the particular case or the work of the court.

Transcript of testimony, etc.

677. At any juvenile court hearing conducted by a juvenile court judge, an official court reporter shall, and at any such hearing conducted by a juvenile court referee, the official reporter, as directed by the court, may take down in shorthand all the testimony and all of the statements and remarks of the judge and all persons appearing at the hearing; and, if directed by the judge, or requested by the person on whose behalf the petition was brought, or by his parent or legal guardian, or the attorneys of such persons, he must, within such reasonable time after the hearing of the petition as the court may designate, write out the same or such specific portions thereof as may be requested in plain and legible longhand or by typewriter or other printing machine and certify to the same as being correctly reported and transcribed, and

when directed by the court, file the same with the clerk of the court. Unless otherwise directed by the judge, the costs of writing out and transcribing all or any portion of the reporter's shorthand notes shall be paid in advance at the rates fixed for transcriptions in a civil action by the person requesting the same.

Variance and amendment

678. The provisions of Chapter 8 (commencing with Section 469) of Title 6 of Part 2 of the Code of Civil Procedure relating to variance and amendment of pleadings in civil actions shall apply to petitions and proceedings under this chapter, to the same extent and with the same effect as if proceedings under this chapter were civil actions.

Those entitled to be present

679. A minor who is the subject of a juvenile court hearing and any person entitled to notice of the hearing under the provisions of Section 658, is entitled to be present at such hearing. Any such minor and any such person has the right to be represented at such hearing by counsel of his own choice.

Control of proceedings

680. The judge of the juvenile court shall control all proceedings during the hearings with a view to the expeditious and effective ascertainment of the jurisdictional facts and the ascertainment of all information relative to the present condition and future welfare of the person upon whose behalf the petition is brought. Except where there is a contested issue of fact or law, the proceedings shall be conducted in an informal nonadversary atmosphere with a view to obtaining the maximum co-operation of the minor upon whose behalf the petition is brought and all persons interested in his welfare with such provisions as the court may make for the disposition and care of such minor.

Hearing: Procedure

700. At the beginning of the hearing on a petition filed pursuant to Article 7 (commencing with Section 650), the judge or clerk shall first read the petition to those present and upon request of the minor upon whose behalf the petition has been brought or upon the request of any parent, relative or guardian, the judge shall explain any term of allegation contained therein and the nature of the hearing, its procedures, and possible consequences. The judge shall ascertain whether the minor or his parent or guardian has been informed of the right of the minor to be represented by counsel, and if not, the judge shall advise the minor and the parent or guardian, if present, of the right to have counsel present. If the parent or guardian is indigent and desires to have the minor represented by counsel, the court may appoint counsel to represent the minor, and in such case the court must appoint counsel if the minor is charged with misconduct which would constitute a felony if committed by an adult. The court may continue the hearing for not to exceed seven days, as necessary to make an appointment of counsel, or to enable counsel to acquaint himself with the case, or to determine whether the parent or guardian is indigent and unable to afford counsel at his own expense.

Evidence of jurisdiction

701. At the hearing, the court shall first consider only the question whether the minor is a person described by Sections 600, 601, or 602, and for this purpose, any matter or information relevant and material to the circumstances or acts which are alleged to bring him within the jurisdiction of the juvenile court is admissible and may be received in evidence; however, a preponderance of evidence, legally admissible in the trial of criminal cases, must be adduced to support a finding that the minor is a person described by Section 602, and a preponderance of evidence, legally admissible in the trial of civil cases must be adduced to support a finding that the minor is a person described by Sections 600 or 601. When it appears that the minor has made an extrajudicial admission or confession and denies the same at the hearing, the court may continue the hearing for not to exceed seven days to enable the probation officer to subpoena witnesses to attend the hearing to prove the allegations of the petition. If the minor is not represented by counsel at the hearing, it shall be deemed that objections that could have been made to the evidence were made.

Continuance

Finding of jurisdiction

702. After hearing such evidence, the court shall make a finding, noted in the minutes of the court, whether or not the minor is a person described by Sections 600, 601, or 602. If it finds that the minor is not such a person, it shall order that the petition be dismissed and the minor be discharged from any detention or restriction theretofore ordered. If the court finds that the minor is such a person, it shall make and enter its finding and judgment accordingly and shall then proceed to hear evidence on the question of the proper disposition to be made of the minor. Prior to doing so, it may continue the hearing, if necessary, to receive the social study of the probation officer or to receive other evidence on its own motion or the motion of a parent or guardian for not to exceed 10 judicial days if the minor is detained during such continuance, provided, however, such hearing shall not be continued for more than five judicial days if the minor has been detained for more than 10 judicial days prior to the hearing set pursuant to Section 657, or, if the minor is not detained, it may continue the hearing to a date not later than 30 days after the date of filing of the petition The court may, for good cause shown continue the hearing for an additional 15 days, if the minor is not detained. The court may make such order for detention of the minor or his release from detention, during the period of the continuance, as is appropriate.

Continuance

Mental health of minor Observation by Department of Mental Health

703 If the court, after finding that the minor is a person described by Sections 600, 601, or 602, is in doubt concerning the state of mental health or the mental condition of the person, the court may continue the hearing and commit the person to the Department of Mental Hygiene for placement in a state hospital or state home for the mentally deficient for an indeterminate period of not more than 90 days, for observation of the mental health or the mental condition of the person and recom-

mendations concerning his future care, supervision, and treatment. If the Department of Mental Hygiene has designated a particular state institution to receive minors so committed for observation, all commitments shall be made to the department for placement in the institution so designated. The superintendent of the institution to which the minor is so committed shall receive him, unless the institution is already full or the funds available for its support are exhausted, or if, in the opinion of the superintendent, the person is not a suitable subject for admission. Before such person is conveyed to the institution, it shall be ascertained from the superintendent thereof if the person may be accepted as herein set forth.

For each minor person so committed for observation, the county from which he is committed shall pay the State at the rate of forty dollars ($40) per month for the time the person so committed remains in the state institution for observation. Such expense shall be considered expense of support and maintenance within the meaning of Article 16, (commencing with Section 900) and the county shall be entitled to reimbursement therefor from the earnings, property, or estate of the minor, or from his parents, guardian, or other person liable for his support and maintenance, in accordance with the provisions of that article. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June and the amount due under the provisions of this section, and the county treasurer, at the time of settlement with the State in such months, shall pay to the State Treasurer, upon the order of the Controller, the amounts found to be due by reason of such commitments.

The medical superintendent or other person in charge of the state hospital or state home for the mentally deficient in which a minor person is placed for observation pursuant to this section shall, as soon as possible and within 90 days, examine the person to determine the state of his mental health or his mental condition, and submit to the juvenile court a report on the state of his mental health or mental condition which shall include a diagnosis of the nature of his mental illness or disability, if any, and recommendations concerning his future care, supervision, and treatment.

If the medical superintendent or other person in charge of the state institution in which the minor has been placed for observation reports to the court that the minor is not affected with any mental illness, disorder, or other mental disability for which he might be committed to the Department of Mental Hygiene for placement in any state institution under Division 6 (commencing with Section 5000) of this code, such superintendent or other person in charge of the state institution shall return the minor to the juvenile court within seven days after the date of the report and the court shall proceed with the case in accordance with the provisions of this chapter.

When the juvenile court directs the filing in any other court of a petition for the commitment of a minor to the Department

of Mental Hygiene for placement in any state institution, the juvenile court shall transmit to the court in which the petition is filed a copy of the report of the medical superintendent or other person in charge of the state institution in which the minor was placed for observation. The court in which the petition for commitment is filed may accept the report of the medical superintendent or other person in charge of the state institution in lieu of the appointment, certificate, and testimony of medical examiners or other expert witnesses appointed by the court, if the laws applicable to such commitment proceedings provide for the appointment by court of medical examiners or other expert witnesses or may consider the report as evidence in addition to the certificates and testimony of medical examiners or other expert witnesses.

The jurisdiction of the juvenile court over the minor shall be suspended during such time as the minor is subject to the jurisdiction of the court in which the petition for commitment is filed or under commitment ordered by that court.

Treatment by the Youth Authority

704. (a) If the court, after determining that a minor is a person described by Sections 600, 601, or 602, concludes that a disposition of the case in the best interest of the minor requires such observation and diagnosis as can be made at a diagnostic and treatment center of the Youth Authority, it may continue the hearing and order that such minor be placed temporarily in such a center for a period not to exceed 90 days, with the further provision in such order that the Director of the Youth Authority report to the court its diagnosis and recommendations concerning the minor within the 90-day period.

(b) The Director of Youth Authority shall, within the 90 days, cause the minor to be observed and examined and shall forward to the court his diagnosis and recommendation concerning such minor's future care, supervision, and treatment.

(c) The Youth Authority shall accept such person if there is in effect a contract made pursuant to Section 1752.1 and if it believes that the person can be materially benefited by such diagnostic and treatment services, and if the Director of the Youth Authority certifies that staff and institutions are available. No such person shall be transported to any facility under the jurisdiction of the Youth Authority until the director has notified the referring court of the place to which said person is to be transported and the time at which he can be received.

(d) The probation officer of the county in which an order is made placing a minor in a diagnostic and treatment center pursuant to this section, or any other peace officer designated by the court, shall execute the order placing such minor in the center or returning him therefrom to the court. The expense of such probation officer or other peace officer incurred in executing such order is a charge upon the county in which the court is situated.

Observation in psychopathic ward

705. Whenever the court, during the hearing on the petition, is of the opinion that the minor is mentally ill or if the court is in doubt concerning the mental health of any such

person, the court may order that such person be held temporarily in the psychopathic ward of the county hospital for observation and recommendation concerning the future care, supervision, and treatment of such person.

Evidence as to proper disposition of minor

706. After finding that a minor is a person described in Sections 600, 601, or 602, the court shall hear evidence on the question of the proper disposition to be made of the minor. The court shall receive in evidence the social study of the minor made by the probation officer and such other relevant and material evidence as may be offered, and in any judgment and order of disposition, shall state the social study made by the probation officer has been read and considered by the court.

Felonies under the general law

707. At any time during a hearing upon a petition alleging that a minor is a person described in Section 602, when substantial evidence has been adduced to support a finding that the offense alleged is punishable as a felony under the general law, and that the minor was 16 years of age or older at the time of the alleged commission of such offense, and that the minor would not be amenable to the care, treatment and training program available through the facilities of the juvenile court, the court may make a finding noted in the minutes of the court that the minor is not a fit and proper subject to be dealt with under this chapter, and the court shall direct the district attorney to prosecute the person under general law and thereafter dismiss the petition or, if a prosecution has been commenced in another court but has been suspended while juvenile court proceedings are held, shall dismiss the petition and issue its order directing that the other court proceedings resume.

A denial by the person on whose behalf the petition is brought of any or all of the facts or conclusions set forth therein or of any inference to be drawn therefrom is not, of itself, sufficient to support a finding that such person is not a fit and proper subject to be dealt with under the provisions of the juvenile court law.

Article 9. Judgments and Orders

Judgment

725. After receiving and considering the evidence on the proper disposition of the case, the court may enter judgment as follows:

(a) If the court has found that the minor is a person described by Sections 601 or 602, it may, without adjudging such minor a ward of the court, place, the minor on probation for a period not to exceed six months.

(b) If the court has found that the minor is a person described by Sections 601 or 602, it may order and adjudge the minor to be a ward of the court.

(c) If the court has found that the minor is a person described by Section 600, it may order and adjudge the minor to be a dependent child of the court.

Limitation of control over minor

726. In all cases wherein a minor is adjudged a ward or dependent child of the court, the court may limit the control to be exercised over such ward or dependent child by any parent or guardian and shall by its order clearly and specifically set forth all such limitations, but no ward or dependent child shall be taken from the physical custody of a parent or guardian unless upon the hearing the court finds one of the following facts:

Requirement of physical custody

(a) That the parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training, and education for the minor.

(b) That the minor has been tried on probation in such custody and has failed to reform.

(c) That the welfare of the minor requires that his custody be taken from his parent or guardian.

Orders for care, supervision, etc.

727. When a minor is adjudged a dependent child of the court, on the ground that he is a person described by Section 600, the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of such minor, including medical treatment, subject to further order of the court.

The court may order the care, custody, control and conduct of such minor to be under the supervision of the probation officer or may commit such minor to the care, custody and control of:

(a) Some reputable person of good moral character who consents to such commitment.

(b) Some association, society, or corporation embracing within its objects the purpose of caring for such minors, with the consent of such association, society, or corporation.

(c) The probation officer, to be boarded out or placed in some suitable family home, subject to the requirements of Chapter 1 (commencing with Section 1620) of Part 3 of Division 2; provided, however, that pending action by the State Department of Social Welfare, the placement of a minor in a home certified as meeting minimum standards for boarding homes by the probation officer shall be legal for all purposes.

(d) Any other public agency organized to provide care for needy or neglected children.

Periodic reports by probation officers, etc.

728. The court may require the probation officer or any other agency to render such periodic reports concerning minors committed to its care, custody, and control under the provisions of paragraphs (c) or (d) of Section 727 as the court may deem necessary or desirable, and the court may require that the probation officer, or may, with the consent of such other public agency, provide that any other public agency organized to provide care for needy or neglected children, shall perform such visitation and make such periodic reports to the courts concerning minors committed under such provisions as the court may deem necessary or desirable.

Periodic review of orders

729. Every order adjudging a minor a dependent child of the juvenile court pursuant to Section 600 shall be reviewed

at least annually and every such order continuing such status and all orders made in the proceeding shall terminate one year after the order adjudging the minor to be a dependent child or continuing such status, unless prior to such time the court shall have conducted a hearing and ordered a continuation of such status for an additional year.

A proceeding for continuance of such status shall be commenced by the filing of a supplemental petition by the probation officer in the same matter. Copies of the petition and notice of the hearing shall be served upon the same persons and in the same manner as in an original proceeding.

Treatment or commitment

730. When a minor is adjudged a ward of the court on the ground that he is a person described by Section 601, the court may order any of the types of treatment referred to in Section 727, and as an additional alternative, may commit the minor to a county juvenile home, ranch, camp, or forestry camp.

When such ward is placed under the supervision of the probation officer or committed to his care, custody and control, the court may make any and all reasonable orders for the conduct of such ward including the requirement that he go to work and earn money for the support of his dependents or to effect reparation and in either case that he keep an account of his earnings and report the same to the probation officer and apply such earnings as directed by the court. The court may impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.

Such ward may be committed to the Youth Authority only upon a proceeding for the modification of an order of the court conducted pursuant to the provisions of Section 777.

Same

731. When a minor is adjudged a ward of the court on the ground that he is a person described by Section 602, the court may order any of the types of treatment referred to in Sections 727 and 730, and as an additional alternative, may commit the minor to the Youth Authority.

Ascertainment of available space

732. Before a minor is conveyed to any state or county institution pursuant to this article, it shall be ascertained from the superintendent thereof that such person can be received.

Commitment to Youth Authority: Limitation

733. No ward of the juvenile court who is under the age of eight years, and no such ward who is suffering from any contagious, infectious, or other disease which would probably endanger the lives or health of the other inmates of any state school shall be committed to the Youth Authority.

Same

734. No ward of the juvenile court shall be committed to the Youth Authority unless the judge of the court is fully satisfied that the mental and physical condition and qualifications of the ward are such as to render it probable that he will be benefited by the reformatory educational discipline or other treatment provided by the Youth Authority.

Summary of facts

735. Accompanying the commitment papers, the court shall send to the Director of the Youth Authority a summary of all the facts in the possession of the court, covering the history of the ward committed and a statement of the mental and physical condition of the ward.

Acceptance by Youth Authority

736 (a) The Youth Authority shall accept a person committed to it pursuant to this article if it believes that the person can be materially benefited by its reformatory and educational discipline, and if it has adequate facilities to provide such care. No such person shall be transported to any facility under the jurisdiction of the Youth Authority until the director thereof has notified the committing court of the place to which said person is to be transported and the time at which he can be received.

(b) The Youth Authority shall also accept a person committed to it pursuant to this article, provided that the Director of the Youth Authority certifies that staff and institutions are available (a) if he is a borderline psychiatric or borderline mentally deficient case, (b) if he is a sex deviate unless he is of a type whose presence in the community, under parole supervision, would present a menace to the public welfare, or (c) if he suffers from a primary behavior disorder. No such person shall be transported to any facility under the jurisdiction of the Youth Authority until the director thereof has notified the committing court of the place to which such person is to be transported and the time at which he can be received. To implement the administration of this paragraph, the Director of the Youth Authority and the Director of Mental Hygiene shall, at least annually, confer and establish policy with respect to the types of cases which should be the responsibility of each department.

Detention

737. Whenever a person has been adjudged a ward or dependent child of the juvenile court and has been committed or otherwise disposed of as provided in this chapter for the care of wards or dependent children of the juvenile court, the court may order that said ward or dependent child be detained in the detention home, or in the case of a ward of the age of 18 years or more, in the county jail or otherwise as to the court seems fit until the execution of the order of commitment or of other disposition.

Nonresident minors

738. In a case where the residence of a minor placed on probation under the provisions of Section 725 or of a ward or dependent child of the juvenile court is out of the State and in another state or foreign country, or in a case where such minor is a resident of this State but his parents, relatives, guardian, or person charged with his custody is in another state, the court may order such minor sent to his parents, relatives, or guardian, or to the person charged with his custody, or, if the minor is a resident of a foreign country, to an official of a juvenile court of such foreign country or an agency of such country authorized to accept the minor, and in such case may order transportation and accommodation furnished, with

or without an attendant, as the court deems necessary. If the court deems an attendant necessary, the court may order the probation officer or other suitable person to serve as such attendant. The probation officer shall authorize the necessary expenses of such minor and of the attendant and claims therefor shall be audited, allowed and paid in the same manner as other county claims.

Medical, etc., care

739. Whenever it appears to the juvenile court that any person concerning whom a petition has been filed in said court alleging that said person comes within the jurisdiction of the juvenile court is in need of medical, surgical, or dental care, and that there is no parent, guardian, or person standing in loco parentis capable or willing to authorize remedial care or treatment for such person, the court, upon the written recommendation of a qualified physician and after due notice to the parent, guardian, or person standing in loco parentis, if any, may make an order authorizing the performance of the necessary medical, surgical, or dental care for said person and authorizing the release of information concerning such care to probation officers, parole officers, and any other qualified individuals or agencies caring for or acting in the interest and welfare of said person under order, commitment, or approval of the court. Nothing in this section, however, shall be construed as limiting the right of a parent, guardian, or person standing in loco parentis in providing any medical or other remedial treatment recognized or permitted under the laws of this State.

Same

740. Whenever a ward or dependent child of the juvenile court is placed by order of the court within the care and custody or under the supervision of the probation office of the county in which the ward or dependent child resides and it appears to the court that there is no parent, guardian, or person standing in loco parentis capable or willing to authorize remedial care or treatment for the ward or dependent child, the court may, after due notice to the parent, guardian, or person standing in loco parentis, if any, order that the probation officer may authorize such medical, surgical, or dental care for the ward or dependent child, by licensed practitioners, as may from time to time appear necessary. Nothing heretofore stated in this section shall be construed as limiting the right of a parent, guardian, or person standing in loco parentis who has not been deprived of custody and control by order of the court in providing any medical or other remedial treatment recognized or permitted under the laws of this State. If the written report of a duly licensed physician indicates that immediate emergency medical or surgical care is required, the juvenile court may make an order authorizing the necessary medical or surgical care without notice to the parent, guardian, or person standing in loco parentis.

Services of experts

741. The juvenile court may, in any case before it in which a petition has been filed as provided in Article 7 (commencing with Section 650), order that the probation officer obtain the

services of such psychiatrists, psychologists, or other clinical experts as may be required to assist in determining the appropriate treatment of the minor and as may be required in the conduct or implementation of such treatment. Payment for such services shall be a charge against the county.

Article 10. Transfer of Cases Between Counties

Transfer of cases

750. Whenever a petition is filed in the juvenile court of a county other than the residence of the person named in the petition, or whenever, subsequent to the filing of a petition in the juvenile court of the county where such person resides, the residence of such person is changed to another county, the entire case may be transferred to the juvenile court of the county wherein such person then resides at any time after the court has made a finding of the facts upon which it has exercised its jurisdiction over such person, and the juvenile court of the county wherein such person then resides shall take jurisdiction of the case upon the filing with it of such finding of the facts and an order transferring the case.

Expenses

751. The expense of the transfer and all expenses in connection with the transfer and for the support and maintenance of such person shall be paid from the county treasury of the court ordering the transfer until the acceptance of the transfer by the juvenile court of the transferee county.

The judge shall inquire into the financial condition of such person and of the parent, parents, guardian, or other person charged with his support and maintenance, and if he finds such person, parent, parents, guardian, or other person able, in whole or in part, to pay the expense of such transfer, he shall make a further order requiring such person, parent, parents, guardian, or other person to repay to the county such part, or all, of such expense of transfer as, in the opinion of the court, is proper. Such repayment shall be made to the probation officer who shall keep suitable accounts of such expenses and repayments and shall deposit all such collections in the county treasury.

Contents of transfer order

752. Whenever a case is transferred as provided in Section 750, the order of transfer shall recite (a) each and all of the findings, orders, or modification of orders that have been made in the case, and (b) that the person transferred resides in the county to which the matter has been transferred. A certified copy of the original petition in the matter shall be attached to the order of transfer. Such transfer shall be accompanied by a summary of all the facts in the possession of the court or juvenile probation officer covering the history of the person.

Precedence of actions

753. Whenever an order of transfer from another county is filed with the clerk of any juvenile court, the clerk shall place the transfer order on the calendar of the court, and it shall have precedence over all actions and civil proceedings not specifically given precedence by other provisions of law and shall be heard by the court at the earliest possible moment following the filing of the order.

Parties to proceeding Right to appeal

754. In any action under the provisions of this article in which the residence of a minor person is determined, both the county in which the court is situated and any other county which, as a result of the determination of residence, might be determined to be the county of residence of the minor person, shall be considered to be parties in the action and shall have the right to appeal any order by which residence of the minor person is determined.

Residence of person on probation

755. Any person placed on probation by the juvenile court or adjudged to be a ward or dependent child of the juvenile court may be permitted by order of the court to reside in a county other than the county of his legal residence, and the court shall retain jurisdiction over such person.

Whenever a ward or dependent child of the juvenile court is permitted to reside in a county other than the county of his legal residence, he may be placed under the supervision of the probation officer of the county of actual residence, with the consent of such probation officer. The ward or dependent child shall comply with the instructions of such probation officer and upon failure to do so shall be returned to the county of his legal residence for further hearing and order of the court.

Article 11. Modification of Juvenile Court Judgments and Orders

Modification of orders

775. Any order made by the court in the case of any person subject to its jurisdiction may at any time be changed, modified, or set aside, as the judge deems meet and proper, subject to such procedural requirements as are imposed by this article.

Notice of modification, etc

776. No order changing, modifying, or setting aside a previous order of the juvenile court shall be made either in chambers, or otherwise, unless prior notice of the application therefor has been given by the judge or the clerk of the court to the probation officer and to the minor's counsel of record, or, if there is no counsel of record, to the minor and his parent or guardian.

Hearing on supplemental petition

777. An order changing or modifying a previous order by removing a minor from the physical custody of a parent, guardian, relative or friend and directing placement in a foster home, or commitment to a private institution or commitment to a county institution, or an order changing or modifying a previous order by directing commitment to the Youth Authority shall be made only after noticed hearing upon a supplemental petition.

(a) The supplemental petition shall be filed by the probation officer in the original matter and shall contain a concise statement of facts sufficient to support the conclusion that the previous disposition has not been effective in the rehabilitation of the minor.

(b) Upon the filing of such supplemental petition, the clerk of the juvenile court shall immediately set the same for hearing within 30 days, and the probation officer shall cause notice

thereof to be served upon the persons and in the manner prescribed by Sections 658 and 660.

Petition for modification

778. Any parent or other person having an interest in a child who is a ward or dependent child of the juvenile court or the child himself through a properly appointed guardian may, upon grounds of change of circumstance or new evidence, petition the court in the same action in which the child was found to be a ward or dependent child of the juvenile court for a hearing to change, modify, or set aside any order of court previously made or to terminate the jurisdiction of the court. The petition shall be verified and, if made by a person other than the child, shall state the petitioner's relationship to or interest in the child and shall set forth in concise language any change of circumstance or new evidence which are alleged to require such change of order or termination of jurisdiction.

If it appears that the best interests of the child may be promoted by the proposed change of order or termination of jurisdiction, the court shall order that a hearing be held and shall prescribe how and to whom notice of said hearing shall be given.

Notice to Youth Authority

779. The court committing a ward to the Youth Authority may thereafter change, modify, or set aside the order of commitment. Ten days' notice of the hearing of the application therefor shall be served by United States mail upon the Director of the Youth Authority. In changing, modifying, or setting aside such order of commitment, the court shall give due consideration to the effect thereof upon the discipline and parole system of the Youth Authority or of the correctional school in which the ward may have been placed by the Youth Authority. Except as in this section provided, nothing in this chapter shall be deemed to interfere with the system of parole and discharge now or hereafter established by law, or by rule of the Youth Authority, for the parole and discharge of wards of the juvenile court committed to the Youth Authority, or with the management of any school, institution, or facility under the jurisdiction of the Youth Authority. Except as in this section provided, nothing in this chapter shall be deemed to interfere with the system of transfer between institutions and facilities under the jurisdiction of the Youth Authority.

However, before any inmate of a correctional school may be transferred to a state hospital, he shall first be returned to a court of competent jurisdiction and, after hearing, may be committed to a state hospital for the insane in accordance with law

Return of person by Youth Authority

780. If any person who has been committed to the Youth Authority appears to be an improper person to be received by or retained in any institution or facility under the jurisdiction of the Youth Authority or to be so incorrigible or so incapable of reformation under the discipline of any institution or facility under the jurisdiction of the Youth Authority as to render his retention detrimental to the interests of the Youth Authority, the Youth Authority may return such person to the com-

mitting court. However, the return of any person to the committing court does not relieve the Youth Authority of any of its duties or responsibilities under the original commitment, and such commitment continues in full force and effect until it is vacated, modified, or set aside by order of the court.

When any such person is so returned to the committing court, his transportation shall be made, and the compensation therefor paid, as provided for the execution of an order of commitment.

Expungement of record

781. In any case in which a person has been adjudged a ward or dependent child of the juvenile court, such person, or the county probation officer, may, five years or more after the jurisdiction of the juvenile court has terminated as to such person, petition the court for expungement of the records, including records of arrest, relating to such person's case in the custody of the juvenile court and probation officer and such other agencies, including law enforcement agencies, and public officials, as petitioner alleges, in his petition, to have custody of such records. The court shall notify the district attorney of the county and the county probation officer, if he is not the petitioner of the petition, and such district attorney or probation officer or any of their deputies or any other person having relevant evidence may testify at the hearing on the petition. If, after hearing, the court finds that since such termination of jurisdiction he has not been convicted of a felony or of any misdemeanor involving moral turpitude and that rehabilitation has been attained to the satisfaction of the court, it shall order expunged all records, papers, and exhibits in such person's case in the custody of the juvenile court, including the juvenile court record, minute book entries, and entries on dockets, and other records relating to the case in the custody of such other agencies and officials as are named in the order. Thereafter the proceedings in such case shall be deemed never to have occurred. The court shall send a copy of the order to each agency and official named therein, and each such agency and official shall expunge records in its custody as directed by the order.

Article 12. Appeals

Appeal

800. A judgment or decree of a juvenile court assuming jurisdiction and declaring any person to be a person described in Section 600, 601, or 602, or on denying a motion made pursuant to Section 567, may be appealed from in the same manner as any final judgment, and any subsequent order may be appealed from as from an order after judgment; but no such order or judgment shall be stayed by such appeal, unless suitable provision is made for the maintenance, care, and custody of such person pending the appeal, and unless such provision is approved by an order of the juvenile court. Such appeal shall have precedence over all other cases in the court to which the appeal is taken.

Article 13. Records

Record

825. The order and findings of the superior court in each case under the provisions of this chapter shall be entered in a suitable book or other form of written record which shall be kept for that purpose and known as the "juvenile court record."

Destruction of records

826. After five years from the date on which the jurisdiction of the juvenile court over a minor is terminated, the judge or clerk of the juvenile court, or the probation officer, may destroy all records, papers, and exhibits in the proceedings concerning the minor. For the purposes of this section, "destroy" means destroy or dispose of for the purpose of destruction.

The juvenile court record, any minute book entries, dockets, and judgment dockets shall not be destroyed and shall constitute for all purposes the record in lieu of the records, papers, and exhibits destroyed.

Secrecy of reports

827. A petition filed in any juvenile court proceeding and any reports of the probation officer filed in any such case may be inspected only by court personnel, the minor who is the subject of the proceeding, his parents or guardian, and the attorneys for such parties, and such other persons as may be designated by the judge of the juvenile court.

Article 14. Juvenile Halls

Juvenile halls

850. The board of supervisors in every county shall provide and maintain, at the expense of the county, in a location approved by the judge of the juvenile court or in counties having more than one judge of the juvenile court, by the presiding judge of the juvenile court, a suitable house or place for the detention of wards and dependent children of the juvenile court and of persons alleged to come within the jurisdiction of the juvenile court. Such house or place shall be known as the "juvenile hall" of the county. Wherever, in any provision of law, reference is made to detention homes for juveniles, such reference shall be deemed and construed to refer to the juvenile halls provided for in this article.

Connection with jail

851. The juvenile hall shall not be in, or connected with, any jail or prison, and shall not be deemed to be nor be treated as a penal institution. It shall be conducted in all respects as nearly like a home as possible.

Management and control

852. The juvenile hall shall be under the management and control of the probation officer.

Superintendent and employees

853. The board of supervisors shall provide for a suitable superintendent to have charge of the juvenile hall, and for such other employees as may be needed for its efficient management, and shall provide for payment, out of the general fund of the county, of suitable salaries for such superintendent and other employees.

854. The superintendent and other employees of the juvenile hall shall be appointed by the probation officer, pursuant to a civil service or merit system, and may be removed, for cause, pursuant to such system. Same Civil service

855. The probation officer shall keep a classified list of expenses for the operation of the juvenile hall and shall file a duplicate copy with the county board of supervisors. Expenses

856. The board of supervisors may provide for the establishment and maintenance of an elementary public school and of a secondary public school in connection with the juvenile hall for the education of the children in the juvenile hall. The board, by ordinance, may provide for the establishment and maintenance of school facilities in the juvenile hall, and such schools shall be maintained by the respective governing boards of the elementary school district and of the high school district in which the juvenile hall is situated. School system in connection with juvenile halls

857. The board of supervisors may, by ordinance, provide that schools established and maintained pursuant to Section 856 shall be maintained by the county superintendent of schools in which case the county board of education shall have the same powers and duties with respect to such schools as the governing board of a school district would have were said schools maintained by the school district under the provisions of this article. The board of supervisors shall have the power to review and approve any budget proposing expenditures for the operation of such schools and may revise it to the extent deemed necessary. Same

858. Such schools shall be conducted in the same manner and under the same conditions, as nearly as possible, as are other elementary and secondary schools of the school districts, except that they shall not be closed on Monday, Tuesday, Wednesday, Thursday and Friday of any week during the calendar year, except on school holidays, the day or days in which the teachers' institute is in session, and the week in which Christmas Day occurs. Each school board, however, may close its school when it deems such closing necessary. Same

859. Whenever such schools have been established in accordance with the provisions of Section 856, the board of supervisors shall provide suitable grounds, buildings, furnishings, supplies and equipment for the school, and shall lease the same on or before July 1 at a nominal rental to the school districts in which such juvenile hall is situated. The board shall make an agreement with the governing bodies of such school districts to transfer from the general fund of the county to the current expense fund of each district one thousand six hundred dollars ($1,600) for each teacher employed in such juvenile hall school for the first school year. The transfer of funds shall be made on or before the first Monday in January. Same: Rental Teachers

860. The governing bodies of the school district shall provide all supplies for their respective schools and shall furnish such teachers as are needed to conduct accredited schools. The Supplies and teachers

teachers shall be under the jurisdiction of the regular school officials and shall make such reports as are required by law.

Transfers to general fund of school districts

861. The board of supervisors of the county shall agree with the governing board of each of the respective districts in which the juvenile hall is located to transfer from the general fund of the county to the general fund of such districts such sums in excess of the amount of money received from the State by each district as are necessary to maintain its school in the juvenile hall.

Joint juvenile halls

870. Two or more counties may, pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, establish and operate a joint juvenile hall. A joint juvenile hall shall be under the management and control of the probation officers of the participating counties, acting jointly, or of one of such probation officers, as provided by the agreement among the counties, and shall be in the charge of a superintendent selected pursuant to a civil service or merit system. A joint juvenile hall shall be operated in the manner prescribed by this chapter for juvenile halls.

A county participating in the maintenance of a joint juvenile hall pursuant to this section need not maintain a separate juvenile hall.

Article 15. Juvenile Homes, Ranches and Camps

Juvenile homes, ranches or camps

880. In order to provide appropriate facilities for the housing of wards of the juvenile court in the counties of their residence or in adjacent counties so that such wards may be kept under direct supervision of said court, and in order to more advantageously apply the salutary effect of home and family environment upon them, and also in order to secure a better classification and segregation of such wards according to their capacities, interests, and responsiveness to control and responsibility, and to give better opportunity for reform and encouragement of self-discipline in such wards, juvenile homes, ranches, or camps may be established, as provided in this article.

Same

881. The board of supervisors of any county may, by ordinance, establish juvenile homes, ranches, camps, or forestry camps, within or without the county, to which persons made wards of the court on the ground of fitting the description in Section 601 or Section 602 may be committed. As far as possible, the provisions of this chapter relating to commitments to the probation officer shall apply to commitments to such juvenile homes, except that where any ward proves to be unfit to remain in any such home, in the opinion of the superintendent or director thereof, said superintendent or director shall make recommendation to the probation department for consideration for other commitment. Complete operation and authority for the administration shall be vested in the county.

Same Superintendent and employees

882. Such juvenile homes, ranches, camps or forestry camps shall be in charge of a superintendent or director and

may be established in conjunction with the probation department, or in any manner determined by the county board of supervisors. Such superintendent or director and other persons employed at such homes or camps shall be appointed by the probation officer, subject to confirmation by the board of supervisors, of the county establishing such homes or camps.

Required labor

883. The wards committed to such homes, ranches, camps, or forestry camps may be required to labor on the buildings and grounds thereof, on the making of forest roads for fire prevention or firefighting, on forestation or reforestation of public lands, or on the making of firetrails or firebreaks, or in fire suppression, or to perform any other work or engage in any studies or activities on or off of the grounds of such homes, ranches, camps, or forestry camps prescribed by the probation department, subject to such approval as the county board of supervisors by ordinance requires. Whenever any boy committed to such camp is engaged in fire prevention work or the suppression of existing fires, he shall be subject to workmen's compensation benefits to the same extent as a county employee, and the board of supervisors shall provide and cover any such boy committed to such camp while performing such service, with accident, death and compensation insurance as is otherwise regularly provided for employees of the county.

Same: Wages

884. The board of supervisors may provide for the payment of wages and pay such wages from the treasury of such county to the wards for the work they do, the sums earned to be paid in reparation, or to the parents or dependents of the ward, or to the ward himself, in such manner and in such proportions as the court directs.

Minimum standards

885 The Youth Authority shall adopt and prescribe the minimum standards of, construction, operation, programs of education, and training and qualifications of personnel for such juvenile homes or camps. No county establishing or conducting such juvenile homes or camps shall be entitled to receive any state funds provided for in this article unless and until the minimum standards and qualifications referred to in this section are complied with by such county. Type and standards of construction shall be approved by the county architect's office, county department of public works, or such county department having jurisdiction over public construction.

Maximum number per camp

886. No juvenile home or camp established pursuant to the provisions of this article shall receive or contain more than 100 children at any one time.

State assistance

887. Where any such juvenile home or camp is established or is to be established, and where the minimum standards and qualifications provided for in Section 885 have been complied with by the county, the State of California, through the Youth Authority, out of any money herein appropriated, shall reimburse the county to the amount of one-half the cost of maintaining each child in such home or camp, but in no event shall

such county receive more than ninety-five dollars ($95) per month per child.

Whenever a claim made by a county pursuant to this section covering a prior fiscal year is found to have been in error, adjustment may be made on a current claim without necessity of applying the adjustment to the appropriation for the prior fiscal year.

Children from other counties

888. Any county establishing such juvenile home, ranch, or camp under the provisions of this article may, by mutual agreement, accept children committed to such home, ranch, or camp by the juvenile court of another county in the State and the State shall reimburse the county maintaining the home, ranch, or camp to the amount of one-half of the administrative cost of maintaining each child so committed. Payments received for the care of children from another county by a county operating a facility shall not be considered as a subvention to the county operating the facility for the purposes of determining the amount of state reimbursement. Two or more counties may, by mutual agreement, establish such juvenile homes or camps, and the rights granted and duties imposed by this article shall devolve upon such counties acting jointly. The provisions of this article shall not apply to any juvenile hall.

Schools

889. The board of supervisors may, by ordinance, direct the county superintendent of schools to establish and maintain public schools in any juvenile home or camp established in the county under this article of such grade or grades as may be, in the judgment of the county superintendent of schools, necessary. The board of supervisors shall provide suitable buildings and equipment for such schools.

Such school or schools when established shall be maintained, subject to and in accordance with all laws relating to schools maintained by a county superintendent of schools, in a juvenile hall under Article 14 (commencing with Section 850).

Same

890. The board of supervisors, in lieu of proceeding under Section 889, may provide for the establishment of an elementary public school and of a secondary public school in connection with a juvenile home, ranch or camp, for the education of children in the juvenile home, ranch or camp. The board, by ordinance, may provide for the establishment and maintenance of school facilities in the juvenile home, ranch, or camp, and such schools shall be maintained by the respective governing boards of the elementary school district and of the high school district in which the juvenile home, ranch, or camp is located.

Such school when established shall be maintained, subject to and in accordance with all laws relating to schools maintained by a school district, in a juvenile hall under Article 14 (commencing with Section 850).

Construction cost sharing

891. (a) From any state moneys made available to it for that purpose, the Youth Authority shall share in the cost pursuant to this article of the construction of juvenile homes,

juvenile ranch camps, or forestry camps established after July 1, 1957, and for construction at existing juvenile homes, ranches, camps, or forestry camps, by counties which apply therefor.

"Construction" (b) "Construction," as used in this section, includes construction of new buildings and acquisition of existing buildings and initial equipment of any such buildings. It does not include architects' fees or the cost of land acquisition.

Maximum state assistance (c) The amount of state assistance which shall be provided to any county shall not exceed 50 percent of the project cost approved by the Youth Authority, and, in no event shall it exceed three thousand dollars ($3,000) per bed unit of the new juvenile home, juvenile ranch, camp, or forestry camp or per bed unit added to an existing juvenile home, juvenile ranch camp, or forestry camp, as the case may be. The construction project shall be deemed to have as many bed units as the number of persons it is designed to accommodate, not exceeding 100-bed units for any one project.

(d) Application for state assistance for construction funds under this article shall be made to the Youth Authority in the manner and form prescribed by the Youth Authority. The Youth Authority shall prescribe the time and manner of payment of state assistance, if granted.

Article 16. Support of Wards and Dependent Children

County payments for support 900. If it is necessary that provision be made for the expense of support and maintenance of a ward or dependent child of the juvenile court or of a minor person concerning whom a petition has been filed in accordance with the provisions of this chapter, the order providing for the care and custody of such ward, dependent child or other minor person shall direct that the whole expense of support and maintenance of such ward, dependent child or other minor person, up to the amount of twenty dollars ($20) per month be paid from the county treasury and may direct that an amount up to any maximum amount per month established by the board of supervisors of the county be so paid. The board of supervisors of each county is hereby authorized to establish, either generally or for individual wards or dependent children or according to classes or groups of wards or dependent children, a maximum amount which the court may order the county to pay for such support and maintenance. All orders made pursuant to the provisions of this section shall state the amounts to be so paid from the county treasury, and such amounts shall constitute legal charges against the county.

Limitation Actual cost of maintenance 901. No order for payment shall be made in a sum in excess of the actual cost of supporting and maintaining the ward, dependent child or other minor person.

Additional amounts over county maximum 902. If it is found that the maximum amount established by the board of supervisors of the county is insufficient to pay the whole expense of support and maintenance of a ward,

dependent child or other minor person, the court may order and direct that such additional amount as is necessary shall be paid out of the earnings, property, or estate of such ward, dependent child or other minor person, or by the parents or guardian of such ward, dependent child or other minor person, or by any other person liable for his support and maintenance, to the probation officer who shall in turn pay it to the person, association, or institution that under court order is caring for and maintaining such ward, dependent child or other minor person.

Liability of parents

903. The father, mother, spouse, or other person liable for the support of a minor person, the estates of such persons, and the estate of such minor person, shall be liable for the cost of his care, support, and maintenance in any county institution in which he is placed, detained, or committed pursuant to the order of the juvenile court, or for the cost to the county in which the juvenile court making the order is located, of his care, support, and maintenance in any other place in which he is placed, detained, or committed pursuant to the order of the juvenile court. The liability of such persons (in this article called relatives) and estates shall be a joint and several liability.

Determination of cost

904 The monthly or daily cost for care, support, and maintenance of minor persons placed or detained in or committed to a county institution by order of a juvenile court shall be determined by the county auditor of the county in which the institution is located.

Reduction of liability

905. Except as otherwise ordered by the juvenile court, the probation officer or other county officer designated by the board of supervisors of the county may reduce, cancel, or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the care, support, and maintenance of a minor person placed or detained in or committed to any county institution or other place pursuant to an order of the juvenile court of that county on satisfactory proof that the estate or relative, as the case may be, is unable to pay the cost of such care, support, and maintenance.

If the representative of the estate or the relative liable for the care, support, and maintenance of the minor claims that the minor's estate or relative is financially unable to pay the amounts established under this article for the care, support, and maintenance of the minor, he may make such claim in writing to the probation officer of the county in which the juvenile court making the order of placement, detention, or commitment is located. The probation officer shall, upon receipt of such a claim, make an investigation to determine whether the minor's estate or responsible relative is financially able to pay the said amounts established under this article, or any part thereof, and report the results of his investigation to the juvenile court. On receipt of the probation officer's report, the juvenile court shall hear and determine the claim, and may order that the representative of the estate or the relative pay

all of the said amounts established under this article or any part thereof which the juvenile court finds that the estate or relative is financially able to pay.

Collection of costs

906. The probation officer or other county officer designated by the board of supervisors of the county shall collect all costs and charges mentioned in Section 903 or established by order of the juvenile court and may take such action in the name of the county as is necessary to effect their collection within or without the State.

Money, property, of minor

907. The probation officer or other county officer designated by the board of supervisors of the county shall, following entry of an order by the juvenile court in that county that a minor person be placed, or detained in, or committed to a county institution or other place, make investigation to determine the moneys, the property, or interest in property, if any, the minor person has, and whether he has a duly appointed and acting guardian to protect his property interests. The probation officer or other county officer shall also make an investigation to determine whether the minor person has any relative or relatives responsible under the provisions of Section 903 for the payment of the cost of care, support, and maintenance of such minor person, and shall ascertain the financial condition of such relative or relatives to determine whether in each case such relative or relatives are in fact financially able to pay such charges.

Execution

908. Where the juvenile court has ordered payment of money to be made for the cost of care, support or maintenance in any county institution or as reimbursement to the county for the expense of support and maintenance of any ward, dependent child or other minor person as provided in this article or as additional payment for the expense of support and maintenance of such ward, dependent child or other minor person to the person, association, or institution that under court order is caring for and maintaining such ward, dependent child or other minor person, either from the earnings, property, or estate of such ward, dependent child or other minor person, or by his parents or guardian, or by any other person liable for his support, upon affidavit of the probation officer that any payment is due and has not been made, execution may issue for such payment upon the order and at the discretion of the court.

Discharge from accountability of probation officer

909. In any case in which the probation officer is charged with the duty of collecting amounts payable to the county under this article, upon the verified application of the probation officer, the board of supervisors may make an order discharging the probation officer from further accountability for the collection of any such amount in any case as to which the board determines that the amount is too small to justify the cost of collection or that the collection of such amount is improbable for any reason. Such order is authorization for the probation officer to close his books in regard to such item, but such discharge of accountability of the probation officer does

not constitute a release of any person from liability for payment of any such amount which is due and owing to the county. The board may request a written opinion from the district attorney or county counsel as to whether any particular amount owed to the county is too small to justify the cost of collection or whether collection of any particular item is improbable.

Claim of county for property subsequently acquired

910. In any case where a county has expended money for the support and maintenance of any ward, dependent child or other minor person, or has furnished support and maintenance, and the court has not made an order of reimbursement to the county, in whole or in part, as provided in this article, or the court has made and subsequently revoked such an order if the ward, dependent child or other minor person or parent, guardian, or other person liable for the support of the ward, dependent child or other minor person acquires property, money, or estate subsequent to the date the juvenile court assumed jurisdiction over the ward, dependent child or minor person or subsequent to the date of the order of reimbursement was revoked, the county shall have a claim against the ward, dependent child or other minor person or parent, guardian, or other person liable for the support of the ward, dependent child or other minor person to the amount of a reasonable charge for money so expended, or other expense of support and maintenance. Such claim shall be enforced by action of the district attorney on request of the board of supervisors

Term of effectiveness of order

911. No order for payment from the county treasury of the expense of support and maintenance of a ward or dependent child of the juvenile court shall be effective for more than 12 months, and no order for payment from the county treasury of the expense of support and maintenance of a minor person concerning whom a verified petition has been filed in accordance with the provision of this chapter, other than a ward or dependent child of the court, shall be effective for more than one month. Upon all hearings of the case of any ward or dependent child of the juvenile court, the case shall be continued on the calendar, but in no instance to exceed 12 months.

When any ward of the juvenile court is, with the consent of the juvenile court of the county committing him and the officer in charge of the state school to which he was committed or in which he is confined, placed in a boarding home, foster home, or work home, but continues to be under the supervision of such state school, the county may reimburse the boarding home, foster home, or work home in an amount adequate for the maintenance of the ward, but not to exceed twenty-five dollars ($25) per month

Payment for Youth Authority commitment

912. For each person hitherto committed to the Youth Authority, the county from which he is committed shall pay the State at the rate of twenty-five dollars ($25) per month for the time such person so committed remains in such state school or in any camp or farm colony, custodial institution, or other institution under the direct supervision of the Youth Author-

ity to which such person may be transferred, in the California vocational institution, or in any boarding home, foster home, or other private or public institution in which he is placed by the Youth Authority, on parole or otherwise, and cared for and supported at the expense of the Youth Authority.

Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June the amount due under this section, and the county treasurer, at the time of settlement with the State in such months, shall pay to the State Treasurer, upon the order of the Controller, the amounts found to be due by reason of such commitments.

Payment to private custodian

913. When any person has been adjudged to be a ward or dependent child of the juvenile court, and the court has made an order committing such person to the care of any association, society, or corporation, embracing within its objects the purpose of caring for or obtaining homes for such persons, the county in which such person has been committed may contract with such custodian, for the supervision, investigation, and rehabilitation of such person by such custodian, and may, pursuant to such contract, pay to it an amount determined by mutual agreement, not to exceed the cost to such custodian of such service.

"Expense for support and maintenance"

914. As used in this article, "expense for support and maintenance" includes the reasonable value of any medical services furnished to the ward or dependent child at the county hospital or at any other county institution, or at any private hospital or by any private physician with the approval of the juvenile court of the county concerned, and the reasonable value of the support of the ward or dependent child at any juvenile hall established pursuant to the provisions of Article 14 (commencing with Section 850) of this chapter or the reasonable value of the ward's support at any forestry camp, juvenile home, ranch, or camp established within or without the county pursuant to the provisions of Article 15 (commencing with Section 880) of this chapter.

SEC. 3. Section 272 is added to the Penal Code, to read.

Violations Penalties

272. Every person who commits any act or omits the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of 21 years to come within the provisions of Sections 600, 601, or 602 of the Welfare and Institutions Code or which act or omission contributes thereto, or any person who, by any act or omission, or by threats, commands, or persuasion, induces or endeavors to induce any person under the age of 21 years or any ward or dependent child of the juvenile court to fail or refuse to conform to a lawful order of the juvenile court, or to do or to perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause any such person to become or to remain a person within the provisions of Sections 600, 601, or 602 of the Welfare and Institutions Code, is guilty of a misdemeanor and upon conviction thereof shall

be punished by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment in a county jail, or may be released on probation for a period not exceeding five years. The district attorney shall prosecute all violations charged under this section.

SEC. 4. Chapter 4 (commencing with Section 232) is added to Title 2 of Part 3 of Division 1 of the Civil Code, to read:

CHAPTER 4. FREEDOM FROM PARENTAL CUSTODY AND CONTROL

Freedom from control and custody of parents

232. An action may be brought for the purpose of having any person under the age of 21 years declared free from the custody and control of either or both of his parents when such person comes within any of the following descriptions:

(a) Who has been left by either or both of his parents in the care and custody of another without any provision for his support, or without communication from either or both of his parents, for the period of one year with the intent on the part of such parent or parents to abandon such person. Such failure to provide, or such failure to communicate for the period of one year, shall be presumptive evidence of the intent to abandon. Such person shall be deemed and called a person abandoned by the parent or parents abandoning him. If in the opinion of the court the evidence indicates that either or both parents have made only token efforts to support or communicate with the child, the court may declare the child abandoned by such parent or parents.

When any person under the age of 21 years has been left by either or both of his parents in the care and custody of another without any provision for his support, or without communication from either or both of his parents for the period of six months, the petition provided for in Section 233 may be filed with respect to such person. The jurisdiction of the court extends to such person as fully as if such conditions had existed for a period of one year but no order or judgment freeing such person from the custody and control of either or both of his parents shall be made until such conditions of nonsupport or noncommunication shall have existed for a period of at least one year.

(b) Who has been cruelly treated or neglected by either or both of his parents, if such person has been a dependent child of the juvenile court, and such parent or parents deprived of his custody because of such cruel treatment or neglect, for the period of one year continuously immediately prior to the filing of a petition praying that he be declared free from the custody and control of such cruel or neglectful parent or parents.

(c) Whose parent or parents are habitually intemperate, or morally depraved, if such person has been a dependent child

of the juvenile court, and the parent or parents deprived of his custody because of such intemperance, or moral depravity, for the period of one year continuously immediately prior to the filing of the petition praying that he be declared free from the custody and control of such habitually intemperate or morally depraved parent or parents.

(d) Whose parent or parents are deprived of their civil rights due to the conviction of a felony, if the felony of which such parent or parents were convicted is of such nature as to prove the unfitness of such parent or parents to have the future custody and control of the child, or if any term of sentence of such parent or parents is of such length that the child will be deprived of a normal home for a period of years.

(e) Whose parent or parents have, in a divorce action, been found to have committed adultery and been divorced on that ground, if the court finds that the future welfare of the child will be promoted by an order depriving such parent or parents of the control and custody of the child.

(f) Whose parent or parents have been declared by a court of competent jurisdiction to be feebleminded or insane, if the State Director of Mental Hygiene and the superintendent of the state hospital of which, if any, such parent or parents are inmates or patients certify that such parent or parents so declared to be feebleminded or insane will not be capable of supporting or controlling the child in a proper manner.

Petition by interested person

233. Any interested person may petition the superior court of the county in which a minor person described in Section 232 resides or in which such minor person is found or in which any of the acts constituting abandonment, neglect, cruelty or habitual intemperance occurred, for an order or judgment declaring such minor person free from the custody and control of either or both of his parents Upon the filing of such petition, the clerk of the court shall immediately notify the juvenile probation officer who shall immediately investigate the circumstances of said minor person and the circumstances which are alleged to bring said minor person within any of the provisions of Section 232. The juvenile probation officer shall render to the court a written report of his investigation with a recommendation to the court of the proper disposition to be made in the action in the best interests of said minor person. The court shall receive such report in evidence and shall read and consider the contents thereof in rendering its judgment.

Setting for hearing, service, etc

234. Upon the filing of such petition, the clerk of the court shall set the same for hearing at a time within 90 days, and a citation shall issue requiring any person having the custody or control of such minor person or the person with whom such minor person is, to appear with such minor person at a time and place stated in the citation. Service of such citation shall be made at least 10 days before the time stated therein for such appearance.

Service and appearance of parents

235. (a) The father or mother of such minor person, if residing within the State, and if his or her place of residence is known to the petitioner, or, if there is no parent so residing, or if the place of residence of such father or mother is not known to the petitioner, then some relative of such minor person, if there is any residing within the State, and if his residence and relationship to such person are known to the petitioner, shall be notified of the proceedings by service of a citation requiring such person or persons to appear at the time and place stated in such citation. In all cases where one parent has relinquished his child for the purpose of adoption, or has signed a consent for adoption as provided in Sections 224m and 226, no notice as herein provided need be given to the parent who has signed such relinquishment or consent. Service of such citations shall be made at least 10 days before the time stated therein for such appearance.

(b) If the father or mother of such minor person or any person alleged to be or claiming to be the father or mother resides outside the State, or if his or her place of residence is not known to the petitioner, the petitioner or his agent or attorney shall make and file an affidavit, and shall state therein the name of the father or mother or alleged father or mother who resides outside the State and his or her place of residence, if known to the petitioner, and the name of the father or mother or alleged father or mother residing in or out of the State whose place of residence is unknown to the petitioner Thereupon the court shall make an order that the service be made by the publication of a citation requiring such father or mother or alleged father or mother to appear at the time and place stated therein, and that said citation be published in a newspaper to be named and designated as most likely to give notice to the father or mother or alleged father or mother to be served once a week for four successive weeks. In case of publication where the residence of a nonresident or absent parent or alleged parent is known, the court shall also direct a copy of the citation to be forthwith served upon such parent or alleged parent by mail by deposit in the post office properly addressed and with the postage thereon fully prepaid, directed to such parent or alleged parent at his or her place of residence. When publication is ordered, personal service of a copy of the citation out of the State is equivalent to publication and deposit in the post office. Service is complete upon the making of such personal service or at the expiration of the time prescribed by the order for publication, whichever event shall first occur.

If one or both of the parents of such minor person be unknown or if the name of either or both of his parents be uncertain, then said fact shall be set forth in said affidavit and the court shall order the citation to be directed to either the father or the mother, or both, of said minor person, naming and otherwise describing said minor person, and to all persons claiming to be the father or mother of said minor person.

236. If any person personally served with a citation within the State as provided in this chapter fails without reasonable cause to appear and abide by the order of the court, or to bring such minor person before the court if so required in the citation, such failure constitutes a contempt of court. Failure to appear

237. In any proceeding to declare a minor person free from the custody and control of his parents, the court may appoint some suitable party to act in behalf of such minor person and may order such further notice of the proceedings to be given as the court deems proper. Guardian ad litem

238. Any order and judgment of the court declaring a minor person free from the custody and control of any parent or parents under the provisions of this chapter shall be conclusive and binding upon such minor person, upon such parent or parents and upon all other persons who have been served with citation by publication or otherwise as provided in this chapter. After making such order and judgment, the court shall have no power to set aside, change, or modify it, but nothing in this section shall be construed to limit the right to appeal from such order and judgment. Effect of order

SEC. 5. Section 27706 of the Government Code is amended to read:

27706. The public defender shall perform the following duties: Duties of public defender

(a) Upon request of the defendant or upon order of the court, he shall defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior court at all stages of the proceedings, including the preliminary examination The public defender shall, upon request, give counsel and advice to such person about any charge against him upon which the public defender is conducting the defense, and shall prosecute all appeals to a higher court or courts of any person who has been convicted, where, in his opinion, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

(b) Upon request, he shall prosecute actions for the collection of wages and other demands of any person who is not financially able to employ counsel, where the sum involved does not exceed one hundred dollars ($100), and where, in the judgment of the public defender, the claim urged is valid and enforceable in the courts.

(c) Upon request, he shall defend any person who is not financially able to employ counsel in any civil litigation in which, in the judgment of the public defender, the person is being persecuted or unjustly harassed.

(d) Upon order of the court, he shall represent any person who is not financially able to employ counsel in proceedings under Chapter 4 (commencing with Section 5400) of Part 1 of Division 6 and under Chapter 1 (commencing with Section

5000) of Part 1 of Division 6 of the Welfare and Institutions Code.

(e) Upon order of the court, he shall represent any person who is entitled to be represented by counsel but is not financially able to employ counsel in proceedings under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code when such proceedings are concerned with a person alleged to be or who has been found to be within the description of Sections 601 or 602 of the Welfare and Institutions Code.

SEC. 6. Section 40502 of the Vehicle Code is amended to read:

Place specified for appearance

40502. The place specified in the notice to appear shall be either:

(a) Before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made.

(b) Upon demand of the person arrested, before a municipal court judge or other magistrate having jurisdiction of the offense at the county seat of the county in which the offense is alleged to have been committed or before a magistrate in the judicial district in which the offense is alleged to have been committed.

(c) Before a person authorized to receive a deposit of bail. The clerk and deputy clerks of the municipal and justice courts are persons authorized to receive bail in accordance with a schedule of bail approved by the judges of said courts.

(d) Before the juvenile court, a juvenile court referee, or a juvenile traffic hearing officer within the county in which the offense charged is alleged to have been committed, if the person arrested appears to be under the age of 18 years. The juvenile court shall by order designate the proper person before whom such appearance is to be made.

SEC. 7. Section 131 of the Code of Civil Procedure is repealed.

Repeal

SEC. 8. Section 131.1 of said code is repealed.

SEC. 9. Section 131.2 of said code is amended to read:

Offices of probation officer and deputy probation officer

131.2. The offices of probation officer and deputy probation officers are hereby created. The term of office of probation officers and deputy probation officers shall be two years from the date of said approval of their several appointments. Such probation officers and deputy probation officers may at any time be removed by the judge approving their appointments in his discretion.

In counties of the first class there shall be one probation officer and not more than five deputy probation officers; in counties of the second class, one probation officer and not more than one deputy probation officer; in all other counties there shall be one probation officer. In any county or city and county additional deputy probation officers may be appointed and their appointment approved or disapproved as hereinbefore

provided, from time to time when in the opinion of the court it may be necessary, provided that they serve without salary.

SEC. 10. Section 131.5 of said code is amended to read:

Intent and construction

131 5. It is the intention of Sections 131.2, 131.3, 131.4 and 131.6 that the same probation officers and deputy probation officers shall be appointed and serve under those sections as under Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, and if the provisions of that chapter relating to the manner of appointment, removal or expenses of probation officers and deputy probation officers are in conflict with the provisions of Sections 131, 131.2 and 131.6 of this code, the provisions of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code shall govern as to such matters.

SEC. 11. Section 1407 of the Probate Code is amended to read:

Preference in appointment as guardian

1407. Of persons equally entitled in other respects to the guardianship of a minor, preference is to be given as follows:

(1) To a parent;

(2) To one who was indicated by the wishes of a deceased parent;

(3) To one who already stands in the position of a trustee of a fund to be applied to the child's support;

(4) To a relative;

(5) If the child has already been declared to be a ward or dependent child of the juvenile court, to the probation officer of said court.

Severability clause

SEC 12. If any provision of this act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 1617

An act to amend Sections 172a, 172b, and 172d of, and to add Section 172f to, the Penal Code, and to repeal Section 24052 of the Business and Professions Code, relating to alcoholic beverages.

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

In effect September 15, 1961

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

SECTION 1. Section 172a of the Penal Code is amended to read:

Sale of liquor. Proximity to university campus

172a. Every person who, upon or within one and one-half miles of the university grounds or campus, upon which are located the principal administrative offices of any university having an enrollment of more than 1,000 students, more than 500 of whom reside or lodge upon such university grounds or campus,

sells, gives away or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor; provided, however, that the provisions of this section shall not apply to nor prohibit the sale of any of said liquors by any regularly licensed pharmacist who shall maintain a fixed place of business in said territory, upon the written prescription of a physician regularly licensed to practice medicine under the laws of the State of California when such prescription is dated by the physician issuing it, contains the name of the person for whom the prescription is written, and is filled for such person only and within 48 hours of its date; provided further, that the provisions of this section shall not apply to nor prohibit the sale of any of said liquors for chemical or mechanical purposes; provided further, that the provisions of this section shall not apply to nor prohibit the sale, gift, or exposing, or offering for sale of ale, porter, wine, similar fermented malt, or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale, gift, or exposing, or offering for sale of beer.

Measuring distance

In measuring distances from the university grounds or campus of any such university, such distances shall not be measured by airline but by following the shortest road or roads connecting the points in question. With respect to Leland Stanford Junior University measurements from the university grounds or campus shall be by airline measurement.

Any license issued and in effect in the City and County of San Francisco on the effective date of the amendment of this section enacted at the 1961 Regular Session of the Legislature may be transferred to any location in the City and County of San Francisco.

SEC. 2. Section 172b of said code is amended to read:

University of California at Los Angeles Penalty

172b. 1. Every person who, within one and one-half miles of the boundaries of the grounds belonging to the University of California at Los Angeles on which the principal administrative offices of the university are located, as such boundaries were established as of July 1, 1959, sells or exposes for sale any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 50 days, or by both such fine and imprisonment, in the discretion of the court.

2 The provisions of this section shall not apply to the sale, gift, or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale, gift, or exposing or offering for sale of beer.

3. Distances provided in this section shall be measured not by airline but by following the shortest road or roads connecting the points in question..

SEC. 3. Section 172d of said code is amended to read:

172d. 1. Every person who, within one mile of that portion of the grounds at Riverside (hereinafter described) belonging to the University of California, that will be used by the College of Letters and Sciences, sells, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 50 days or by both such fine and imprisonment in the discretion of the court. University of California grounds at Riverside: Penalty

2. The provisions of this section shall not apply to the sale, gift, or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale, gift, or exposing or offering for sale of beer.

3. Distances provided in this section shall be measured not by airline but by following the shortest road or roads connecting the points in question..

4. The portion of the grounds of the University of California referred to in paragraph 1 are situated in the County of Riverside and more particularly described as follows: beginning at the intersection of Canyon Crest Drive and U S Highway 60, thence southeasterly along said highway to a point opposite the intersection of said U.S. Highway 60 and Pennsylvania Avenue, thence northeasterly following centerline of present drive into University campus, thence continuing north along said centerline of drive on west side of Citrus Experiment Station buildings to a point intersecting the present east-west road running east from intersection of Canyon Crest Drive and U S. Highway 60, thence east 500 feet more or less, thence north 1,300 feet more or less, thence east to intersection of east boundary of the Regents of the University of California property (Valencia Hill Drive), thence north along said east boundary to the north boundary of the Regents of the University of California property (Linden Street), thence west along said north boundary to the west boundary of the Regents of the University of California property (Canyon Crest Drive) thence south along said west boundary to the point of beginning.

SEC. 4 Section 172f is added to said code, to read:

172f The provisions of Sections 172, 172a, 172b, and 172d of this code shall not apply to the sale or the exposing or offering for sale of any intoxicating liquor in any premises within the areas prescribed by said sections for which a license was issued under the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000), Business and Professions Code) and is in effect on the effective date of this section, or in any licensed premises which may become included in such a prescribed area because of the extension of the boundaries of any of the institutions mentioned in said sections or because of Application

the increased enrollment or number of resident students at any of such institutions.

Any such licenses may be transferred from person to person, and may be transferred from premises to premises if the premises to which the license is transferred are not located nearer to the boundaries of the institution, as they exist on the date of the transfer, than the premises from which the license is transferred.

Repeal

SEC. 5. Section 24052 of the Business and Professions Code is repealed.

CHAPTER 1618

An act to amend Section 1944 of the Labor Code, relating to employment of aliens.

In effect September 15, 1961

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

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

SECTION 1. Section 1944 of the Labor Code is amended to read:

1944. This article shall not apply:

(a) To the employment as a member of the faculty or teaching force in public schools or in schools supported in whole or in part by the State, of any person who has declared his intention to become a citizen, or of any native-born woman of the United States who has married a noncitizen.

For purposes of the preceding sentence, a declaration of intention to become a citizen shall consist of either: (1) the declaration of intention to become a citizen of the United States, or petition for naturalization, or comparable document prescribed by federal law; or (2) an affidavit filed with, and in the form prescribed by, the State Board of Education, by an individual otherwise eligible for issuance of a public school certification document, declaring that he will, at the first opportunity at which the applicable federal law permits, file such a declaration of intention to become a citizen of the United States, petition for naturalization, or comparable document. In the event the State Board of Education determines that an individual who has filed under alternative (2) of the preceding sentence, has, without good cause, failed at the first opportunity provided under federal law to file one of the specified documents prescribed by federal law, it shall forthwith revoke any public school certification documents issued to the individual.

(b) To any member of the faculty or teaching force or student body, or to student assistants, of any college or university supported in whole or in part by the State.

(c) To any specialist or expert temporarily employed by any department of the State or any county, or city, and engaged in special investigation or teaching.

(d) In an emergency when it is necessary to protect life, health, or property against fire, flood, or other calamity.

(e) To the employment by a county of an intern or resident physician for services in the county hospital under an exchange arrangement with medical facilities in foreign countries.

(f) To any professional person who has declared his intention to become a citizen.

(g) To any professional librarian, other than a chief librarian, employed for not more than one year.

(h) To the employment by hospital districts or a county hospital or in a hospital or clinic operated by the University of California of professional persons actually licensed by the State of California.

(i) To the employment of persons in positions pertaining to the care and guidance of children in a child care program or the supervision of a child care program supported in whole or in part by the State, of any person who has declared his intention to become a citizen, or of a native-born woman of the United States who has married a noncitizen.

(j) To student assistants and interns in Department of Mental Hygiene training programs.

CHAPTER 1619

An act to amend Section 986.4 of the Military and Veterans Code, relating to veterans' farm and home purchase loans.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 986.4 of the Military and Veterans Code is amended to read:

986.4. The department shall not acquire a home under the provisions of this article where the market value of the improvements exceeds the sum of twenty-five thousand dollars ($25,000), to be determined by an appraiser or an authorized representative of the department.

CHAPTER 1620

An act to add Chapter 7.5 (commencing with Section 12920) to Part 6 of Division 6 of the Water Code, relating to protection of ground water basins, and making an appropriation therefor.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Chapter 7.5 (commencing with Section 12920) is added to Part 6 of Division 6 of the Water Code, to read:

CHAPTER 7.5. PROTECTION OF GROUND WATER BASINS

Article 1. Short Title

Short title

12920. This chapter shall be known as, and may be cited as, the Porter-Dolwig Ground Water Basin Protection Law.

Article 2. Definitions

Definitions

12921. The definitions in this article govern the construction of this chapter.

12921.1. "Department" means the Department of Water Resources.

12921.2. "Local agency" means any county, city, state agency or public district.

12921.3. "Project" means any physical structure or facility proposed or constructed under this chapter for the conservation, storage, regulation, reclamation, treatment or transportation of water to replenish, recharge, or restore a ground water basin, or to prevent, stem, or repel the intrusion of sea water therein, or to improve the quality of the waters thereof, when such basin is relied upon as a source of public water supply.

Article 3. Declaration of Policy

Policy of State

12922. It is hereby declared that the people of the State have a primary interest in the correction and prevention of irreparable damage to, or impaired use of, the ground water basins of this State caused by critical conditions of overdraft, depletion, sea water intrusion or degraded water quality.

Same

12922.1. The Legislature finds and declares that the greater portion of the water used in this State is stored, regulated, distributed and furnished by its ground water basins, and that such basins are subject to critical conditions of overdraft, depletion, sea water intrusion and degraded water quality causing great detriment to the peace, health, safety and welfare of the people of the State

Article 4. Declaration of Intent

Intent

12923 It is the intention of the Legislature that the department shall initiate investigations, studies, plans and design criteria for construction of any project, or projects, deemed by the department to be practical, economically feasible and urgently needed to accomplish the purposes of this chapter.

It is the further intention of the Legislature that upon the submission by any local agency, or agencies, to the department of plans and design criteria for any project, or projects, a review, evaluation and any necessary revision of such plans and design criteria shall be made by the department to insure that construction of such project, or projects, will accomplish the purposes of this chapter.

Article 5. Financing

12925. The sum of two hundred fifty thousand dollars ($250,000) is appropriated from the General Fund in the State Treasury to the department to be expended by it during the 1961-1962 fiscal year for the purposes of this chapter. Appropriation

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CHAPTER 1621

An act to amend Sections 4453, 4460 and 4557 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 4557 of the Labor Code is amended to read:

4557. Where the injury is to an employee under 16 years of age and illegally employed at the time of injury, the entire compensation otherwise recoverable shall be increased fifty percent (50%), and such additional sum shall be paid by the employer at the same time and in the same manner as the normal compensation benefits. Employees under 16 years of age and illegally employed

An employer shall not be held liable for the additional compensation provided by this section if such an employee is hired pursuant to a birth certificate, automobile driver's license, or other reasonable evidence of the fact the employee is over the age of 15 years, even though such evidence of age were falsely obtained by the employee. The additional compensation provided by this section shall not exceed the maximum sum specified by Section 4553 for additional compensation payable for serious and willful misconduct on the part of an employer. This section shall not apply to the State or any of its political subdivisions or districts.

SEC. 2. Section 4453 of the Labor Code is amended to read:

4453. In computing average annual earnings for the purposes of temporary disability indemnity only, the average weekly earnings shall be taken at not less than thirty-eight dollars and forty-six cents ($38.46) nor more than one hundred seven dollars and sixty-nine cents ($107.69). In computing average annual earnings for purposes of permanent disability indemnity, the average weekly earnings shall be taken at not less than thirty dollars and seventy-seven cents ($30.77) nor more than eighty dollars and seventy-seven cents ($80.77). Between these limits the average weekly earnings, except as provided in Sections 4456 to 4459, shall be arrived at as follows: Average annual earnings

(a) Where the employment is for 30 or more hours a week and for five or more working days a week, the average weekly earnings shall be 95 percent of the number of working days a week times the daily earnings at the time of the injury.

(b) Where the employee is working for two or more employers at or about the time of the injury, the average weekly earnings shall be taken as 95 percent of the aggregate of such earnings from all employments computed in terms of one week; but the earnings from employments other than the employment in which the injury occurred shall not be taken at a higher rate than the hourly rate paid at the time of the injury.

(c) If the earnings are at an irregular rate, such as piecework, or on a commission basis, or are specified to be by the week, month or other period, then the average weekly earnings mentioned in subdivision (a) above shall be taken as 95 percent of the actual weekly earnings averaged for such period of time, not exceeding one year, as may conveniently be taken to determine an average weekly rate of pay.

(d) Where the employment is for less than 30 hours per week, or where for any reason the foregoing methods of arriving at the average weekly earnings cannot reasonably and fairly be applied, the average weekly earnings shall be taken at 95 percent of the sum which reasonably represents the average weekly earning capacity of the injured employee at the time of his injury, due consideration being given to his actual earnings from all sources and employments.

SEC. 3. Section 4460 of the Labor Code is amended to read:

Temporary disability indemnity payable

4460. For the purpose of computing the temporary disability indemnity payable to any employee who sustains an original injury causing temporary disability, the maximum average weekly earnings shall be taken at one hundred seven dollars and sixty-nine cents ($107.69). For the purpose of computing the permanent disability indemnity payable to any employee who sustains an original injury causing permanent disability, the maximum average weekly earnings shall be taken at eighty dollars and seventy-seven cents ($80.77).

Every computation made pursuant to this section as last amended shall be made only with reference to temporary disability or such permanent disability resulting from an original injury sustained after the act last amending this section becomes effective; provided, however, that all rights presently existing under this section shall be continued in force.

CHAPTER 1622

An act to add Section 28731.5 to, and to amend Sections 29168 and 29169 of, the Public Utilities Code, relating to the San Francisco Bay Area Rapid Transit District.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 28731.5 is added to the Public Utilities Code, to read:

28731.5. A member of the board of supervisors of, or a mayor or member of the city council of any city within, any county in the district may be appointed to and serve contemporaneously as a member of the board of directors. Members of the board of directors

SEC. 2. Section 29168 of said code is amended to read:

29168. At any special bond election two or more propositions for incurring indebtedness may be submitted at the same election in which event the votes cast for and against each proposition shall be counted separately, and whenever three-fifths of the qualified electors voting on any one of such propositions vote in favor thereof such proposition shall be deemed adopted. Special bond elections

SEC. 3. Section 29169 of said code is amended to read:

29169. Whenever three-fifths of the votes cast at any special bond election or on any proposition submitted thereat are in favor of incurring the indebtedness set forth in such proposition, the board may by resolution at any time it deems proper, or from time to time, provide for the authorization and issuance of the bonds not exceeding the amount authorized at such election. Required vote: Resolution of the board

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CHAPTER 1623

An act to add Chapter 9.5 (commencing with Section 2070) to Part 1 of Division 1 of the Unemployment Insurance Code, relating to employment programs for older workers.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Chapter 9.5 (commencing with Section 2070) is added to Part 1, of Division 1 of the Unemployment Insurance Code, to read:

CHAPTER 9.5. EMPLOYMENT FOR OLDER WORKERS

2070. It is the public policy of the State of California that manpower should be used to its fullest extent. This statement of policy compels the further conclusion that human beings seeking employment, or retention thereof, should be judged fairly and without resort to rigid and unsound rules that operate to disqualify significant portions of the population from gainful and useful employment. Accordingly, use by employers, employment agencies, and labor organizations of arbitrary and unreasonable rules which bar or terminate employment on the ground of age offend the public policy of this State. Public policy

2071. As used in this chapter: Definitions

(1) "Department" means Department of Employment.

(2) "Director" means Director of the Department of Employment.

(3) "Employee" does not include any individual employed by his parents, spouse or child or in the domestic service of any person.

(4) "Employer" does not include any employer with less than six persons in his employ. It does include any employer with six or more employees. It also includes the State of California and any political subdivision thereof.

(5) "Employment agency" includes any person undertaking to procure employees or opportunities to work.

(6) "Labor organization" includes any organization which is constituted for the purpose, in whole or in part, of collective bargaining or in dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in connection with employees.

(7) "Person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy or receivers

Refusal to hire, etc., on account of age

2072. It is unlawful for an employer to refuse to hire or employ; or to discharge, dismiss, reduce, suspend, or demote any individual between the ages of 40 and 64 solely on the ground of age, except in cases where the law compels or provides for such action. This section shall not be construed to make unlawful the rejection or termination of employment where the individual applicant or employee failed to meet bona fide requirements for the job or position sought or held, or to affect bona fide retirement or pension programs; nor shall this section preclude such physical and medical examinations of applicants and employees as an employer may make or have made to determine fitness for the job or position sought or held.

Promotions within the existing staff, hiring or promotion on the basis of experience and training, rehiring on the basis of seniority and prior service with the employer, or hiring under an established recruiting program from high schools, colleges, universities and trade schools shall not, in and of themselves, constitute a violation of this chapter.

This section shall not limit the right of an employer, employment agency, or labor union to select or refer the better qualified person from among all applicants for a job. The burden of proving a violation of this section shall be upon the person or persons claiming that the violation occurred.

Co-operation with other departments, etc

2073. The department shall co-operate with other departments, agencies, and institutions both public and private in providing job counseling and placement services and developing employment programs for older workers, including employment programs to protect and safeguard the right and opportunity of such workers to seek, obtain, and hold employment without discrimination or abridgement on account of age, unless based upon a bona fide occupational qualification or

upon applicable security regulations established by the United States or the State of California.

Policies and recommendations

2074. The department shall formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the State and of local governments in aid of such policies and purposes. Nothing herein shall modify or supersede the authority or responsibility of the State Personnel Board to enforce the provisions of the State Civil Service Act.

Program of education etc.

2075. The department shall carry on a continuing program of education, information, research, study, and community organization concerning the problems of older workers in seeking, obtaining, and holding employment without discrimination on account of age. The department shall create such local advisory agencies as in its judgment will aid in effectuating the purposes of this section, and may empower them to study the problems of discrimination on account of age and all problems relating to employment programs for older workers, and to foster through community effort co-operation among the various groups and elements of the population of the State and to make recommendations to the department for the development of policies and procedures to carry out the purposes of this section. Such advisory agencies shall be composed of representative citizens, serving without pay.

Publications

2076. The department shall issue such publications and such results of research and other activities as in its judgment will tend to minimize or eliminate discrimination in employment on account of age.

Annual report

2077. The department shall render annually to the Governor a written report of its activities and its recommendations relating to the improvement of job opportunities for older persons, and the elimination of discrimination against employees and prospective employees on the basis of age.

Apprenticeship programs

2078. The age limitations of the apprenticeship programs in which the State participates shall not be considered discriminatory within the meaning of this chapter.

CHAPTER 1624

An act to amend Sections 59, 65, 71, 79, 84, and 85 of, and to add Section 61.1 to, of the Antelope Valley-East Kern Water Agency Law (Chapter 2146, Statutes of 1959), relating to the Antelope Valley-East Kern Water Agency.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 59 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146, Statutes of 1959) is amended to read:

Board of directors Appointment of officers

Sec. 59. The board of directors shall be the governing body of the Antelope Valley-East Kern Water Agency and shall at its first meeting, or as soon thereafter as practicable, and at any other appropriate time, appoint by a majority vote (1) a secretary, (2) a treasurer, (3) an attorney, (4) a chief engineer, (5) a general manager and (6) an auditor, and pursuant to Section 65 of this act define their duties and fix their compensation, and each shall serve at the pleasure of the board, and may employ such additional assistants and employees as they may deem necessary to efficiently maintain and operate said district. Said board may consolidate the office of secretary and treasurer, and the offices of chief engineer and general manager.

SEC. 2. Section 61.1 is added to said law to read:

Distribution and apportionment of water

Sec. 61.1. The agency shall whenever practicable, distribute and apportion the water purchased from the State of California or water obtained from any other source as equitably as possible on the basis of total payment by a district or geographical area within the agency regardless of its present status, of taxes, in relation that such payment bears to the total taxes and assessments collected from all other areas.

It is the intent of this section to assure each area or district its fair share of water based upon the amounts paid into the agency, as they bear relation to the total amount collected by the agency.

SEC. 3. Section 65 of said law is amended to read:

Powers exercised by the board

Sec. 65. All powers, privileges and duties vested in or imposed upon the Antelope Valley-East Kern Water Agency incorporated hereunder shall be exercised and performed by and through the board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the offices created hereby and by the board of directors acting hereunder.

The board of directors shall have power:

(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings

(2) To fix the location of the principal place of business of the agency and the location of all offices and departments maintained hereunder.

(3) To prescribe by ordinance a system of business administration and to create any and all necessary offices and to establish and re-establish the powers and duties and compensation of all officers and employees and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the agency.

(4) To prescribe by ordinance a system of civil service.

(5) To delegate and redelegate by ordinance to officers of the agency power to employ clerical, legal and engineering assistants and labor, and under such conditions and restric-

tions as shall be fixed by the directors, power to bind the agency by contract.

(6) To prescribe a method of auditing and allowing or rejecting claims and demands.

(7) To prescribe methods for the construction of works and for the letting of contracts for the construction of works, structures or equipment, or the performance or furnishing of labor, materials, or supplies, necessary or convenient for carrying out any of the purposes of this act or for the acquisition or disposal of any real or personal property; provided, that in cases where work is not to be done by the agency itself by force account, and the amount involved shall be ten thousand dollars ($10,000), or more, any contract for the doing of such work shall be let to the lowest responsible bidder, after publication, in the manner prescribed by the board, of notices inviting bids therefor, subject to the right of said board to reject any and all proposals; and provided further, that contracts, in writing or otherwise, for the acquisition or disposal of any real or personal property may be let without calling for competitive bids. The board may, from time to time, fix and establish the manner of calling for bids and letting contracts, but except as such procedure so established by the board otherwise requires, all contracts may be entered into upon such terms and in such manner as the board may authorize.

(8) To fix the rates at which water should be sold, and to establish different rates for different classes or conditions of service; provided, that rates shall be uniform for like classes or conditions of service throughout the agency, but any special water rate fixed in accordance with terms and conditions of annexation fixed by the board under the provisions of Section 82 or 83 hereof, shall be deemed to be a rate for a different class or condition of service.

SEC. 4. Section 71 of said law is amended to read:

Improvement district formation Procedures

SEC. 71. Whenever the board of directors deems it necessary to form an improvement district of a portion of the agency for a purpose other than the incurring of bonded indebtedness under Section 69 of this act it shall by resolution so declare and state: (a) the purpose for which the proposed improvement district is to be formed, (b) the estimated expense of carrying out said purpose, (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, (d) that taxes for carrying out said purpose shall be levied exclusively upon the taxable property in said proposed improvement district, (e) that a map showing the exterior boundaries of said proposed improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary of the agency and is available for inspection by any person or persons interested, (f) the time

and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the purpose for which it is to be formed, and the estimated expense of carrying out said purpose and (g) that at said time and place any person interested, including all persons owning property in the agency or in the proposed improvement district will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the Antelope Valley-East Kern Water Agency, if there is a newspaper circulated therein. Said notice shall also be given by posting a copy of said resolution in three public places within the proposed improvement district for at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing at which hearing any person interested, including all persons owning property in the agency, or in the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution. At the conclusion of the hearing the board shall by resolution determine whether it is necessary to form said improvement district, and, if so, the resolution shall also state the purpose for which the proposed improvement district is to be formed, estimated expense of carrying out said purpose, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map, shall thereupon constitute and be known as "Improvement District (A, B, C, or other letter designation) of the Antelope Valley-East Kern Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the Antelope Valley-East Kern Water Agency pursuant to this section all taxes levied for the carrying out of said purpose shall be levied exclusively upon the taxable property in the improvement district.

A copy of the resolution forming the improvement district shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency, and a copy of said resolution shall also be posted in three public places within the proposed improvement district for at least two weeks. Said resolution shall not be effective until the 31st day after completion of said publication and/or posting. If before said effective date a petition signed by not less than 10 percent of the voters of the improvement district requesting that an election be held on the formation thereof is presented to the board of directors, said board shall call a special election in the improvement district for the purpose of

submitting the question of the formation of the improvement district to the voters of said improvement district.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code prior to the date of the proposed election, in at least one newspaper printed and published in the Antelope Valley-East Kern Water Agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the elections shall have otherwise been fairly conducted.

If from such returns it appears that a majority of the votes cast at such election were in favor of the formation of such improvement district, the formation of such improvement district shall be complete.

Any action or proceeding wherein the validity of the formation of the improvement district or of any of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the effective date of the resolution forming such district, or if an election is held, within three months from the date of such election, otherwise the formation of the improvement district and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 5. Section 79 of said law is amended to read:

Tax rates, levy of tax, etc

SEC. 79. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the agency, and within a reasonable time previous to the time when the board of supervisors is required by law to fix its tax rate, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of an interest on any bonded debt of the agency or of an improvement district thereof as will become due before

the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the district. The board of directors shall direct that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy, in addition to such other tax as may be levied by such board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the agency, or improvement district thereof benefited by the bonded debt, as the case may be, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required. Taxes for the payment of the interest on or principal of any bonded debt shall be levied on the property within the agency, or improvement district thereof, benefited by the bonded debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Notwithstanding any other provision of this act taxes for the general administrative purposes of the agency should be levied on all property within the agency or portion thereof subject to the particular tax and the aggregate tax levied for such administrative purposes shall for the fiscal year not exceed ten cents ($0.10) on each one hundred dollars ($100) of assessed valuation on the taxable property in the district or such portion thereof. This shall be exclusive of any tax levied to meet the payment of interest or principal on any bonded indebtedness of the agency or any indebtedness arising out of any contractual obligations with the federal, state, county or city governments or political subdivision thereof including this agency. And it shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in time, form, and manner as county taxes are collected, and when collected to pay the same to the agency. Taxes for the payment of a bonded debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the agency shall be a lien on all the property in the agency subject to the respective tax. Agency taxes, whether for payment of a bonded indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 6. Section 84 of said law is amended to read:

Exclusion of territory Procedures

Sec. 84. Territory included within the Antelope Valley-East Kern Water Agency may be excluded from such agency, provided that where any part of the corporate area of any city is included in the territory proposed to be excluded from the agency, the whole of the corporate area of such city, or part thereof, then included within such agency shall be included in the territory so proposed to be excluded from such

agency. Such territory may consist of one or more parcels, which need not be contiguous one with the other.

Initiation by petition

Proceedings for the exclusion of territory from the agency may be initiated by petition describing the boundaries of the lands sought to be withdrawn and signed by at least 25 percent of the property owners and at least 51 percent of the registered voters of the area of the lands sought to be withdrawn; provided, that where one or more cities, or parts thereof, are included in the area so proposed to be excluded, such petition must be signed by at least 51 percent of the registered voters of each such city, or part thereof. Such petition may consist of any number of separate instruments and must be filed with the secretary of the agency. Such petition shall be accompanied by a certified check in the amount of one thousand dollars ($1,000) which shall be deposited in the treasury of the agency to be used for the purpose of defraying the costs of the election and other procedural expenses. The funds so deposited shall be used solely for such purpose, and any funds, remaining after the completion of the proceedings shall be refunded to the person whose name appears on the petition or first instrument of the petition filed with the agency. Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion and shall contain a prayer that such area be excluded from the agency.

Description, examination of petition, etc

Within 30 days of the date of filing of such petition, the secretary of the agency shall submit the description to the boundary commission of the county in which the area to be excluded lies, and the secretary of the agency after receiving report of such boundary from said commission shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters and property owners, and if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters, and property owners, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

Insufficient petition

If, by the certificate of the secretary of the agency, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within ten (10) days of the date of such certificate. The secretary of the agency shall, within ten (10) days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided. If his certificate shall

show any such petition to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the secretary, such petition is shown to be sufficient, the secretary shall present the same to the board of directors.

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the secretary, such petition, or petition as amended is shown to be sufficient, the secretary shall present the same to the board of directors without delay.

Publication of petition

The text of such petition shall be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time set for hearing before the board of directors of the agency in at least one, but not to exceed three, newspapers printed and published in such agency, together with a notice stating the time of the meeting at which the same will be presented. When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

After an election for the exclusion of such area from the agency the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Order

At the conclusion of the meeting and hearing the board shall either order an election on the proposition within the agency for the area seeking to be withdrawn, or the board shall approve the petition and the lands shall thereupon be withdrawn from the agency.

Initiation by resolution

The board of directors of the agency, by resolution, may initiate proceedings for the exclusion of territory from such agency. Such resolution shall describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, shall require all persons interested in the proposed exclusion to appear before the board and be heard as to why said area should not be excluded, shall fix the time of the meeting of the board at which persons so interested will be heard, and shall direct the secretary of the agency to give notice thereof. The secretary whereupon shall cause the text of said resolution and a notice of the time and place of said hearing to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time so fixed for the hearing,

Publication of resolution

in at least one, but not to exceed three, newspapers printed and published in the agency.

After an election for the exclusion of such area from the agency the sufficiency of such resolution shall not be subject to judicial review or be otherwise questioned.

Granting petition by ordinance

Hearing on resolution

If the proceedings for exclusion have been initiated by petition, such petition may be granted by ordinance of the board of directors of such agency. If such proceedings have been initiated by resolution, the board of directors shall hear all persons interested in the proposed exclusion who appear at the hearing, which may be adjourned from time to time, and after the conclusion of the hearing, the board may determine by ordinance that such area should be excluded from the agency. If such petition is granted or if such determination is made, the proposition of such exclusion shall be submitted to the vote of the voters of the agency at an election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by publication in a newspaper of general circulation published in the agency once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week, prior to the date fixed for such election. Such notice shall describe the boundaries of the area so proposed to be excluded and shall designate such area by some appropriate name, or other words of identification, by which such area may be referred to and indicated upon the ballot to be used at any election at which the question of such exclusion is submitted, as in this act provided. The measure so submitted at such election shall be stated on the ballot substantially as follows:

Election

Notice of election

"Shall _____ (giving the name or other designation of the area proposed to be excluded, as stated in the notice of the election) be excluded from the Antelope Valley-East Kern Water Agency?"

Ballot statement

At the right of such proposition there shall be printed the words, "Yes" and "No" with voting squares. The board of directors shall canvass the votes cast at such election and if such proposition is approved by a majority of votes cast in the agency then existing and a majority of votes cast in the territory seeking to be withdrawn are in favor of the proposition of withdrawing the territory, the president and secretary of the board of directors shall certify that fact to the Secretary of State. Then the board shall enter into its minutes an order that the territory is withdrawn. All elections on propositions for the withdrawing of territory shall be combined, when possible, with the next ensuing primary or general election.

Upon receipt of such last-mentioned certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said proposition and the exclusion of said area from said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county or counties in which the Antelope Valley-East Kern Water

Agency is situated. From and after the date of such certificate, the area named therein shall be deemed excluded from, and shall no longer form a part of, said Antelope Valley-East Kern Water Agency, but the taxable property within such excluded area shall continue taxable by the Antelope Valley-East Kern Water Agency for the purpose of paying the bonded or other indebtedness of the Antelope Valley-East Kern Water Agency outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred.

SEC. 7. Section 85 of said law is amended to read:

Exclusion of uninhabited territory Procedures

Sec. 85. Uninhabited territory included within the Antelope Valley-East Kern Water Agency may be excluded from such agency pursuant to the provisions of this section. For the purposes hereof, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for exclusion or the initiation of proceedings by resolution of the board. Incorporated territory lying within the boundaries of any city may be excluded from such agency in accordance with the provisions of this section only if upon the exclusion of such uninhabited territory no part of the corporate area of such city will be included in such agency. Such uninhabited territory may consist of one or more parcels, which need not be contiguous one with the other.

Initiated by petition

Proceedings for the exclusion of uninhabited territory from any agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by the owners of not less than one-fourth of the land in such territory by area and by assessed value as shown on the last equalized assessment roll of the county or counties in which such territory is situated. A guardian, executor, administrator, or any person holding property in a trust capacity under appointment of court, may sign any petition or protest provided for in this section, when authorized by the proper court, which authorization may be made without notice. The last equalized assessment roll of said county is prima facie evidence of the ownership of the land or lands lying within such territory proposed to be excluded. Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, and shall contain a prayer that such area be excluded from the Antelope Valley-East Kern Water Agency pursuant to the provisions of this section.

Resolution giving notice

The secretary shall present such petition to the board of directors of the agency at its next meeting, and said board, without delay, shall pass a resolution giving notice of the proposed exclusion. Said resolution shall state that said petition has been filed, shall set forth and describe the boundaries of the territory proposed to be excluded, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing

thereof, written protest to the exclusion of such territory, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Initiated by resolution

The board of directors of the agency by resolution may initiate proceedings for the exclusion of uninhabited territory from such agency. Such resolution shall declare that proceedings have been initiated by the board of directors under the provisions of this section, shall state the reason for proposing such exclusion, shall set forth and describe the boundaries of the territory proposed to be excluded, shall state that any owner of property within such territory may file with the secretary of the agency, at any time prior to the hour set for the hearing thereof, written protest to the exclusion of such territory, and shall fix the time and place of the meeting of the board at which the board will hear such protests.

Hearings

Said hearings shall be commenced not less than 20 nor more than 40 days after the passage of the resolution of the board of directors The secretary of the agency shall cause the text of the resolution to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers published in the agency.

After the date of issuance by the Secretary of State of his certificate reciting the passage of the ordinance approving the exclusion and the exclusion of the uninhabited territory from the agency, the sufficiency of the petition or resolution shall not be subject to judicial review or be otherwise questioned.

Protest

At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be excluded may file with the secretary of the agency written protest against the exclusion. The protest shall state the name of the owner of the property affected, and the description and area of such property in general terms. At the hearing, which may be adjourned from time to time, the board of directors shall hear and pass upon all protests so filed. If such protests are so filed by the owners of one-half of the value of the territory proposed to be excluded as shown by the last equalized assessment roll of the county or counties, further proceedings shall not be taken. If such protest is not made, the board of directors shall approve or disapprove the exclusion by ordinance. Any ordinance approving such exclusion shall set forth and describe the boundaries of the territory so excluded. If the board of directors disapproves the exclusion, a new proceeding to exclude any of the same territory shall not be initiated under this section for a period of 12 months from the effective date of the ordinance.

When an ordinance approving exclusion of uninhabited territory becomes effective, the president and secretary of the

board of directors shall file with the Secretary of State a certified copy of the ordinance. Upon receipt of the certified copy of the ordinance, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area or areas from said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerks of the counties in which the Antelope Valley-East Kern Water Agency is situated. From and after the date of such certificate, the area or areas named therein shall be deemed excluded from, and shall no longer form a part of, said Antelope Valley-East Kern Water Agency, but the taxable property within such excluded area or areas shall continue taxable by such Antelope Valley-East Kern Water Agency for the purpose of paying the bonded or other indebtedness of the Antelope Valley-East Kern Water Agency outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred.

Notwithstanding the eligibility of any territory for exclusion from the Antelope Valley-East Kern Water Agency pursuant to the provisions of this section, the procedure herein prescribed shall not be deemed exclusive and such territory may be excluded from such agency as a separate parcel, or as part of a larger parcel, of territory excluded under the provisions of Section 84 of this act.

CHAPTER 1625

An act to amend Section 35551 of the Vehicle Code, relating to vehicle weight limits.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 35551 of the Vehicle Code is amended to read:

35551. Every vehicle whether operated singly or in a combination of vehicles, and every combination of vehicles must comply with both subdivisions (a) and (b) of this section. The limitations imposed by this section are in addition and supplemental to all other provisions of this code imposing limitations upon the size and weight of vehicles.

(a) The total gross weight with load imposed on the highway by any group of two or more consecutive axles of a vehicle or of a combination of vehicles where the distance between the first and last axles of the two or more consecutive axles

is 18 feet or less, shall not exceed that given for the respective distance in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
4	32,000
5	32,000
6	32,200
7	32,900
8	33,600
9	34,300
10	35,000
11	35,700
12	36,400
13	37,100
14	43,200
15	44,000
16	44,800
17	45,600
18	46,400

(b) Except as specified in subdivision (c), the total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is more than 18 feet shall not exceed that given for the respective distances in the following table:

Distance in feet	Allowed load in pounds
18	46,400
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	68,000

Distance in feet	Allowed load in pounds
40	70,000
41	72,000
42	73,280
43	73,280
44	73,280
45	73,280
46	73,280
47	73,280
48	73,280
49	73,280
50	73,280
51	73,280
52	73,600
53	74,400
54	75,200
55	76,000
56 or over	76,800

(c) The total gross weight with load imposed on state highways specified in this subdivision by any vehicle or combination of vehicles where the distance between the first and last axles is more than 18 feet shall not exceed that given for the respective distances in the following table:

Distance in feet	Allowed load in pounds
18	46,400
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	67,150
40	68,000
41	68,000

Distance in feet	Allowed load in pounds
42	68,000
43	68,000
44	68,000
45	68,000
46	68,800
47	69,600
48	70,400
49	71,200
50	72,000
51	72,800
52	73,600
53	74,400
54	75,200
55	76,000
56 or over	76,800

The state highways or portions thereof to which this subdivision (c) is applicable are:

Route 11 from Antioch to Paintersville.
Route 12 from Coyote Wells to Dixieland.
Route 15 from Williams to Colusa.
Route 20 from Redding to Shingletown.
Route 26 from Westmorland to Coachella.
Route 46 from Weitchpec to Johnsons
Route 56 from Gualala to Noyo
Route 56 from San Simeon to Big Sur.
Route 58 from Barstow to Needles.
Route 83 from Seneca Road to Prattville.
Route 87 from Knights Landing to Tudor.
Route 87 from Route 21 to Thermalito Road.
Route 89 from Middletown to Kelseyville.
Route 102 from Rutherford to its junction with Route 6.
Route 103 from Calistoga to its junction with Route 1.
Route 126 from Kerman to Madera.
Route 138 from Oilfields to Mendota.
Route 147 from Arroyo Grande to San Luis Obispo.
Route 208 from Vallejo to its junction with Route 8.
Route 216 from Susanville to Eagle Lake.
Route 233 from Sierraville to Loyalton.
Route 243 in its entirety.

Upon determining that the structures on any of the highways listed in this subdivision are adequate to carry the types of loads listed in subdivision (b), the Department of Public Works may designate any of such highways or portions thereof as being subject to the limits set forth in subdivision (b) rather than those in this subdivision by causing such designation to be filed and published in accordance with the Administrative Procedure Act (Chapters 4 and 5 (commencing with Sections 11370 and 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(d) The distance between axles shall be measured to the nearest even foot. When a fraction is exactly one-half foot the next larger whole number shall be used.

(e) Nothing herein shall affect the right to prohibit the use of any highway or any bridge or other structure thereon in the manner and to the extent specified in Articles 4 (commencing with Section 35700) and 5 (commencing with Section 35750) of Chapter 5 of Division 15 of this code

(f) This section may be cited as the Collier-Porter Act.

CHAPTER 1626

An act to amend Section 11713 of the Vehicle Code, and to add Chapter 2b (commencing with Section 2981) to Title 14 of Part 4 of Division 3 of the Civil Code, and to repeal Sections 2981, 2982, and 2982.5 of the Civil Code, relating to motor vehicles.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

Repeal

SECTION 1. Section 2981 of the Civil Code is repealed.

Repeal

SEC. 2. Section 2982 of said code is repealed.

Repeal

SEC. 3. Section 2982.5 of said code is repealed.

SEC. 4. Chapter 2b (commencing with Section 2981) is added to Title 14 of Part 4 of Division 3 of said code, to read:

CHAPTER 2b. AUTOMOBILE SALES FINANCE ACT

Definitions

2981. As used in this chapter, unless the context otherwise requires:

(a) "Conditional sale contract" means:

(1) Any contract for the sale of a motor vehicle between a buyer and a seller, with or without accessories, under which possession is delivered to the buyer but the title vests in the buyer thereafter only upon the payment of all or part of the price, or upon the performance of any other condition, or

(2) Any contract for the bailment or leasing of a motor vehicle between a buyer and a seller, with or without accessories, by which the bailee or lessee agrees to pay as compensation a sum substantially equivalent to the value of the property, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the property upon full compliance with the terms of the contract, or

(3) Any contract for the sale of a motor vehicle between a buyer and a seller, with or without accessories, under which possession is delivered to the buyer, and a lien on the property is to vest in the seller as security for the payment of part or all of the price, or for the performance of any other condition.

(b) "Seller" means a person engaged in the business of selling or leasing motor vehicles under conditional sale contracts.

(c) "Buyer" means the person who buys or hires a motor vehicle under a conditional sale contract.

(d) "Person" includes an individual, company, firm, association, partnership, trust, corporation, or other legal entity.

(e) "Cash price" means the amount for which the seller would sell and transfer to the buyer unqualified title to the motor vehicle described in the conditional sale contract, if the property were sold for cash at the seller's place of business on the date the contract is executed, and includes any applicable sales taxes and the total amount paid or to be paid to any public officer in connection with the transaction.

(f) "Down payment" means that part of the cash price which the buyer pays or agrees to pay to the seller in cash or property value or money's worth at or prior to delivery by the seller to the buyer of the motor vehicle described in the conditional sale contract, including the cash, property or thing of value which the buyer deposits with the seller pending execution of a conditional sale contract, which cash, property or thing of value shall be refundable to the buyer in the event a conditional sale contract is not executed, or if the property or thing of value traded in cannot be returned, the cash value thereof.

(g) "Unpaid balance" means the difference between (e) and (f), plus all insurance premiums (except for credit life or disability insurance when the amount thereof is included in the finance charge), which are included in the contract balance.

(h) "Finance charge" means any amount which the buyer agrees to pay to the seller in excess of the unpaid balance.

(i) "Contract balance" means the amount unpaid under the conditional sale contract, which the buyer agrees to pay in installments as originally provided therein, and shall not include amounts for which the buyer may later become obligated under the terms of the contract in connection with insurance, repairs to or preservation of the motor vehicle, preservation of the security interest therein, or otherwise.

(j) "Motor vehicle" means any vehicle required to be registered under the Vehicle Code which is bought for use primarily for personal or family purposes, and does not mean any vehicle which is bought for use primarily for business or commercial purposes.

(k) "Purchase order" means a sales order, car reservation, statement of transaction or any other such instrument used in the conditional sale of a motor vehicle pending execution of a conditional sale contract. The purchase order shall conform to the disclosure requirements of paragraphs 1 to 8, inclusive, and paragraph 10 of subdivision (a) of Section 2982 and Section 2984.1.

Contract form, terms, etc

2982. (a) Every conditional sale contract for the sale of a motor vehicle, with or without accessories, shall be in writing and, if printed, shall be printed in type no smaller than six

point, and shall contain in a single document all of the agreements of the buyer and seller with respect to the total cost and the terms of payment for the motor vehicle, including any promissory notes or any other evidences of indebtedness. The conditional sale contract or a purchase order shall be signed by the buyer or his authorized representative and by the seller or its authorized representative, and an exact copy thereof shall be furnished the buyer by the seller at the time the buyer and the seller have signed the contract or purchase order. No motor vehicle shall be delivered under this chapter until the seller delivers to the buyer a fully executed copy of the conditional sale contract or purchase order. The seller shall not obtain the signature of the buyer to a contract when it contains blank spaces to be filled in after it has been signed. Every conditional sale contract shall contain, although not necessarily in the sequence or order set forth below, the following separate items:

Required items in contract

1. The cash price of the motor vehicle described in the conditional sale contract.

2. The amount of the buyer's down payment, and whether made in cash or represented by the net agreed value of described property traded in, or both, together with a statement of the respective amounts credited for cash and for such property.

3. The amount unpaid on the cash price, which is the difference between Items 1 and 2.

4. The cost to the buyer of any insurance, the premium for which is included in the contract balance. Any such cost for credit life or disability insurance may be included in the finance charge if the amount thereof is separately stated on the face of the contract.

5. The amount of the unpaid balance, which is the sum of Items 3 and 4.

6. The amount of the finance charge.

7. The contract balance owed by the buyer to the seller, which is the sum of Items 5 and 6.

8. The number of installments required to pay the contract balance, the amount of each installment, and the date for payment of the installments.

9. The names and addresses of all persons to whom the notice required under Section 2983.2 and permitted under Sections 2983.5 and 2984 of this code is to be sent.

10. A notice, in at least eight-point bold type if the contract is printed, reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the finance charge. (4) If you default in the performance of your obligations under this agreement, the vehicle may be repos-

sessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement."

(b) If any charge for insurance (other than for credit life or disability) is included in the contract balance and disbursement of any part thereof be made more than one year after the date of the conditional sale contract, any finance charge on the amount to be disbursed after one year shall be computed from the month the disbursement is to be made to the due date of the last installment under the conditional sale contract.

(c) The amount of the finance charge in any conditional sale contract for the sale of a motor vehicle, with or without accessories, shall not exceed 1 percent of the unpaid balance multiplied by the number of months (computed on the basis of a full month for any fractional month period in excess of 15 days) elapsing between the date of the contract and the due date of the last installment, or twenty-five dollars ($25), whichever is greater. The contract may provide for a delinquency charge or charges on any installment in default for a period of not less than 10 days in an amount not to exceed in the aggregate 5 percent of the installment, which amount may be collected only once on any installment regardless of the period during which it remains in default. The contract may provide for reasonable collection costs and fees in the event of delinquency.

(d) Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding, the buyer shall have the privilege of paying at any time in full the indebtedness evidenced by the contract. Whenever an indebtedness is liquidated prior to maturity by prepayment or refinancing, or upon surrender or repossession and resale of the motor vehicle, the holder shall thereupon refund to the buyer the unearned portion of the finance charge. The refund may be made in cash or credited to the amount due on the obligation of the buyer. The amount of the refund shall represent at least as great a proportion of the finance charge, after first deducting therefrom twenty-five dollars ($25), as the sum of the periodic time balances payable more than 15 days after the date of prepayment (or other event entitling the buyer to the refund) bears to the sum of all of the periodic time balances under the schedule of installments in the contract. The provisions of this subdivision shall not impair the right of the seller or his assignee to receive delinquency charges on delinquent installments and reasonable costs and fees as provided in subdivision (c) of this section. Where the amount of such refund is less than one dollar ($1), no refund need be made.

Accidental errors

2983 If the seller, except as the result of an accidental or bona fide error in computation, violates any provision of subdivisions (a) or (c) of Section 2982, the conditional sale contract shall not be enforceable, except by a bona fide purchaser, assignee or pledgee for value or until after the violation is

corrected as provided in Section 2984, and if the violation is not corrected the buyer may recover from the seller the total amount paid, pursuant to the terms of the contract, by the buyer to the seller or his assignee. The amount recoverable for property traded in as all or part of the down payment shall be equal to the agreed cash value of such property as the value appears on the conditional sale contract.

Violations Recovery

2983.1. If the seller or holder of a conditional sale contract, except as the result of an accidental or bona fide error of computation, violates any provision of subdivision (d) of Section 2982, the buyer may recover from such person three times the amount of any finance charge paid to that person.

If a holder acquires a conditional sale contract without actual knowledge of the violation by the seller of subdivisions (a) or (c) of Section 2982, the contract shall be valid and enforceable by such holder except (unless the violation is corrected as provided in Section 2984) the buyer is excused from payment of the unpaid finance charge.

If a holder acquires a conditional sale contract with knowledge of such violation of subdivisions (a) or (c) of Section 2982, the conditional sale contract shall not be enforceable except by a bona fide purchaser, assignee or pledgee for value or unless the violation is corrected as provided in Section 2984, and if the violation is not corrected the buyer may recover from the person to whom payment was made the amounts specified in Section 2983.

When a conditional sale contract is not enforceable under Sections 2983 or 2983.1, the buyer may elect to retain the motor vehicle and continue the contract in force or may, with reasonable diligence, elect to rescind the contract and return the motor vehicle. The value of the motor vehicle so returned shall be credited as restitution by the buyer without any decrease which results from the passage of time in the cash price of the motor vehicle as such price appears on the conditional sale contract.

Notice of intent to sell repossessed motor vehicle

2983.2. Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding, at least five days' written notice of intent to sell a repossessed motor vehicle must be given to all persons liable on the contract. The notice shall be given in person or shall be sent by mail directed to the address of the persons shown on the contract, unless such persons have notified the holder in writing of a different address. The notice shall set forth that there is a right to redeem the motor vehicle and the total amount required as of the date of the notice to redeem; may inform such persons of their privilege of reinstatement of the contract, if the holder extends such privilege; shall give notice of the holder's intent to resell the motor vehicle at the expiration of five days from the date of giving or mailing the notice, or if given by mail and either the place of deposit in the mail or the place of address is outside of this State, the period of

notice shall be 10 days instead of five days; shall disclose the place at which the motor vehicle will be returned to the buyer upon redemption or reinstatement; and shall designate the name and address of the person to whom payment shall be made. During the period provided under said notice, the person or persons liable on the contract may pay in full the indebtedness evidenced by the contract. Such persons shall be liable for any deficiency after sale of the repossessed motor vehicle only if notice has been given pursuant to this section.

Acceleration

2983.3. In the absence of default by the buyer in the performance of any of his obligations under the contract, the holder may not accelerate the maturity of any part or all of the amount owing thereunder or repossess the motor vehicle.

Attorney's fees and costs

2983.4. Reasonable attorney's fees and costs shall be awarded to the prevailing party in any action on a conditional sale contract subject to the provisions of this chapter regardless of whether the action is instituted by the seller, holder or buyer. Where the defendant alleges in his answer that he tendered to the plaintiff the full amount to which he was entitled, and thereupon deposits in court, for the plaintiff, the amount so tendered, and the allegation is found to be true, then the defendant is deemed to be a prevailing party within the meaning of this section.

Assignment by buyer

2983.5. No right of action or defense arising out of a conditional sale contract which the buyer has against the seller, and which would be cut off by assignment, shall be cut off by assignment to any third party whether or not he acquires the contract in good faith and for value unless the assignee gives notice of the assignment to the buyer as provided in this section and within 15 days of the mailing of notice receives no written notice of the facts giving rise to the claim or defense of the buyer. A notice of assignment shall be in writing addressed to the buyer at the address shown on the contract and shall identify the contract and inform the buyer that he must, within 15 days of the date of mailing of the notice, notify the assignee in writing of any facts giving rise to a claim or defense which he may have. The notice of assignment shall state the name of the seller and buyer, a description of the motor vehicle, the contract balance and the number and amount of the installments.

Correction of failures to comply

2984. Any failure to comply with any provision of this chapter (commencing with Section 2981) may be corrected by the holder, provided, however, that a willful violation may not be corrected unless it is a violation appearing on the face of the contract and is corrected within 30 days of the execution of the contract or within 20 days of its sale, assignment or pledge, whichever is later, provided that the 20-day period shall commence with the initial sale, assignment or pledge of the contract, and provided that any other violation appearing on the face of the contract may be corrected only within such time periods. A correction which will increase

the amount of the contract balance or the amount of any installment as such amounts appear on the conditional sale contract shall not be effective unless the buyer concurs in writing to the correction. If notified in writing by the buyer of such a failure to comply with any provision of this chapter, the correction shall be made within 10 days of notice. Where any provision of a conditional sale contract fails to comply with any provision of this chapter, the correction shall be made by mailing or delivering a corrected copy of the contract to the buyer. Any amount improperly collected by the holder from the buyer shall be credited against the indebtedness evidenced by the contract. A violation corrected as provided in this section shall not be the basis of any recovery by the buyer or affect the enforceability of the contract by the holder and shall not be deemed to be a substantive change in the agreement of the parties.

Statement concerning insurance

2984.1. Every conditional sale contract shall contain a statement in at least eight-point bold type if the contract is printed, which statement shall satisfy the requirements of Section 5604 of the Vehicle Code, as follows:

"UNLESS A CHARGE IS INCLUDED IN THIS AGREEMENT FOR PUBLIC LIABILITY OR PROPERTY DAMAGE INSURANCE, PAYMENT FOR SUCH COVERAGE IS NOT PROVIDED BY THIS AGREEMENT."

Title or lien under agreement

2984.2. No agreement in connection with a conditional sale of a motor vehicle for the inclusion of title to or a lien upon any personal or real property, other than the motor vehicle which is the subject matter of the conditional sale, or accessories therefor or special and auxiliary equipment used in connection therewith, or in substitution, in whole or in part, for any therefor, as security for payment of the contract balance, shall be enforceable.

Acknowledgment of delivery

2984.3. Any acknowledgment by the buyer of delivery of a copy of a conditional sale contract shall be printed or written in a size equal to at least 10-point bold type and, if contained in the contract, shall appear directly above the space reserved for the buyer's signature. The buyer's written acknowledgment, conforming to the requirements of this section, of delivery of a completely filled-in copy of the contract, shall be a rebuttable presumption of delivery in any action or proceeding by or against a third party without knowledge to the contrary when he acquired his interest in the contract. If either a copy of the contract or a notice containing Items 1 to 8 of subdivision (a) of Section 2982 of this code is furnished the buyer, and the buyer fails to notify the holder of the contract in writing within 30 days that he was not furnished a copy of the contract as required by this chapter, it shall be conclusively presumed in favor of such a third party that a copy was furnished as required by this chapter.

SEC. 5. Section 11713 of the Vehicle Code is amended to read:

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this article: Misleading advertising, etc

(a) To intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular or which misrepresents any of the products sold or furnished by a licensed dealer.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if said vehicle falls within the purview of Section 665 of this code.

(e) To knowingly purchase, sell or otherwise acquire or dispose of a stolen motor vehicle.

(f) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(g) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(h) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the State unless such amount has in fact been paid by the dealer prior to such sale.

(i) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing at Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(j) To deliver, following sale of a new unregistered vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 12 of this code.

(k) To use or permit the use of the special plates assigned to him for any purpose other than permitted by Section 11715.

(l) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or at his place of business, that no down payment is required in connection with the sale of a vehicle when a down payment is in fact required and the buyer is advised or induced to finance such down payment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

SEC. 6. This act shall take effect on January 1, 1962, and shall not apply to conditional sale contracts executed prior thereto. Operative date

SEC. 7. This act will be known as the Rees-Levering Motor Vehicle Sales and Finance Act. Short title

CHAPTER 1627

An act to add Section 2.75 to, to amend Sections 3.6, 4.6, 4.8, 4.13, 4.21, 4.23, 4.25, 5.4, 5.12, 5.32, 6.1, 6.2, 6.5, 6.7, 6.11, 9.1, 9.3 and 9.6 of, and to repeal Sections 4.22, 5.41, 5.42, and 11.2 of, Chapter 547 of the Statutes of 1957, relating to the Los Angeles Metropolitan Transit Authority.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 2.75 is added to Chapter 547 of the Statutes of 1957, to read:

"Mass rapid transit"

Sec. 2.75. "Mass rapid transit" shall not include the transportation of passengers by means of a chartered bus, a sightseeing bus, a school bus, a taxicab, or by any other vehicle except on an individual passenger fare-paying basis. Nothing in this section shall be construed to prohibit the authority from leasing its buses to privately operated charter or sightseeing companies.

SEC. 2. Section 3.6 of said act is amended to read:

Officers

Sec. 3.6. (a) The authority shall appoint a chairman, who shall be a member of the authority, and shall also appoint a secretary and a treasurer. The authority may also appoint a vice chairman from its members, said vice chairman to act as chairman in the absence or inability of the chairman. The secretary may be a member of the authority. The treasurer shall not be a member of the authority. The authority may appoint an executive director, who may be a member of the authority, and who shall be a man of recognized ability and experience, to hold office during the pleasure of the authority. Subject to the general control of the authority, and to the requirements and restrictions of any indenture under which bonds are at any time outstanding, the executive director shall have management of the properties and business of the authority and the employees thereof, shall direct the enforcement of all resolutions, rules and regulations of the authority, and shall perform such other duties as may be prescribed from time to time by the authority. The authority may appoint a general attorney and a chief engineer, and shall appoint or provide for the appointment of other officers, attorneys, engineers, consultants, agents and employees as may be necessary for any purpose of the authority, including, but not limited to, engineering and other studies and the acquisition, construction, extension, operation, maintenance, and policing of the system, and may contract with any thereof and with the executive director, but no such contract shall be for a term of longer than 10 years. It shall define their duties and require bonds of such of them as the authority may designate. The compensation of the executive director, general attorney, chief engineer, and all other officers, attorneys, consultants, agents and employees shall be

fixed by the authority, and such compensation shall be paid out of funds of the authority available for that purpose. The authority may employ a fiscal agent or adviser and may retain the services of such agents as may be deemed advisable to assist in the sale and distribution of the authority's bonds or the underwriting thereof. The consent of the Department of Finance shall not be required in carrying out the provisions of this Section 3.6.

(b) Employees shall have the right to self-organization, Employees to form, join, or assist labor organization, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. It is declared to be in the public interest that the authority shall not express any preference for one union over another. Notwithstanding any other provision of this act, whenever a majority of the employees employed by the authority in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the authority, upon determining as provided in subdivision (d) of this section that such labor organization represents the employees in the appropriate unit, shall enter a written contract with the accredited representative of such employees governing wages, salaries, hours and working conditions. In case of a dispute over wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the authority and the labor organization, upon the agreement of both, the authority and the labor organization may submit said dispute to the decision of the majority of an arbitration board, and the decision of the majority of such arbitration board shall be final. The arbitration board shall be composed of two representatives of the authority, and two representatives of the labor organization, and they shall endeavor to agree upon the selection of the fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the Supervisor of Conciliation of the Division of Conciliation, Department of Industrial Relations. The labor organization and the authority shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the authority have stricken four names, shall be designated as the arbitrator. The labor organization and the authority shall determine by lot who shall first strike from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of arbitration shall be borne equally by the parties. Each party shall bear his own costs.

No contract or agreement shall be made with any labor organization, association, group, or individual, or be assumed under the provisions of this section, where such organization, association, group, or individual denies membership to or in any manner discriminates against any employee on the grounds of race, creed, color or sex; provided, that such organization

may preclude from membership any individual who advocates the overthrow of the government by force or violence. The authority shall not discriminate in regard to employment against any person because of his race, creed, or color.

(c) If there is a question whether a labor organization represents a majority of employees or whether the proposed unit is or is not appropriate, such matters shall be submitted to the State Conciliation Service for disposition. The State Conciliation Service shall promptly hold a public hearing after due notice to all interested parties and shall thereupon determine the unit or units appropriate for the purposes of collective bargaining. In making such determination and in establishing rules and regulations governing petitions, the conduct of hearings and elections, the State Conciliation Service shall be guided by the relevant federal law and administrative practice developed under the Labor Management Relations Act, 1947, as presently amended.

The State Conciliation Service shall provide for an election to determine the question of representation and shall certify the results to the parties. Any certification of a labor organization to represent or act for the employees in any collective bargaining unit shall not be subject to challenge on the grounds that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification of the expiration of any collective bargaining agreement, whichever is later; provided, that no collective bargaining agreement shall be construed to be a bar to representation proceedings for a period of more than two years.

(d) Whenever the authority acquires existing facilities from a publicly or privately owned public utility, either in proceedings by eminent domain or otherwise, the authority shall assume and observe all existing labor contracts. To the extent necessary for operation of facilities, all of the employees of such acquired public utility whose duties pertain to the facilities acquired shall be appointed to comparable positions in the authority without examination, subject to all the rights and benefits of this act, and these employees shall be given sick leave, seniority, vacation and pension credits in accordance with the records and labor agreements of the acquired public utility. Members and beneficiaries of any pension or retirement system or other benefits established by that public utility shall continue to have the rights, privileges, benefits, obligations and status with respect to such established system. No employees of any acquired public utility shall suffer any worsening of his wages, seniority, pension, vacation or other benefits by reason of the acquisition.

The authority may extend the benefits of this section to officers or supervisory employees of the acquired utility.

Acquisitions limitation

(e) The authority shall not acquire any existing system or part thereof whether by purchase, lease, condemnation, or

otherwise, nor shall the authority dispose of or lease any transit system or part thereof, nor merge, consolidate or co-ordinate any transit system or part thereof, nor substitute any type of equipment on any system or part thereof for the then existing equipment, or reduce or limit the lines or service of any existing system or of its system unless it shall first have made adequate provision for any employees who are or may be displaced, or whose wages, hours, place, or conditions of employment are or may be adversely affected. The terms and conditions of such provisions shall be a proper subject of collective bargaining with the labor organizations that represent such employees. In the event that at the time the authority acquires a system or part thereof, and former or furloughed employees of such system are at that time entitled to protection under a collective bargaining agreement or an order of the Public Utilities Commission or other public agency, the authority shall provide for the continuation of such protection for the period of the agreement or order

(f) Notwithstanding the provisions of the Government Code, employees of the authority may authorize and, upon such authorization, the authority may make deductions from wages and salaries of such employees:

(1) Pursuant to a collective bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

(2) For the payment of contributions pursuant to any health and welfare plan or pension or retirement plan.

(3) For any purpose for which deductions may be authorized by employees of any private employer.

(g) The obligation of the authority to bargain in good faith with a duly designated or certified labor organization and to execute a written collective bargaining agreement with such labor organization covering the wages, hours and working conditions of the employees represented by such labor organization in an appropriate unit, and to comply with the terms thereof shall not be limited or restricted by the provisions of the Government Code or other laws or statutes and the obligation of the authority to bargain collectively shall extend to all subjects of collective bargaining, including without limitation retroactive pay increases, which are or may be proper subjects of collective bargaining with a private employer. Notwithstanding the provisions of the Government Code or other laws or statutes, the authority shall make deductions from wages and salaries of its employees upon receipt of authorization therefor for the payment of union dues, fees or assessments, for the payment of contributions pursuant to any health and welfare plan or pension plan or for any other purpose for which deductions may be authorized by employees of any private employer, where such deductions are pursuant to a collective bargaining agreement with a duly designated or certified labor organization.

SEC. 3. Section 4.6 of said act is amended to read:

Eminent domain

Sec. 4.6. The authority may exercise the right of eminent domain for the condemnation of real or personal property or any right or interest therein for its use within the metropolitan area, including the power to acquire real property in fee simple or any lesser estate or interest for rights-of-way or other uses of the authority. No publicly owned property shall be taken, or condemnation proceedings instituted therefor, without the consent of the public agency or public corporation owning or controlling such publicly owned property, nor shall any privately owned public utility be taken or condemned without consent of such utility. Sections 1401 to 1421, inclusive, of the Public Utilities Code shall not apply to any such condemnation of property of a privately owned public utility with the consent of such public utility at a price agreed to between the authority and such public utility, and the Public Utilities Commission of the State of California shall have no jurisdiction with respect thereto The consent of the Department of Finance shall not be required in carrying out the provisions of this section. The State, any political subdivision thereof, or any other public body may grant to the authority rights or easements in, upon, over under or across the property of such public agency for purposes of constructing and maintaining mass rapid transit facilities Such grant may be made without cost to the authority and it shall be conclusively presumed that any such grant is for the furtherance of the public purposes of the granting agency.

SEC. 4 Section 4.8 of said act is amended to read:

Acquisition of existing systems

Sec. 4.8 Whenever the authority acquires any existing system or portion thereof (whether motorbuses, trolley coaches, streetcars or other types of mass transit) it may continue to maintain and operate such system or portion thereof in, upon and across any and all streets, highways, freeways and other public places upon which such system or portion, as the case may be, was operated at the time the same was acquired by the authority. The authority shall not construct (excluding, however, any repair or reconstruction of the structures of any existing system acquired by the authority) any subways, elevated railways, overhead suspended transit, or any other structures constituting a method of mass rapid transit in, upon, over, under or across any street or highway until it shall have complied in all respects with the requirements of Sections 6 1 and 6 2 of this act. The authority shall not construct (excluding, however, any repair or reconstruction of the structure of any existing system acquired by the authority) any subways, elevated railways, overhead suspended transit, or any other structures constituting a method of mass rapid transit in, upon, over, under or across any public streets, highways, freeways and other public places without the consent of the city, county or State having jurisdiction over such street, highway, freeway or other public place; provided, however, that the authority may construct such a system in a subway along a route

determined in accordance with Sections 6.1 and 6.2 of this act, where neither such subway, nor the construction thereof, interferes with or diminishes the existing surface or "subsurface uses" of any public street or highway; provided, further, however, that if such subway, or the construction thereof, interferes with or diminishes the existing surface or "subsurface use" of any public street or highway, then to the extent that there is such interference or diminution the consent of the public agency having jurisdiction over the respective public street or highway shall first be obtained. The authority may operate motorbus lines, and motorbuses upon any public streets, highways, ways or freeways, and, subject to the requirements of the two last preceding sentences with respect to new structures, may operate any other method of mass rapid transit in, upon, over, under or across public streets, highways, freeways and other public places. It shall be presumed that use of the streets, highways, freeways and other public places by the authority for any of the purposes permitted herein constitutes no greater burden on adjoining properties than the uses existing as of the effective date of this provision. In the event facilities (including, but not limited to, streets, highways, pipelines, sewers, water mains, storm drains, poles, communications wires, and electric transmission wires) of another public corporation, the State, or of a private owner must necessarily be relocated, replaced, or altered in order for the authority to construct its system for mass rapid transit, or in the event the construction by the authority of its system makes necessary the relocation, replacement, or alteration of any such facilities of another public corporation, the State, or of a private owner in order to maintain the functioning of such facilities at their previous level of service, such facilities shall be relocated, replaced or altered with reasonable promptness by the respective public corporation, State, or private owner and the authority shall reimburse such public corporation, State, or private owner for the actual cost necessarily incurred in such relocation, replacement, or alteration.

SEC. 5. Section 4.13 of said act is amended to read:

Sec. 4.13. The authority may make contracts, leases and agreements with any department or agency of the United States of America or of the State of California or with any person or public corporation and may generally perform all acts necessary for the full exercise of the powers vested in it. The authority may acquire rolling stock or other property under conditional sales contracts, leases, equipment trust certificates, or any other form of contract or trust agreement. Contracts may be let by an officer or employee of the authority in such manner as may be authorized from time to time by the authority. Any revenue bond indenture may provide limitations upon the exercise of the powers stated in this section and such limitations shall apply so long as any of the revenue bonds issued pursuant to such indenture are outstanding and unpaid. Contracts, etc

SEC. 6. Section 4.21 of said act is amended to read:

Co-ordination with existing systems

Sec. 4.21. One of the purposes of this act is to co-ordinate any operations of the authority with the operations of any then existing system, and no other section of this act shall relieve the authority from the limitations, obligations and requirements of this section. If the authority proposes, and shall then be ready, able and willing, to establish, construct, complete, acquire, operate, extend or reroute (all of the foregoing being hereinafter referred to by the word "establish" in all forms thereof), directly or indirectly, either itself or by lease or contract with any other person or persons or otherwise, any mass rapid transit service or system in such manner or form as will or may, either then or at any time in the future, divert, lessen or compete for the patronage or revenues of the existing system of a publicly or privately owned public utility (excluding any subsequent extension or rerouting of the latter) situated entirely within the metropolitan area, or seventy-five percent (75%) of whose revenue vehicle miles for the preceding calendar year are operated within the metropolitan area, then the authority shall give to each such public utility prior written notice of the proposed establishment of such service or system in sufficient detail to fully apprise such public utility of the form, nature and extent thereof and (subject to the restrictions of this section) of the time within which the authority intends to establish such service.

Until 120 days after receipt of such notice by each such public utility, the authority shall not establish any such proposed service or system. At any time after receipt of such notice, or if the authority without giving such notice establishes any such proposed service or system in violation of this section then at any time after establishment of such service or system, and in either event until the expiration of 120 days after the receipt of such a notice, each such public utility shall have the option, in its sole discretion to be exercised by written notice to the authority, (i) to require the authority to purchase that portion of the existing system of such public utility (as designated in such written notice) the patronage or revenue from which will or may be diverted, lessened, or competed for by the establishment of the proposed service or system by the authority, or (ii) to require the authority to purchase all of the existing system of such public utility.

If such public utility elects the relief described under clause (i) or (ii) above, then unless within ninety (90) days after receiving written notice of such election the authority gives such public utility notice in writing that it has abandoned any intention to establish the proposed service or system of which it gave notice and has abandoned any such service or system which it established without giving such notice in violation of this section, the authority shall be obligated to such public utility for the relief so elected and the authority shall not establish the proposed service or system until it has completed the purchase of all or part of the existing system

of such public utility in accordance with such election. The purchase price to be paid for such existing system (intending thereby only a portion of the existing system when the election has been to sell only such portion) shall be the reproduction cost new (including going concern value) of such existing system at the date of the giving of the notice of election, less depreciation (including wear and tear and obsolescence, if any) to date of transfer or to the 180th day after the giving of the notice of election whichever date occurs earlier; but in no event less than the average annual gross revenue for the preceding three calendar years of such existing system. In the event that such public utility has elected relief under clause (i) above, it shall be entitled as a part of such price to severance damages for the loss of value of the unsold portion of the existing system of such public utility; and in the event such public utility has elected relief under clause (ii) above, the authority shall assume all payments becoming due after the date of purchase on all contracts and obligations of such public utility which payments if made by such a public utility would be includible as expenses of operation subsequent to the date of transfer to the authority under the system of accounting prescribed by the Public Utilities Commission or which payments are pursuant to contracts for delivery of assets by third persons or for the making or completion of additions or improvements subsequent to said date of transfer. In the event that the authority purchases such existing system from such public utility pursuant to an election by the latter under either clause (i) or (ii) above, the authority shall indemnify and save and hold such public utility harmless from all payments included in the preceding sentence and from any franchise or contract liabilities to any public corporation which mature or accrue after such purchase and which were incurred in connection with such existing system so purchased and the portions of the mass rapid transit service formerly served with such existing system. The authority may at any time enter into an agreement with each such public utility as to the amount of such price.

Unless the authority and such public utility have agreed upon the amount of the price required to be paid hereunder, or unless they have agreed that the amount of such price shall be established by arbitration and upon the method of naming arbitrators and the method of conducting such arbitration, the amount of such price may be fixed and judgment entered thereon in a suit brought either by the public utility or by the authority in the superior court of the State of California in and for the county in which is located that portion of the existing system to be acquired by the authority from such public utility which is largest in value.

Any public utility whose patronage or revenues are diverted, lessened or competed for by any act of the authority which is in violation of this section shall be entitled to injunctive relief against the authority to stop such violation.

The maintenance and operation, but not the extension or rerouting, of any existing system acquired by the authority from a publicly or privately owned public utility shall not be deemed to be the establishment of a mass rapid transit service or system within the meaning of this section.

Section 851 of the Public Utilities Code shall not apply to any contract for sale or sale of an existing system or portion thereof or other action taken pursuant to this section, and the Public Utilities Commission of the State of California shall have no jurisdiction with respect thereto.

Notwithstanding any provision of this act, to the contrary, the authority shall not, either directly or indirectly either itself or by lease or by contract with any person or persons or otherwise, establish any mass rapid transit service or system in such manner or form as will or may, either then or at any time in the future, divert, lessen or compete for the patronage or revenues of any publicly owned system unless and until it has complied with the following procedure and received the consent of the public corporation concerned, in the following manner:

The authority shall submit to the legislative body in charge of the publicly owned system a written detailed statement covering the proposed plan affecting the publicly owned system. Thereafter, the public corporation concerned shall hold a public hearing before the legislative body thereof on the proposal submitted, and such legislative body shall take such action as in its judgment will be in the public interest. If the proposal calls for the sale of the entire system or any portion thereof, the legislative body shall submit such proposal to a vote of the electors of the public corporation owning such transportation system. If such question is submitted to the electors and they decline to consent, the authority shall not proceed and shall not locate any new route into the area served by the publicly owned system. Should consent to the proposal submitted by the authority be granted by the legislative body of the public corporation, or if the proposal involves the sale of such publicly owned system or any portion thereof and the electors consent to such sale, then the authority shall proceed in the same manner as provided in this section for the acquisition of privately owned public utilities.

The construction by the authority of any structures constituting a method of mass rapid transit, and the operation therein and thereon of any equipment except buses, shall not be deemed to be the establishment, construction, completion, acquisition, operation or extension of mass rapid transit within the meaning of this section.

No publicly owned public utility shall establish, construct, complete, acquire, or extend, directly or indirectly, either itself or by lease or contract with any other person or persons or otherwise, any mass rapid transit service system in such manner or form as will then substantially divert or reduce the patronage or revenues of the system operated by the au-

thority. Any municipality may acquire and operate any existing transportation system within its existing transit service area without being in violation of this paragraph and may make route extensions to such system within its existing transit service area where such extensions do not compete with the established services of the authority. The authority shall be entitled to injunctive relief against any publicly owned public utility to stop any act of such utility which is in violation of this section.

SEC. 7. Section 4.22 of said act is repealed. Repeal

SEC. 8. Section 4.23 of said act is amended to read:

Sec. 4.23. Claims for money or damages against the authority are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations expressly applicable thereto. Claims

SEC. 9. Section 4.25 of said act is amended to read:

Sec. 4.25. The authority may acquire for cash or by exchange of its bonds any publicly or privately owned buslines, within or without the metropolitan area, which may be integrated as feeder services with the system of the authority. In any such acquisition by the authority by exchange of its bonds, its bonds may be exchanged at a price below the par or face value thereof; provided, that the maximum net interest cost to the authority of bonds exchanged at less than their par or face value shall not exceed an average of six (6) percent a year, computed on a 360-day year basis, payable semiannually from the date of said bonds to the respective maturity dates thereof. Acquisition of buslines

SEC. 10. Section 5.4 of said act is amended to read:

Sec. 5.4. The authority shall issue revenue bonds in its name. These bonds shall constitute obligations of the authority only, and neither the payment of the principal or interest of any such bond constitutes a debt, liability or obligation of any county or city or the State of California. All bonds issued by the authority shall contain a recital on their face that neither the payment of the principal or any part thereof nor any interest thereon constitutes a debt, liability or obligation of any county or city or the State. Any bonds which shall be issued under the provisions of this act shall be legal investments for all trust funds; for the funds of insurance companies; banks—both commercial and savings—and trust companies; and for state school funds; and whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or irrigation districts within the State of California, such money or funds may be invested in the bonds issued under this act, and whenever bonds of cities, cities and counties, counties, school districts, or irrigation districts within this State may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public moneys, the said bonds issued under this act may be so used. The provisions Revenue bonds

of this act shall be in addition to all other laws relating to legal investments and shall be controlling as the latest expression of the Legislature with respect thereto.

SEC. 11. Section 5.12 of said act is amended to read:

Discharge of claims for labor, etc.

Sec. 5.12. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part thereof, or any improvements acquired, constructed or completed from the proceeds of the sale of the bonds, or upon any physical properties, or which might impair the security of the bonds.

SEC. 12. Section 5.32 of said act is amended to read:

Terms, etc., for sale of bonds

Sec. 5.32. The authority may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The authority may sell bonds at less than their par or face value in a negotiated or bid sale; provided that the maximum net interest cost to the authority of bonds sold at less than their par or face value shall not exceed an average of six (6) percent a year, computed on a 360-day year basis, payable semiannually from the date of said bonds to the respective maturity dates thereof. If any such bonds are to be issued and sold at public sale they shall be sold on sealed proposals to the highest bidder, including a fiscal agent or adviser or other agent referred to in Section 3.6(a) of this act, either bidding alone or in conjunction with others, after advertising for bids by publication of notice of sale once, not less than ten (10) days prior to the date of sale, in a newspaper of general circulation printed and published in the County of Los Angeles. The authority may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale to any financially responsible bidder, including a fiscal agent or adviser or other agent referred to in Section 3.6(a) of this act, either bidding alone or in conjunction with others, under such terms and conditions as it deems most advantageous to its own interests, but the bonds shall not be sold at a price below that of the highest bid which was rejected. The authority may contract loans and borrow money through the sale of bonds to the United States of America or any of its departments or agencies, upon such terms and conditions as may be agreed to and such bonds shall be subject to all other provisions of this act.

Repeal

SEC. 13. Section 5.41 of said act is repealed.

Repeal

SEC. 14. Section 5.42 of said act is repealed.

SEC. 15. Section 6.1 of said act is amended to read:

Report: Contents

Sec. 6.1. Whenever in the judgment of the authority it is advisable that the system or any part thereof be acquired, con-

structed or completed, in whole or in part, it shall cause a report thereon to be made which shall include:

(a) An estimate of the probable cost of the acquisition, construction and completion, including all incidental expenses, engineering, legal and administrative, during construction;

(b) An estimate of the probable sources of income and the amount thereof;

(c) An estimate of the cost of maintenance and future operation upon completion, including the cost of all repairs, administrative and overhead charges.

Whenever such report relates to the construction of new stations, platforms, terminals, structures or facilities (all of the foregoing being hereafter referred to in this section by the word "facilities") constituting a method of mass rapid transit, the authority or its authorized representative shall, in connection with the studies necessary to determine the possible locations for the said facilities, confer with the appropriate local governing bodies, and other agencies that may be affected thereby and with their technical and planning personnel, obtaining where available any master or general plan of the area. The authority or its authorized representative shall give written notice to each affected city or county that it may, within a period prescribed by the authority or its authorized representative (which period shall not be less than sixty (60) days), submit evidence of the effect that the location of said facilities would have upon community values, including but not limited to property values, state and local public facilities, and city street and county highway traffic. When sufficient information has been accumulated to permit intelligent discussion, the authority or its authorized representative shall publicize and hold such public meeting, or meetings, as may be reasonably necessary to acquaint interested individuals, officials and civic or other groups with the studies made and the information developed, and to obtain their views with respect thereto. The report required by this section shall cover the results of such conferences and meetings, the relationship between all proposed locations of such facilities and any master or general plans of the affected local agency or agencies, and any information submitted by affected cities or counties pursuant to this section, and a recommendation as to the location of such facilities.

SEC. 16. Section 6.2 of said act is amended to read:

Sec. 6.2. (a) If the report is approved by the authority, the authority may adopt a resolution declaring that the public interest and necessity demand the acquisition, construction, or completion of the system or part thereof, authorizing such acquisition, construction, or completion, and may thereupon authorize the issuance of revenue bonds for the purpose of obtaining funds in an amount estimated by the authority to be sufficient for such purpose. Resolution to acquire system

(b) Whenever such report relates to the construction of new stations, platforms, terminals, structures or facilities (all of

the foregoing being hereafter referred to in this section by the word "facilities") constituting a system of mass rapid transit the authority shall, prior to the adoption of the resolution referred to in subdivision (a) of this section, notify the governing bodies of the cities or counties within whose jurisdiction said facilities are recommended to be constructed, which notice shall be publicized, of the intention of the authority to consider the location of the said facilities. Such notification shall include a statement that the authority will hold a public hearing on the proposed location, if requested to do so by the governing body within thirty (30) days following receipt of such written notification by the governing body; provided, however, that if, prior to receipt of such notification from the authority, the governing body or bodies shall have, by resolution, declared that no public hearing by the authority is necessary, then the notification by the authority shall advise such governing body only of the intention of the authority to consider the matter. If any such governing body requests such hearing, the authority will hold a hearing, after public notice given in such manner as the authority may determine, at which time and place all persons, and official bodies and other organizations interested in the matter, shall be afforded an opportunity to be heard. The authority may also, on its own motion, call a public meeting or hold such hearings as it may deem appropriate. If no hearing is requested, the authority may determine the locations for the said facilities within the limits of the cities or counties to which the notice required by this section was given after the expiration of such period of thirty (30) days, and may thereafter adopt the resolution referred to in subdivision (a) of this section. If a hearing is requested, the authority must determine the location for the said facilities within the limits of the cities or counties to which the notice required by this section was given within ninety (90) days after the first day on which such hearing is held, and may thereafter adopt the resolution referred to in subdivision (a) of this section.

SEC. 17. Section 6.5 of said act is amended to read:

Title to property

Sec. 6.5. Title to all property acquired by the authority, and the revenues and income therefrom, is in the name of the authority. The title to any moneys, revenues, sinking funds, reserve funds and other funds of the authority and the income thereof pledged to the payment of the principal or any interest on any bonds issued hereunder is subject to the trusts hereby created in favor of the bondholders. The management, operation and control of the system and of every part thereof, acquired, constructed or completed by the authority shall be vested in the authority and the powers, rights, functions and duties of the authority with respect thereto shall not be interfered with; provided, however, that any revenue bond indenture may require that action on certain matters by the authority be by a two-thirds vote of the full number of the members thereof.

SEC. 18. Section 6.7 of said act is amended to read:

Sec. 6.7. The authority may insure against any accident to or destruction of the system or any part thereof. Any money collected on such insurance shall be used for the purpose of repairing or rebuilding the system or any part thereof damaged, injured or destroyed, or for the retirement of any revenue bonds issued in connection therewith which may be outstanding unredeemed, as may be agreed upon by the authority in the indenture authorizing the issuance of the bonds. Insurance

SEC. 19. Section 6.11 of said act is amended to read:

Sec. 6.11. The authority shall not discontinue or abandon transit services of a publicly or privately owned public utility acquired by the authority except upon substitution by the authority of services adequate to serve the demand for mass rapid transit in the same community as such demand then exists. Abandonment of services

SEC. 20. Section 9.1 of said act is amended to read:

Sec. 9.1. The authority may accept contributions or appropriations from the United States of America, the State of California, or any department or agency of either thereof, or from any public corporation. Contributions

SEC. 21. Section 9.3 of said act is amended to read:

Sec. 9.3. Any department or agency of the State of California or any public corporation may co-operate and enter into contracts with the authority for the acquisition, construction, completion, maintenance, operation, repair, joint or otherwise, and in whole or in part, of the system. In connection with any such co-operation or contract, the State or any such public corporation may make public contributions to the authority as in the judgment of the Legislature, or the governing board of the public corporation, are necessary or proper for its undertaking, and the authority may reimburse the State or such public corporation for any such advance or contribution from the proceeds of the sale of revenue bonds or any other funds available to the authority. Any agreement made by the authority for such reimbursement of advances or contributions made to it shall be valid and enforceable against the authority. The State or any such public corporation may also authorize, aid and assist the authority to carry out any activity which the State or such public corporation is by law authorized to perform and carry out on its own behalf. Other agencies of the State

SEC. 22. Section 9.6 of said act is amended to read:

Sec. 9.6. After revenue bonds have been issued by the authority pursuant to Chapter 6 of this act, no public corporation shall make public contributions to the authority by undertaking any obligation of the authority, purchasing or operating the system or any part thereof, or in any other manner expending public funds for the purposes of the authority, unless a proposition to do so has been approved by a majority of the registered voters residing within the boundaries of such public corporation voting at an election to consider such a proposition. Provided, however, that nothing in this act pre- Approval of contributions

vents studies of transportation problems, or of proposed solutions, by any public corporation, or public employee, severally, jointly, or in co-operation with the authority. Provided, further, however, that a public corporation may expend funds to assist the authority as hereinafter set forth.

Legislative intent

It is the intent of the Legislature that the authority acquire, construct, and complete the system, and operate and maintain the system, in such a manner that no public corporation shall, once revenue bonds of the authority are first issued or thereafter, assist the authority in the exercise of the powers granted herein by the levy or assessment of a tax or expenditure of tax money, or general obligation bonds; provided however that the governing body of the public corporation (or, in the case of general obligation bonds, two-thirds of the voters of such public corporation) may extend such assistance to the authority in consideration of the authority providing rapid transit services requested by such public corporation.

Repeal

SEC. 23. Section 11.2 of said act is repealed.

CHAPTER 1628

An act to amend Section 69590 of the Government Code, relating to superior courts.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 69590 of the Government Code is amended to read:

69590. In the County of Monterey there shall be two judges of the superior court. On and after January 1, 1962, there shall be three judges.

CHAPTER 1629

An act to amend Sections 6404, 6405, 6420, 6424, 6461, 6465, 6514, 6610, 6625, 6830, 6841, 6875, and 6885.6 of, and add Section 6408 to, and Article 6.5 (commencing with Section 6789) to Chapter 7, Part 1, Division 6 of, the Health and Safety Code, relating to sanitary districts.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 6404 of the Health and Safety Code is amended to read:

"Tax collector"

6404. "Tax collector," as used in this part, means the tax collector of the county or counties in which a district is located.

SEC. 2. Section 6405 of said code is amended to read:

6405. "Treasurer," as used in this part, means the treasurer of the county or counties in which a district is located. "Treasurer"

SEC. 3. Section 6408 is added to said code, to read:

6408. "Board of supervisors," as used in this part, means the board of supervisors of the county in which the greatest portion of the area of the district, is situated at the time of the filing of the petition for formation, unless another meaning is specified. "Board of supervisors"

SEC. 4. Section 6420 of said code is amended to read:

6420. Whenever 25 persons in any county, or in two or more counties within the same natural watershed area, desire the formation of a sanitary district within the area, they may sign and present a petition to the board of supervisors of the county in which the greatest portion of the area of the proposed district is situated at the time of the filing of the petition. If the district is to be located in more than one county, the petition shall be signed by no fewer than 15 persons in the county in which the greatest portion of the district is located and by no fewer than 10 persons in each other county in which the district is located. Formation: Petition

SEC. 5. Section 6424 of said code is amended to read:

6424. The petition shall be published for at least two weeks preceding the hearing in a newspaper of general circulation published in each county in which the district is located. Publication of petition

SEC. 6. Section 6461 of said code is amended to read:

6461. A copy of the order shall be posted for four successive weeks prior to the election in three public places in the proposed district at least one of which shall be in each county in which the district is located, and shall be published once a week for four successive weeks prior to the election in a newspaper of general circulation published in each county in which the district is located. Posting of order

SEC. 7. Section 6465 of said code is amended to read:

6465. If a majority of the votes cast in each county are in favor of formation of the district, the board of supervisors shall make and cause to be entered in its minutes an order that a district of the name and with the boundaries stated in the order calling the election, setting forth the boundaries, has been established. Vote required Resolution

The board shall immediately file for record in the office of the county recorder of each county within which the district is located a certified copy of the order declaring the district established. Recordation

The order is conclusive evidence of the fact and regularity of all prior proceedings required by this part or by law, and of the existence and validity of the district.

SEC. 8. Section 6514 of said code is amended to read:

6514. It may, for the purposes specified in this part, acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in Acquisition of property and rights of way

the judgment of the board are necessary or proper to the exercise of its powers, and particularly for the purpose of permitting ingress to and egress from such real or personal property, and pay for and hold them, and it may dispose of such of its property as the board finds to be no longer required for the purposes of the district.

The district shall not condemn property outside of the county or counties in which it is located unless the board of supervisors of each county in which such property is located has consented to such acquisition by resolution.

SEC. 9. Section 6610 of said code is amended to read:

Notice of bond elections

6610. Notice of bond elections shall be given by posting notices, signed by not less than a majority of the board, in three public places in the district, at least one of which shall be in each county in which the district is located, not less than 20 days before the election, and by publishing the notice not less than once a week for three successive weeks before the election in a newspaper published in the district, if there is one, and if not, in a newspaper published in each county in which the district is located.

SEC. 10. Section 6625 of said code is amended to read:

Notice of annexation elections

6625. Notice of an annexation election shall be given by posting a copy of the order calling the election for four successive weeks prior to the election, in three public places within the district and the territory proposed to be annexed, at least one of which shall be in each county within which the district is located, and by publication once a week for four successive weeks prior to the election in a newspaper published in the district, if there is one and if not, in a newspaper published in the each county in which the district is located. If any territory proposed to be annexed to a district is located in a county other than a county in which the district is located, the same publications shall also be made in a newspaper of general circulation published in the county within which the territory is located.

SEC. 11. Article 6.5 (commencing with Section 6789) is added to Chapter 7, Part 1, Division 6 of said code, to read:

Article 6.5. Districts in More Than One County

Procedure to levy tax on district situated in more than one county

6789. Taxes for a district which is situated in more than one county and which has availed itself of the county assessor's roll pursuant to Sections 6780 and 6781 shall be levied in accordance with the following procedure:

(a) The district board shall annually, before the time of fixing the general tax levy for county purposes, estimate the amount of money necessary to be raised by taxation to meet the requirements for district purposes, including, but not limited to, operation, maintenance, and payment of principal and interest on outstanding bonds which will become payable before the proceeds of another tax levy made at the time of the next general tax levy for county purposes can be made available

for payment of such operation, maintenance, principal and interest.

(b) The total estimate shall be divided by the district board in proportion to the value of the real property of the district in each county. The value shall be determined from the equalized values of the last assessment rolls of the counties. When the division of the estimate has been made, the district board shall promptly certify to the boards of supervisors of the counties in which the district is situated the respective parts of the estimate apportioned to each county.

(c) The board of supervisors of each county in which is situated any part of a district shall annually, at the time of levying county taxes, levy a tax upon all the property within the district situated in the county sufficient to raise the amount so certified to the board of supervisors by the district board.

(d) The tax shall be collected by the same officers and in the same manner as other county taxes, and the money so collected shall be transmitted to the district treasurer.

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

Territory which may be annexed

6830. In the manner provided in this part, there may be annexed to a district any of the following territory which is in the same county as the district or which is within another county but in the natural watershed area of the district:

(a) Any territory contiguous to the district.

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

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

(d) Any territory not contiguous to the district that will, in the opinion of the district board, be benefited by inclusion in the district.

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

SEC. 13. Section 6844 of said code is amended to read:

Publication of petition

6844. The petition shall be published pursuant to Section 6066 of the Government Code prior to the date of its hearing in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county, together with a notice stating the number of signers of the petition, the time when the petition will be presented to the board and that all persons interested may appear and be heard. It shall not be necessary to publish the names of the signers. If any territory proposed to be annexed to a district is located in a county other than a county in which the district is located, the same publication shall also be made in a newspaper of general circulation published in the county within which the territory is located.

SEC. 14. Section 6875 of said code is amended to read:

Same

6875. It shall be published at least two weeks preceding the hearing, in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county, except that if all of the owners of property in a proposed annexation have petitioned therefor, the publication shall contain a notice of the hearing of the petition only. If any territory proposed to be annexed to a district is located in a county other than a county in which the district is located, the same publication shall also be made in a newspaper of general circulation published in the county in which the territory is located.

SEC. 15. Section 6885.6 of said code is amended to read:

Hearing

6885.6. A hearing shall be had on the petition and the terms and conditions fixed by the board if any territory proposed to be annexed lies within a county other than that within which the district is located, the terms and conditions fixed by the board shall be approved by the board of supervisors of such other county prior to any order altering boundaries which includes such territory. The petition and the terms and conditions of annexation shall be published at least two weeks preceding the hearing, in a newspaper of general circulation published in the district, if there is one, and if not, in a newspaper of general circulation published in the county. If any territory proposed to be annexed to a district is located in a county other than a county in which the district is located, the same publication shall also be made in a newspaper of general circulation published in the county in which the territory is located.

CHAPTER 1630

An act to amend Section 75034 of the Government Code, relating to judge's retirement.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 75034 of the Government Code, is amended to read:

75034. Notwithstanding any other provision of this chapter, if the service of a judge, who has been elected as such by vote of the people, has been discontinued by any means other than death, resignation, recall, impeachment, or retirement pursuant to this chapter, and who withdrew his accumulated contributions prior to September 9, 1953, he may within one year after October 1, 1961, pay into the Judges' Retirement Fund a sum equal to the amount withdrawn plus interest thereon at the rate of 6 percent per annum from the date of withdrawal to the date of payment. A judge who makes such

payment as in this section provided shall, upon his application therefor to the State Controller after attaining age 60, or after making said payment, whichever event last occurs, be retired, and receive a retirement allowance based upon the judicial service with which he is credited, in the same manner as other judges, except that his retirement allowance is an annual amount equal to 5 percent of the compensation payable, at the time payments of the allowance fall due, to the judge holding the office which the retired judge last held prior to the discontinuance of his service as judge, multiplied by the number of years and fractions of years of service with which the retired judge is entitled to be credited at the time of such discontinuance of his service, not to exceed eight years.

"Resignation," as used in this section, does not include a resignation, express or implied, which occurred prior to January 1, 1948, and which was for the purpose of accepting an elective or appointive public office. No person, who was on January 1, 1961, drawing a retirement allowance from any public retirement system of this State, shall be eligible for retirement under this section.

CHAPTER 1631

An act to add Section 845.3 to the Agricultural Code, relating to marketing of agricultural products.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 845.3 is added to the Agricultural Code, to read:

845.3. Whenever, upon petition of persons interested in the production or handling of honey, or upon his own motion the director finds that any provision of this chapter relating to standards for honey, standard units of net weight, type of container, color classifications, or markings required on any container is difficult or impossible of performance by reason of laws or orders promulgated by authority of the government of the United States, or because of scarcity of materials, labor, or equipment used in the production or marketing of honey regulated by this chapter, or that any such provision of this chapter results in a serious waste of honey otherwise available for human consumption, or in serious waste of other resources or prevents the utilization of new technological developments to the serious disadvantage of California producers or handlers of honey, he may establish emergency standards for honey, standard units of weight, type of container, color classifications, or markings required on any container; and until expiration hereinafter provided, such emergency standards shall be in full force and effect notwithstanding any other provision of this chapter and all provisions of this chapter

applying to standards which apply to such emergency standards in lieu of the standards set forth in this chapter.

All emergency standards established under the provisions of this section shall be reasonably calculated to effectuate the purposes of the standards which they supersede No emergency standards shall be established which tend to lower any standards relating to carrying or keeping quality of honey.

No emergency standards shall be construed to modify in any respect any provision of this chapter designed to prevent deception or mislabeling, or designed to prevent the marketing of honey which is unwholesome or which would fail to give consumer satisfaction.

All emergency standards issued under the provisions of this section, before they may become effective, shall be published in one or more newspapers, trade papers, or industry publications deemed best adapted to give notice to interested persons, together with a notice of the time and place for hearing objections. Such hearing shall be not less than 10 nor more than 20 days from the date of publication. Notice of hearing shall be mailed not less than 10 days prior to the date of the hearing to all persons who theretofore have filed with the director a request for notice of such hearings If at the hearing it shall be developed by competent testimony that additional time will be required to produce further essential evidence the director shall continue the hearing to a date which will allow sufficient time for the production of such evidence. At the hearing, interested parties shall be heard and a record kept of the proceedings for determination by the director of the facts shown at the hearing. The director, upon his findings on the facts shown at the hearing, shall rescind, modify or affirm the emergency standards as published; and such emergency standards shall take effect on the day appointed therefor, and shall continue in effect until suspended or rescinded by the director, or until the ninety-first day after adjournment of the next regular session of the Legislature, whichever first occurs.

Emergency standards may be amended, suspended, or rescinded upon notice and hearing in the same manner as provided for the establishment of such standards.

CHAPTER 1632

An act to add Sections 5001.5 and 5003.1 to the Public Resources Code, relating to state park system.

In effect September 15, 1961

[Approved by Governor July 14, 1961 Filed with Secretary of State July 18, 1961]

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

SECTION 1. Section 5001.5 is added to the Public Resources Code, to read:

Classification of units

5001.5. All units which are or shall become a part of the California state park system shall be classified by the State Park Commission into one of following categories:

(a) State parks, which consist of relatively spacious areas of outstanding scenic or wilderness character, oftentimes containing also significant historical, archaeological, ecological, geological, and other scentific values, preserved as nearly as possible in their original or natural condition and providing opportunity for appropriate types of recreation where such will not destroy or impair the features and values to be preserved. Commercial exploitation of resources is prohibited.

(b) Scenic or scientific reserves, which consist of areas of outstanding natural significance, where the major values are in their natural geological, faunal, or floral characteristics. The purpose of a scenic or scientific reserve is directed primarily toward the preservation of its outstanding natural features. Developments shall be for the purpose of making the areas available for public enjoyment in a manner consistent with the preservation of natural values.

(c) Historical units, to be named appropriately and individually, which consist of areas usually limited in size, established primarily to preserve objects of historical and scientific interest, and places commemorating important persons or historic events. The only facilities usually provided are those required for the safety and comfort of the visitors such as access, parking, water, sanitation, interpretive devices, and sometimes facilities for picnicking and other recreation facilities. Certain agricultural, mercantile, or other commercial activity usually prohibited in scenic parks or reserves may be permitted, provided those activities are properly regulated, and are a part of the history of the individual area, and enhance the historic scene.

(d) State Recreation Areas. These areas shall be selected and developed primarily to provide nonurban outdoor recreation opportunities to meet other than purely local needs but having the best available scenic quality. Camping, picnicking, swimming, hiking, horseback riding, boating, fishing, and hunting may be provided. The provision of such activities shall be the primary reason for operating recreational areas.

(e) State Beaches. Areas with frontage on the oceans or bays designed primarily to provide swimming, boating, fishing, and other waterfront activities. Other coastal areas acquired primarily for the scenic and scientific values shall be included in the classification "scenic or scientific reserves."

SEC. 2. Section 5003.1 is added to said code, to read:

Multiple use of state recreation areas

5003.1. The Legislature finds and declares that it is in the public interest to permit hunting, fishing, swimming, trails, camping, campsites and rental vacation cabins in certain state recreation areas, or portions thereof, when it is found by the State Park Commission that such multiple use of state recreation areas would not threaten the safety and welfare of other state recreation area users. Provided, however, that hunting

shall not be permitted in any unit now in the state park system and officially opened to the public on or before June 1, 1961, nor in any unit hereafter acquired and designated as a state park and may only be permitted in new recreational areas which are developed for such use.

Whenever hunting or fishing is permitted in a state recreation area and whenever fishing is permitted in a state park, the Department of Fish and Game shall enforce hunting and fishing laws and regulations as it does elsewhere in the State.

CHAPTER 1633

An act to amend Section 1038 of the Agricultural Code, relating to agricultural mineral sales.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 1038 of the Agricultural Code is amended to read:

1038. Upon any sale not exempt from the provisions of this article, of commercial fertilizer, the registered person selling the same shall pay eighteen cents ($0.18) per ton or fraction thereof, and upon such a sale of agricultural minerals, ten cents ($0.10) per ton or fraction thereof, except that during the period from October 1, 1961, to and including September 30, 1965, the amount shall be six cents ($0.06) per ton or fraction thereof, except where the agricultural mineral is sold to be used and is used in the manufacture of commercial fertilizer. A commercial fertilizers registrant selling agricultural minerals to an unregistered person in the original and properly labeled lots or packages of an agricultural minerals registrant shall pay thereon the agricultural minerals tonnage tax required by this section. Each registered person shall keep accurate accounts of sales of commercial fertilizers and/or agricultural minerals, and such accounts shall be open at all times to inspection by the director. A statement of sales shall be rendered to the director quarterly within one calendar month after March 31st, June 30th, September 30th, and December 31st, of each year, and shall be accompanied by the amount of tonnage license tax required by this section. Any delinquency in making a statement and return, or any deficiency in any return, shall subject the registrant to the payment of a penalty of ten percent (10%) of the amount due.

Whenever a registered person shall have paid the tonnage license tax herein required, any person acting as his selling agent shall not be required to pay the tonnage license tax.

Operative date

SEC. 2. This act shall not become operative until October 1, 1961.

CHAPTER 1634

An act to amend Section 554 of the Agricultural Code, relating to minimum construction standards for milk products plants.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 554 of the Agricultural Code is amended to read:

554. Minimum construction standards for new milk products plants shall include separate rooms for:

(a) Receiving and weighing of milk or cream, and washing and sterilizing of containers in which milk or cream is received.

(b) Pasteurization, processing, cooling and manufacturing.

(c) Washing and sterilizing of bottles or cans used in the delivery of milk or cream to the wholesale or retail trade.

(d) Bacteriological and chemical analyses.

(e) Adequate and efficient cold storage room or rooms mechanically equipped and operated.

(f) Boiler, compressor and other machinery.

(g) Storing of supplies.

(h) Toilets, lavatories and lockers.

(i) The term "separate rooms" as used in this section means that a separate room is required for conducting each of the operations listed herein; provided that, if any of the functions specified in subdivisions (a) to (g), inclusive, are not performed at such plant there need not be a separate room provided for such function; provided further, however, that whenever and wherever such functions as specified herein are performed such performance shall be with equipment which is determined by the director to be stationary by nature and permanently located.

CHAPTER 1635

An act to amend Sections 7320, 7325, 7326, 7362.1, 7373, 7374, 7381, 7413, 7425, 7436, 7437, 7438, and 7442 of, to add Sections 7393.5, 7437.1, 7437.2, 7437.3, 7437.4, 7443, 7444, and 7445 to, and to repeal Sections 7360, 7361, and 7362 of, the Business and Professions Code, and to amend Sections 7373 and 7374 of the Business and Professions Code as proposed to be amended by Assembly Bill No. 1610, relating to cosmetology.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 7320 of the Business and Professions Code is amended to read:

7320. No person, firm or corporation shall conduct or operate a cosmetological establishment, school of cosmetology, hair- License required

dressing shop, beauty parlor or any other place of business in which any one or any combination of the occupations of a cosmetologist are taught or practiced, except the branch of manicuring as practiced in a barbershop, unless licensed under the provisions of this chapter and complying with the provisions of this chapter relating to sanitation. Any violation of this section is a misdemeanor.

Penalty

SEC. 2. Section 7325 of said code is amended to read:

Penalty

7325 Except as provided in Sections 7322, 7323 and 7324, every person who engages in, or attempts to engage in, the practice of cosmetology or any branch thereof without a valid unexpired license therefor, issued by the board or in an establishment other than one licensed by the board is guilty of a misdemeanor.

SEC. 3 Section 7326 of said code is amended to read:

Legislative intent

7326. The Legislature in establishing the various classifications of licenses to engage in the practice of cosmetology, and in establishing the qualifications which must be fulfilled as a prerequisite for the issuance thereof, finds that such classifications and qualifications are vital and necessary to protect the public health, safety, and welfare of the people of this State, and any person who engages in the practice of any branch of cosmetology for compensation received or expected without holding a valid unexpired license therefor pursuant to the provisions of this chapter is guilty of a misdemeanor.

Repeal

SEC. 4. Section 7360 of said code is repealed:

Repeal

SEC. 5. Section 7361 of said code is repealed:

Repeal

SEC. 6 Section 7362 of said code is repealed:

SEC. 7. Section 7362 1 of said code is amended to read:

Permanent waver abolished

7362 1. The classification of permanent waver is hereby abolished. A person holding a certificate of registration and license as a permanent waver who applies for a license as a cosmetologist before July 1, 1962, shall be issued, by the board, a certificate of registration and license, entitling such person to practice as a cosmetologist and designating such person a cosmetologist, if:

Cosmetologist Requirements

(a) He is of good moral character and temperate habits,

(b) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension, and

(c) He pays a fee of seven dollars ($7) and takes and passes an examination, the scope of which shall be determined by the board.

A person holding a certificate of registration and license as a permanent waver who fails to apply for a license as a cosmetologist before July 1 1962, may become licensed thereafter only on compliance with all of the provisions of this chapter relating to the issuance in the first instance of the license for which he applies.

SEC. 8. Section 7373 of said code is amended to read:

Certificate of registration Cosmetologist

7373 Every applicant for a license as a cosmetologist satisfactorily passing the examination conducted by the board

to determine his fitness to engage in the practice of the occupation of a cosmetologist, shall receive from the board a certificate of registration and license as a cosmetologist.

This license entitles the holder to engage in the practice of the occupation of a cosmetologist upon the public in a licensed cosmetological establishment

An applicant to whom a license as a cosmetologist is issued after September 30, 1962, including a person applying under the provisions of Article 10, shall, as a condition precedent to issuance of the license, and in addition to any other fee which may be payable, pay the initial license fee prescribed by this chapter.

SEC. 9. Section 7374 of said code is amended to read:

Certificate of registration Electrolysis or manicuring

7374. Every applicant for registration to engage in the practice of electrolysis or manicuring satisfactorily passing the examination conducted by the board to determine his fitness to engage in the practice of electrolysis or manicuring, shall receive from the board a certificate of registration and license to engage in the practice of electrolysis or manicuring, as the case may be.

An applicant to whom a license to engage in the practice of electrolysis or manicuring is issued after September 30, 1962, including a person applying under the provisions of Article 10, shall, as a condition precedent to issuance of the license, and in addition to any other fee which may be payable, pay the initial license fee prescribed by this chapter.

SEC. 10. Section 7381 of said code is amended to read:

Certificate of registration Cosmetologist establishment

7381. Any person, firm or corporation desiring to operate a cosmetological establishment shall make an application to the board for a certificate of registration and license. The application shall be accompanied by the registration fee prescribed by this chapter.

SEC. 11. Section 7393.5 is added to said code, to read:

Fees

7393.5. A person to whom a license as an instructor of cosmetology or electrology is issued after September 30, 1962, shall, as a condition precedent to its issuance, and in addition to any other fee which may be payable, pay the initial license fee prescribed by this chapter.

SEC. 12. Section 7413 of said code is amended to read:

Duplicate licenses Fees

7413. A duplicate license shall be issued upon the filing of a statement explaining the loss verified by the oath of the applicant, and accompanied by a fee of one dollar ($1) Each duplicate license shall have the word "DUPLICATE" stamped across its face and bear the same date and show the number of the original license

SEC. 13. Section 7425 of said code is amended to read:

Revocation or suspension, etc

7425. The board may refuse to renew, or may revoke or suspend at any time any license required by the provisions of this chapter on any of the grounds for disciplinary action provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Divi-

sion 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 14. Section 7436 of said code is amended to read:

Expiration and renewal of licenses

7436. Licenses of cosmetologists, instructors, electrologists, manicurists, and cosmetological establishments expire on September 30 of each even-numbered year. An application for renewal of a license shall be filed with the board during the month of August or September of each even-numbered year, accompanied by the renewal fee prescribed by this chapter. Thereupon the board shall renew the license for the ensuing two-year period.

Construction

This section shall not be so construed as to continue in effect a license which, under the law in effect before October 1, 1961, expired on or before September 30, 1961.

SEC. 15. Section 7437 of said code is amended to read:

Renewal of expired license

7437. Except as otherwise provided in this article, a license of a cosmetologist, instructor, electrologist, or manicurist which has expired for failure of the licensee to renew within the time fixed by Section 7436 may be renewed within five years of the date of expiration upon application therefor and upon payment of the renewal fee in effect on the last preceding regular renewal date. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs If so renewed, the license shall continue in effect through the date provided in Section 7436 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

The provisions of this article as amended by the Legislature at its 1961 Regular Session govern the renewal after September 30, 1961, and the fees payable therefor, of licenses which expired under the law in effect before October 1, 1961, as well as licenses which expire thereafter.

SEC. 16. Section 7437.1 is added to said code, to read:

Suspended license

7437.1. A suspended license is subject to expiration and shall be renewed by the licensee as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

SEC. 17. Section 7437.2 is added to said code, to read:

Revoked license

7437.2. A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 18. Section 7437.3 is added to said code, to read:

7437.3. A license as a cosmetologist, instructor, electrologist, or manicurist which has not been renewed within five years following its expiration may not be renewed, restored, reinstated, or reissued thereafter. The holder of the expired license may apply for and obtain a new license, however, if: Effect of failure to renew. New license.

(a) He is of good moral character and temperate habits;

(b) No fact, circumstance, or condition exists which, if the license were issued, would justify its revocation or suspension, and

(c) He pays all of the fees and takes and passes the examination that would be required of him if he were then applying for the license for the first time.

SEC. 19. Section 7437.4 is added to said code, to read:

7437.4. A license of a cosmetological establishment may be renewed at any time within one year following its expiration in the manner and on payment of the fee or fees prescribed by Section 7437, but may not be renewed, restored, reissued, or reinstated thereafter. After one year from the date of expiration of the license, the establishment may again become entitled to a license only upon compliance with all of the provisions of this chapter relating to the original issuance of such license. Renewal.

SEC. 20. Section 7438 of said code is amended to read:

7438. Certificates of registration for schools of cosmetology and schools of electrology expire on September 30th of each year. An application for renewal of a certificate shall be filed with the board during the month of August or September, accompanied by the annual registration fee prescribed by this chapter. Thereupon the board shall renew the certificate for the ensuing year. Certificate of registration: Schools of cosmetology and electrology. Renewal.

A certificate which has expired for failure of the registrant to renew within the time fixed by this section may for a period of one year thereafter be renewed upon the filing of an application in such form as the board may require and upon payment of the annual registration fee and the delinquency fee provided by this chapter. After one year from the date of its expiration, a certificate may not be renewed, and the school may again become entitled to a certificate only upon compliance with all of the provisions of this chapter relating to the original issuance of a certificate.

SEC. 21. Section 7442 of said code is amended to read:

7442. The amount of the fees required by this chapter relating to licenses as a cosmetologist, as an electrologist, or as a manicurist is that fixed by the following schedule: Fee schedule.

(a) The fee for examination as a cosmetologist shall be set by the board annually at not more than fifteen dollars ($15) and not less than five dollars ($5).

(b) The fee for examination as an electrologist shall be set by the board annually at not more than fifteen dollars ($15) and not less than five dollars ($5).

(c) The fee for examination as a manicurist shall be set by the board annually at not more than eight dollars ($8) and not less than two dollars ($2).

(d) The application fee for a junior operator shall be set by the board annually at not more than four dollars ($4) and not less than one dollar ($1).

(e) The application fee for junior electrologist shall be set by the board annually at not more than four dollars ($4) and not less than one dollar ($1).

(f) The renewal fee shall be set by the board at not more than ten dollars ($10) and not less than two dollars ($2).

(g) The delinquency fee is five dollars ($5).

(h) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license will expire less than one year after its issuance, then the initial license fee is fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

SEC. 22. Section 7443 is added to said code, to read:

Same

7443. The amount of the fees required by this chapter relating to licenses as an instructor of cosmetology or electrology is that fixed by the following schedule:

(a) The fee for the cosmetology instructor's examination shall be set by the board annually at not more than twenty-five dollars ($25) nor less than fifteen dollars ($15).

(b) The fee for an electrology instructor's examination shall be set by the board annually at not more than twenty dollars ($20) and not less than ten dollars ($10).

(c) The renewal fee shall be set by the board at not more than ten dollars ($10) and not less than two dollars ($2).

(d) The delinquency fee is five dollars ($5).

(e) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license will expire less than one year after its issuance, then the initial license fee is fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

SEC. 23. Section 7444 is added to said code, to read:

Same

7444. The amount of the fees payable under this chapter relating to licenses to operate a cosmetological establishment is as follows:

(a) The registration fee is as follows:

(1) For licenses issued before October 1, 1962, the registration fee shall be fixed by the board at not more than five dollars ($5), nor less than two dollars ($2).

(2) For licenses issued after September 30, 1962, the registration fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license will expire less than one year after its issuance, then the fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less then 45 days before the date on which it will expire.

(b) The renewal fee shall be set by the board at not more than ten dollars ($10) and not less than two dollars ($2).

(c) The delinquency fee is five dollars ($5).

SEC. 24. Section 7445 is added to said code, to read:

Same

7445. The amount of the fees required by this chapter relating to licenses to conduct schools is as follows:

(a) The annual registration fee for a school of cosmetology or a school of electrology shall be set by the board annually at not more than one hundred fifty dollars ($150) and not less than one hundred dollars ($100).

(b) The delinquency fee is five dollars ($5).

Operative date

SEC. 25. This act shall become operative on October 1, 1961.

SEC. 26. Section 7373 of the Business and Professions Code, as proposed to be amended by Assembly Bill No. 1610, is amended to read:

Certificate of registration Cosmetologist

7373. Every applicant for a license as a cosmetologist satisfactorily passing the examination required therefor shall receive from the board a certificate of registration and license as a cosmetologist.

This license entitles the holder to engage in the practice of the occupation of a cosmetologist upon the public in a licensed cosmetological establishment.

An applicant to whom a license as a cosmetologist is issued after September 30, 1962, including a person applying under the provisions of Article 10, shall, as a condition precedent to issuance of the license, and in addition to any other fee which may be payable, pay the initial license fee prescribed by this chapter.

SEC. 27. Section 7374 of the Business and Professions Code, as proposed to be amended by Assembly Bill No. 1610, is amended to read:

Certificate of registration Electrolysis or manicuring

7374. Every applicant for registration to engage in the practice of electrolysis or manicuring satisfactorily passing the examination required therefor shall receive from the board a certificate of registration and license to engage in the practice of electrolysis or manicuring, as the case may be.

An applicant to whom a license to engage in the practice of electrolysis or manicuring is issued after September 30, 1962, including a person applying under the provisions of Article 10, shall, as a condition precedent to issuance of the license, and in addition to any other fee which may be payable, pay the initial license fee prescribed by this chapter.

Effect Stats 1961, Ch 1112

SEC. 28. Sections 26 and 27 of this act shall become operative only if Assembly Bill No. 1610 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 1610 takes effect; at which time Sections 7373 and 7374 of the Business and Professions Code as amended by Sections 8 and 9 of this act are repealed.

CHAPTER 1636

An act to amend Sections 7071.3, 7071.5, 7072, 7075, 7102, 7106.5, 7113.5, 7137, 7140, 7141, 7142, 7143, and 7144 of, and to add Section 7143.5 to, the Business and Professions Code, relating to contractors.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 7071.3 of the Business and Professions Code is amended to read:

License of person in armed forces

7071.3. Notwithstanding any other provision of this code, the holder of a current valid license under this chapter who has entered or enters the armed forces of the United States may designate a responsible managing person or persons to act for him while in the armed forces and until one year after his discharge therefrom, after which time the authority to so act for the licensee shall terminate. The renewal fee shall be paid for any such licensee so designating others to act for him.

Any license shall remain in full force and effect for 30 days after the entrance of the licensee into the armed forces, but he shall prior to the expiration of such 30-day period provide the registrar with the name or names of the persons so designated to conduct his business. The registrar may qualify such persons in any manner he may adopt. Persons so designated shall possess the good character required of an applicant for license.

Persons so designated committing any of the acts which would be grounds for the revocation or suspension of a license shall be removed from the business of such licensee after a hearing as provided in this chapter.

SEC. 2. Section 7071.5 of said code is amended to read:

Bond

7071.5. If application for a license is made by any person whose license has been suspended or revoked as a result of disciplinary action for violation of Sections 7108 or 7120, or is made by any copartnership, association or corporation whose

license has been suspended or revoked as a result of disciplinary action for violation of Sections 7108, 7116 or 7120, or by any person who may have been associated with such copartnership, association or corporation, the board may require as a condition precedent to the issuance of a license to such applicant, or removal of suspension, that such applicant file or have on file with the registrar a bond issued by an admitted surety insurer in a sum to be fixed by the board based upon the magnitude of the operations of the applicant, but which sum shall not be less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000), running to the State of California and conditioned upon his compliance with all the provisions of this chapter, or in lieu thereof that such applicant or licensee post with the registrar a cash deposit in an amount based upon the magnitude of the operations of the applicant but of a sum of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000).

If the board shall by rule require the filing of such bond or the posting of such cash deposit, every person injured by the unlawful acts or omissions of such contractor may bring an action in a proper court on the bond or a claim against the cash deposit for the amount of the damage he suffered as a result thereof to the extent covered by the bond or the cash deposit.

The claim of any employee of the contractor for wages shall be a preferred claim against any bond or cash deposit required by rule of the board.

The determination of the validity and priority of any such claim for wages shall be based upon a finding of fact made by the registrar in accordance with the provisions of Article 7, Section 7090 to 7120 of the chapter.

If any bond or cash deposit which may be required is insufficient to pay all claims for wages in full, the sum recovered shall be distributed among all claimants for wages in proportion to the amount of their respective claims. The partial payment of such claims shall not be considered as full payment and the claimants may file for the completion of payment of any unpaid balance as otherwise provided, and the registrar may continue suspension or revocation of any license involved until such time as such claim or claims are satisfied in full. If the board shall by rule require the filing of such bond or the posting of such cash deposit by such applicant, the failure of such applicant to file the said required bond or post the said required deposit shall constitute grounds for denying him a license or the renewal of his license, and the failure of such applicant or contractor to file the required bond or post the required deposit, shall constitute grounds for denying or revoking his license.

Such bond or cash deposit shall remain in force and with the registrar for one year and for such additional time as there may be unsatisfied claims outstanding against the same.

SEC. 3. Section 7072 of said code is amended to read:

Initial license fee

7072. Following receipt of the application fee and an application furnishing complete information in the manner required by the registrar, and after such examination and investigation as he may require, the registrar, within 15 days after approval of the application, shall notify the applicant that a license may be issued to him on payment of the initial license fee provided in Article 8 (commencing at Section 7135), and, when the initial license fee is paid, shall issue a license to him permitting him to engage in business as a contractor under the terms of this chapter.

An initial license fee shall not be required if the license is issued before July 1, 1963.

SEC. 4. Section 7075 of said code is amended to read:

Signature Display

7075. The license shall be signed by the licensee, shall be nontransferable and shall be displayed in the licensee's main office or chief place of business. Satisfactory evidence of the possession of his license and the current renewal thereof shall be exhibited by the licensee upon demand.

SEC. 5. Section 7102 of said code is amended to read:

Reinstatement Suspended license

7102. After suspension of the license upon any of the grounds set forth in this article, the registrar may reinstate the license upon proof of compliance by the contractor with all provisions of the decision as to reinstatement or, in the absence of such decision or any provisions therein as to reinstatement, in the sound discretion of the registrar.

Revoked license

After revocation of a license upon any of the grounds set forth in this article, the license shall not be reinstated or reissued within a period of one year after the final decision of revocation and then only on proper showing that all loss caused by the act or omission for which the license was revoked has been fully satisfied and that all conditions imposed by the decision of revocation have been complied with.

SEC. 6. Section 7106.5 of said code is amended to read:

Jurisdiction of registrar

7106.5. The expiration or suspension of a license by operation of law or by order or decision of the registrar or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the registrar of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such license, or to render a decision suspending or revoking such license.

SEC. 7. Section 7113.5 of said code is amended to read:

Bankruptcy

7113.5 The adjudication of bankruptcy of a licensee or the confirmation of any other proceeding under the federal bankruptcy law, including a composition, arrangement, or reorganization proceeding, the appointment of a receiver of the property of a licensee as provided in Chapter 5 (commencing at Section 564) of Title 7 of Part 2 of the Code of Civil Procedure, or the making of an assignment for the benefit of creditors as provided in Title 3 (commencing at Section 3449) of Part 2 of Division 4 of the Civil Code constitutes a cause for disciplinary action.

If a license is suspended or revoked upon the grounds set forth in this section, the registrar in his discretion may reinstate or reissue such license upon the condition that each contract undertaken by the licensee be separately covered by a bond or bonds conditioned upon the performance of, and the payment of labor and material required by, the contract. Bonds

This bonding requirement shall not apply to any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor, material, and all other items, is less than five hundred dollars ($500), and shall not extend beyond five years from the date such license is reinstated or reissued.

SEC. 8. Section 7137 of said code is amended to read:

7137. The amount of the fees prescribed by this chapter is that fixed by the following schedule: Fee schedule

(a) The application fee for an original license is twenty dollars ($20).

(b) The fee for reapplication by or re-examination of an applicant for an original license who has previously applied for a license but has failed to qualify therefor is twenty dollars ($20).

(c) The renewal fee is twenty dollars ($20), but the board may increase the fee to not more than forty dollars ($40) and may reduce the fee to not less than ten dollars ($10).

(d) The delinquency fee is five dollars ($5).

(e) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

SEC. 9. Section 7140 of said code is amended to read:

7140. All licenses issued under the provisions of this chapter shall expire on June 30th of each odd-numbered year. Expiration

To renew a license which has not expired, the licensee shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter. Renewal of an unexpired license shall continue the license in effect for the two-year period ending at 12 p.m. on June 30th of the next odd-numbered year, when it shall expire if it is not again renewed. Renewal

SEC. 10. Section 7141 of said code is amended to read:

7141. Except as otherwise provided in this chapter, a license may be renewed at any time within five years after its expiration on filing of application for renewal on a form Renewal after expiration

prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is renewed more than 30 days after its expiration the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 7140 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

A license which is not renewed within five years after its expiration may not be renewed, restored, or reinstated, thereafter.

SEC. 11. Section 7142 of said code is amended to read:

Renewal application

7142. A license which, under the law in effect before October 1, 1962, was suspended for failure to renew, may not be renewed, restored, or reinstated unless, before October 1 of the year in which it was suspended, the licensee filed the prescribed renewal application and paid all of the prescribed renewal fees.

Renewal requirements

A license suspended before October 1, 1962, for a reason other than the failure to renew may not be renewed unless:

(1) The license is reinstated within one year after the date of suspension, and

(2) The licensee, within one year after the date of suspension, and before October 1, 1962, filed the prescribed renewal application and paid all of the prescribed renewal fees.

SEC. 12. Section 7143 of said code is amended to read:

7143. A license which, after September 30, 1962, is suspended for any reason which constitutes a basis for suspension under this chapter, is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the licensee, while the license remains suspended, and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

SEC. 13. Section 7143.5 is added to said code, to read:

New license

7143.5. A person who, by reason of the provisions of Section 7141 or 7142, is not entitled to renew his license, may apply for and obtain a new license only if he pays all of the fees and meets all of the qualifications and requirements set forth in this chapter for obtaining an original license.

SEC. 14. Section 7144 of said code is amended to read:

Revoked license

7144. A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of revocation.

SEC. 15. If Assembly Bill No. 2134 is enacted by the Legislature at the 1961 Regular Session, Section 2 of this act shall not become operative. Effect. Stats. 1961, Ch 1125

SEC. 16. This act shall become operative on October 1, 1962. Operative date

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CHAPTER 1637

An act to repeal Section 5 and to amend Sections 10 and 11 of Chapter 20 of the Statutes of 1952 (2d Extraordinary Session), relating to the acquisition of properties for state highway purposes.

[Approved by Governor July 14, 1961 Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 5 of Chapter 20 of the Statutes of 1952 (2d Extraordinary Session) is repealed.

SEC. 2. Section 10 of said act is amended to read:

Sec. 10. Whenever, after any properties are acquired from funds transferred under Section 7, the department proceeds with the construction of a highway which will require the use of any of the property so acquired, the commission shall allocate and the department shall deposit in the Highway Right of Way Acquisition Fund, from other funds available to it, the cost of such properties, which deposits may be expended as provided in Section 2 of this act, except that in any event, funds shall be so allocated or credited for deposit in the Highway Right of Way Acquisition Fund from other highway revenues so that by July 1, 1972, there will have been repaid to said fund all amounts used from the money transferred under Section 7. On July 1, 1972, the department shall, from the Highway Right of Way Acquisition Fund, repay to the funds from which transfers were made under Section 7 the amounts so transferred.

SEC. 3. Section 11 of said act is amended to read:

Sec. 11. For the purpose of computing or making any apportionment or transfer under any other law, the unreturned balance of any amount transferred under Section 1 or 7 shall be deemed to be in the fund from which so transferred.

CHAPTER 1638

An act to add Section 11050.5 to the Penal Code, relating to Bureau of Criminal Identification and Investigation providing services to local enforcement agencies.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 11050.5 is added to the Penal Code, to read:

11050.5. The chief may, upon the request of any district attorney, sheriff, chief of police, or other local, state or federal law enforcement official, make available to such official so requesting, the bureau's laboratory facilities and personnel and the bureau's technical experts, including but not limited to such personnel as fingerprint examiners, criminalists, document examiners and modus operandi analysts for the purpose of assisting in the investigation or detection of crimes and the apprehension or prosecution of criminals.

CHAPTER 1639

An act to amend Section 243 of the Penal Code, relating to battery.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 243 of the Penal Code is amended to read:

243. A battery is punishable by fine of not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding six months, or by both. When it is committed against the person of a peace officer, and the person committing the offense knows or reasonably should know that such victim is a peace officer engaged in the performance of his duties, and such peace officer is engaged in the performance of his duties, the offense shall be punished by a fine of not more than one thousand dollars ($1,000) or imprisonment in the county jail for not more than one year, or both.

As used in this subdivision, "peace officer" refers to any person designated as a peace officer in the first paragraph of Section 817, as well as any inspector or investigator regularly employed as such in the office of a district attorney, any member of the California Highway Patrol, any policeman of the San Francisco Port Authority, each member of an arson investigating unit of an organized fire department, and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.

CHAPTER 1640

An act to amend Section 320, 9263, 9264, 9551 of, to repeal Chapter 3 (commencing with Section 11500) of Division 5 of, and to add Chapter 3 (commencing with Section 11500) to Division 5 of, the Vehicle Code, relating to automobile wreckers.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 320 of the Vehicle Code is amended to read:

320. "Established place of business" is a place actually occupied either continuously or at regular periods by a dealer, manufacturer, automobile wrecker or automobile driving school where the books and records pertinent to the type of business being conducted are kept. The place of business shall have an office and in the case of a dealer, manufacturer or automobile wrecker shall have a display, manufacturing or wrecking area, situated on the same property where the business peculiar to the type of license issued by the department is or may be transacted. When a room or rooms in a hotel, roominghouse, apartment house building, or a part of any single or multiple unit dwelling house be used as an office or offices of an established place of business, such room or rooms shall be devoted exclusively to and occupied for the office or offices of the dealer, manufacturer, automobile wrecker or automobile driving school, shall be located on the ground floor, and shall be so constructed as to provide a direct entrance into such room or rooms from the exterior of the building. A licensee holding more than one type of license issued by the department and conducting more than one type of business from an establishment, as herein defined, shall provide a clear physical division between the types of business for which licensed. The place of business shall be open to inspection of the premises, pertinent records and vehicles by any peace officer during business hours.

"Established place of business"

SEC. 2. Section 9263 of said code is amended to read:

9263. (a) Any automobile wrecker acquiring a vehicle subject to registration under this code, for the purpose of wrecking or dismantling the same, who fails to forward to the department notification of acquiring such vehicle as required in Section 11520(a) within 24 hours after taking possession of the vehicle and before dismantling or wrecking such vehicle or who fails to forward to the department the documents and license plate or plates required by Section 11520(b), within ninety (90) days after taking possession of the vehicle, shall pay in addition to any other fees due an investigation service fee in the amount of five dollars ($5). If such person who fails to forward the documents and license plate or plates as required by Section 11520(b) can furnish written evidence

Notification of acquisition

of a diligent effort to secure required documents, the investigation service fee shall not be due or payable.

(b) Any person other than a licensed automobile wrecker who fails to surrender to the department the documents and license plate or plates as required by Section 11520(b) before dismantling or wrecking a vehicle, shall pay in addition to any other fees due an investigation service fee of five dollars ($5).

SEC. 3. Section 9264 of said code is amended to read:

Fee schedule

9264. (a) The fees for a certificate and license and special plates issued to automobile wreckers shall be:

(1) For the certificate and license and the first set of special plates where in the discretion of the department an investigation is necessary_____ $58

(2) For the first set of special plates where no investigation is necessary, or upon annual renewal___ 8

(3) For each additional set of special plates_____ 8

(b) Should an automobile wrecker make application for a license and certificate and special plates as a manufacturer, transporter, or dealer, then in that event he shall pay such additional fees as are set forth under Section 9262.

SEC. 4. Section 9551 of said code is amended to read:

Time of payment

9551. All fees required to be paid by an automobile wrecker, in accordance with this code, for any certificate and license, or special set of plates, shall be paid at the time application is made to the department therefor.

Repeal

SEC. 5. Chapter 3 (commencing with Section 11500) of Division 5 of said code is repealed.

SEC. 6. Chapter 3 (commencing with Section 11500) is added to Division 5 of said code, to read:

CHAPTER 3. WRECKERS

License and certificate required

11500. On and after January 1, 1962, it shall be unlawful for any person to act as an automobile wrecker without first having procured from the department a license and certificate as required in this code.

Application

11501. Every automobile wrecker as defined in Section 220 of this code shall make application to the department upon the appropriate form for a license and certificate containing a general distinguishing number and for one or more pair of special plates. The applicant shall submit proof of his status as a bona fide automobile wrecker as may reasonably be required by the department.

Issuance of licenses

11502. The department shall have the power and duty to issue and for reasonable cause shown to refuse to issue a license, and certificate. The department may refuse to any applicant therefor a license and certificate provided for herein, if such applicant does not meet the requirements of the terms and provisions of this code relating to the conduct of an automobile wrecking business.

Grounds for refusal to issue license

11503. The department may refuse to issue a license and certificate to an applicant when it determines:

(a) The applicant was previously the holder of a license and certificate issued under this code, which license and certificate were revoked for cause and never reissued by the department, or which license and certificate were suspended for cause and the terms of suspension have not been terminated, and

(b) That one or more of the partners, if the applicant be a partnership, or one or more of the stockholders or officers of the corporation, if a corporation be the applicant, was previously the holder of a license and certificate, issued under authority of this code, which were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, and

(1) That by reason of the facts and circumstances touching the organization, control and management of the partnership or corporation business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(c) The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude arising out of or connected with any business licensed under this code.

(d) The information contained in an application is incorrect.

(e) The applicant, based on the information contained in the application or by subsequent investigation, is not of good moral character.

Application forms

11504. (a) The department shall prescribe and provide forms to be used for application for licenses to be issued under the terms and provisions of this chapter and require of such applicants, as a condition to issuance of such license, such information, including but not limited to, fingerprints and personal history statements, touching on and concerning the applicant's character, honesty, integrity, and reputation as it may consider necessary, except that every application for an automobile wrecker's license shall contain in addition to such information as the department may require, a statement of the following facts:

Statement

(1) The name and residence address of the applicant and the trade name, if any, under which he intends to conduct his business; and if the applicant be a copartnership, the name and residence addresses of each member thereof, whether a limited or general partner, and the name under which the partnership is to be conducted; and if the applicant be a corporation, the name and residence address of each of its principal officers and directors and controlling stockholders.

(2) A complete description, including the city and town or village, with the street and number, if any, of the established place of business and such other and additional place or places of business as shall be operated and maintained by the applicant in conjunction with the principal established place of business.

(b) Upon receipt of an application accompanied with the appropriate fee as provided in Section 9264, the department shall make a thorough investigation of the applicant.

Distinguishing number

11505. (a) The department, upon granting a license and certificate, shall issue to the applicant a certificate and license containing the applicant's name and address and the general distinguishing number assigned to the applicant.

Plates

(b) The department shall also issue special plates as applied for which shall have displayed thereon the general distinguishing number assigned to the applicant. Each set of plates so issued shall also contain a number or symbol identifying the same from every other set of plates bearing a like general distinguishing number.

Books and forms

(c) The department shall also furnish books and forms as it may determine necessary, which books and forms are and shall remain the property of the department and may be taken up at any time for inspection.

Restricted licenses

11506. Except where the provisions of this code require the refusal to issue a license and certificate, the department may issue a license and certificate restricted by conditions to be observed in the exercise of the privilege granted. The terms and conditions to be attached to the exercise of the privilege under such restricted license and certificate shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department.

Temporary permit

11507. Pending the satisfaction of the department that the applicant has met the requirements under this code, it may issue a temporary permit to any person applying for an automobile wrecker license and certificate. The temporary permit shall permit the operation by the automobile wrecker for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualification of the applicant to such license and certificate. Such temporary permit shall be invalid when the applicant's license and certificate have been issued or refused.

Expiration of license

11508. (a) Every special plate, license and certificate issued hereunder shall expire at midnight on the 31st day of December of each year and new plates, license and certificate for the ensuing year may be obtained by the person to whom any such expired plates, license and certificate were issued upon application to the department and payment of the fee provided in this code.

Application for renewal

(b) Every application for the renewal of special plates, license and certificate which expires on the date above men-

tioned shall be made by the person to whom issued between November 1st and midnight of November 30th preceding such expiration date, and shall be made by presenting the application form provided by the department and by payment of the full annual renewal fee for such plates, license and certificate.

Suspension, etc., of license after notice and hearing

11509. The department after notice and hearing may suspend, revoke or refuse to renew the certificate and license and special plates issued to an automobile wrecker upon determining that any such automobile wrecker is not lawfully entitled thereto, has made or knowingly or negligently permitted an illegal use of the special plates issued to said person, used a false or fictitious name, knowingly made any false statements or concealed any material fact in any application or other document filed with the department, or has violated one or more terms and provisions of Divisions 3 (commencing with Section 4000) or 4 (commencing with Section 10500) or Chapter 3 (commencing with Section 11500) of Division 5, of this code or Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code; or has been convicted of a felony or a crime involving moral turpitude arising out of or in connection with any business licensed under this code; or has failed to pay within 30 days after written demand from the department any fees or penalties due on vehicles acquired for dismantling.

Every hearing as provided for in this chapter shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Temporary suspension, etc.

11510. The department may, pending a hearing, temporarily suspend or refuse to renew the license and certificate and special plates issued to an automobile wrecker for a period not to exceed 30 days if the director finds that such action is required in the public interest. In any such case a hearing shall be held and a decision thereon issued within 30 days after notice of temporary suspension.

Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Revocation or suspension

11511. The department may revoke or suspend a license and certificate and special plates issued to an automobile wrecker on such terms and conditions and for such period of time as shall appear fair and just to the director, except that no such license and certificate and special plates shall be revoked or suspended unless it shall first be shown that the licensee has been duly convicted by a court of competent jurisdiction or found by a hearing officer guilty of the violation of using a false or fictitious name, knowingly making any false statements or concealing any material fact in any application or other document filed with the department, one or more of the terms and provisions of Division 3 (commencing with Section 4000), Division 4 (commencing with Section 10500) or

Chapter 3 of Division 5 (commencing with Section 11500) of this code or has failed to meet and maintain the requirements for issuance of an automobile wrecker license and certificate and special plates as provided for in this code.

Demand for a hearing

11512. (a) Upon refusal of the department to issue a license and certificate and special plates to an automobile wrecker the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

Applicable procedure

(b) The hearing shall be conducted pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Limitations

11513. The department shall not issue an automobile wrecker's license and certificate to any applicant therefor who has not an established place of business as is defined in this code. Should the automobile wrecker change the site or location of his established place of business, he shall immediately upon making such change so notify the department. Should the automobile wrecker for any reason whatsoever, cease to be in possession of an established place of business, as in this code defined, from and on which he conducts the business for which he is licensed, he shall immediately so notify the department and upon demand therefor by the department shall deliver up unto the department such automobile wrecker's license and certificate, automobile wrecker's special plates, and all books and forms provided by the department in his possession.

Joint places of business

11514. An automobile wrecker's established place of business and such other sites or locations as may be operated and maintained by such automobile wreckers in conjunction with their principal established place of business shall have posted in a conspicuous place in each and every location the certificate and license issued by the department and shall have erected or posted thereon such signs or devices providing information relating to the automobile wrecker's name, the location and address of the automobile wrecker's established place of business so as to enable any person doing business with such automobile wrecker to identify him properly. Every such sign erected or posted on an established place of business, shall have an area of not less than four square feet per side displayed, and shall contain lettering of sufficient size to enable the sign to be read from a distance of at least 50 feet.

Total loss insurance
Salvage sale

11515. (a) Whenever a vehicle subject to registration is sold as salvage as a result of a total loss insurance settlement, the insurance company or its authorized agent shall, within 10 days from settlement of the loss with its insured, forward the endorsed certificate of ownership or other evidence of title to the department at its headquarters office.

Bill of sale

(b) Upon sale of the salvage vehicle the insurance company or its authorized representative shall issue a bill of sale to the purchaser on a form to be prescribed and supplied by the department. The department shall accept such bill of sale

in lieu of the certificate of ownership or other evidence of title for purposes mentioned in Division 3 (commencing with Section 4000) of this code when accompanied by an appropriate application or other documents and fees as therein required.

Rebuilding and restoration

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

Retention of salvage vehicle by insured

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

Special vehicle plates

11516. (a) Any automobile wrecker owning or controlling any vehicle of a type otherwise required to be registered hereunder, may operate or move the same upon the highways without subjecting the vehicle to registration or transfer, or both, solely for the purpose of moving the same from its then location to the established place of business of such automobile wrecker, if there is displayed on the vehicle special plates issued to such automobile wrecker as provided in this chapter, in addition to other license plates or permits already assigned and attached to the vehicle in the manner prescribed in Article 9 (commencing with Section 5200) of Chapter 1 of Division 3.

Exception

(b) The provisions of this section do not apply to work or service vehicles owned by an automobile wrecker.

Estate of deceased holder

11517. The department may issue a certificate of convenience to the executor, executrix, administrator or administratrix of the estate of a deceased holder of validly outstanding special plates, license and certificate issued under this chapter, or if no executor, executrix, administrator or administratrix had been appointed, and until a certified copy of an order making such appointment is filed with the department, to the widow or other heir otherwise entitled to conduct the business of the deceased, permitting such person to exercise the privileges granted by such special plates, license and certificate for a period of one year from and after the date of death, pending, but not later than, disposal of the business and qualification of the vendor of the business or such surviving widow or heir for such special plates, license and certificate under the provisions of this chapter. The department may restrict or condition the license and certificate and attach to the exercise of the privileges thereunder such terms and conditions as in its judgment the protection of the public requires.

Cancellation of special plates, etc Grounds

11518. The special plates, license and certificate provided for in this chapter shall be automatically canceled upon:

(a) The abandonment of the established place of business of the automobile wrecker or the change thereof without notice to the department as provided in Section 11513 of this code.

(b) The voluntary surrender for any cause by the licensee of the said special plates, license and certificate.

(c) When the person as defined in Section 470 of this code and designated as licensee has changed, except that the special plates issued to the original licensee may be transferred upon application as provided in Section 11501 and the newly designated licensee as transferee thereof shall succeed to the privileges evidenced by said plates until the expiration thereof.

(d) The failure of the licensee to file an application for renewal of the special plates, license and certificate before January 1st following the expiration date of the current special plates, license and certificate.

Inspection by the department

11519. No vehicle which has been reported wrecked or dismantled may be subsequently registered until it has been inspected by the department and found to be in a safe mechanical condition and equipped with safety glass

Notification of acquisition

11520. (a) Any licensed automobile wrecker who obtains actual possession as a transferee of a vehicle subject to registration hereunder for the purpose of wrecking or dismantling, shall within twenty-four (24) hours forward notification on an appropriate form, to the department at its headquarters in Sacramento, of acquiring such vehicle and at the same time a copy of said form shall be forwarded to the California Highway Patrol at its headquarters in Sacramento and to local enforcement agencies when required by local ordinance. A copy of such form shall also be forwarded to the legal owner if known to the wrecker.

(1) A period of seven (7) days, exclusive of Saturdays, Sundays, and holidays set forth in Sections 6700 and 6701 of the Government Code, shall elapse following the forwarding of the notification before the wrecking or dismantling shall begin, unless earlier permission has been received from the department as provided in subdivision (b) of this section, except that vehicles acquired under the provisions of Section 3072 or 3073 of the Civil Code shall not be wrecked or dismantled until permission has been received from the department.

(2) Within 90 days of the date of taking possession, a licensed automobile wrecker shall surrender, or show diligent effort to secure and surrender, to the department the documents evidencing ownership, and the license plates last issued for each vehicle acquired for dismantling purposes.

(b) Any person desiring to dismantle or wreck any vehicle subject to registration hereunder shall surrender to the department the report as required, the certificate of ownership, registration card, and the license plate or plates last issued therefor, and thereby make application for a transfer of ownership, but such person shall not dismantle or wreck the vehicle until permission has been received from the department, except as

provided in subdivision (a) (1) of this section. Any person who complies with this subdivision within 24 hours from the time of obtaining actual possession as a transferee of a motor vehicle subject to registration, exclusive of Saturdays, Sundays, and the holidays set forth in Sections 6700 and 6701 of the Government Code, or any person who receives a vehicle under a bill of sale conforming to subdivision (b) of Section 11515 from an insurance company, shall be exempt from the requirements of the first paragraph and paragraph (1) of subdivision (a) of this section.

(1) When the department has received the report when required, the certificate of ownership from such person, the registration card and last issued license plate or plates as required herein, the transfer shall be deemed complete and no transfer fee or prior unpaid transfer fee shall be paid.

(c) Automobile wreckers licensed hereunder shall maintain a record of all vehicles acquired for dismantling or wrecking, which shall contain the name and address of the person from whom such vehicle was purchased or acquired and the date thereof, the registration number last assigned to the vehicle and a brief description of the vehicle, including insofar as the hereinafter specified data may exist with respect to a given vehicle, the make, type, serial number and the identifying number used for registration purposes.

(d) It shall be prima facie evidence that an identifiable vehicle in a dismantled condition has been so partially dismantled by the person having possession thereof.

(e) Any person who violates this section is guilty of a misdemeanor. Any person not licensed under the provisions of this chapter who is convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than five days nor more than six months or by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or by both such fine and imprisonment and upon a second or any subsequent conviction by imprisonment in the county jail for not less than 30 days nor more than one year or by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000) or by both such fine and imprisonment.

Exception

11521. The provisions of Section 4457, 4458, and 4459 shall not apply when a vehicle is reported for dismantling or wrecking. However, any person desiring to dismantle or wreck such vehicle shall, in accordance with Section 11520, surrender to the department the certificate of ownership, registration card, and license plate or plates last issued for such vehicle. In event the person so reporting is unable to furnish the certificate of ownership, registration card, and license plate or plates last issued to the vehicle, or any of them, the department may receive such report and application, examine into the circumstances of the case, and may require the filing of suitable affidavits, or other information or documents. No duplicate certificate of ownership, registration card, license plate or plates

will be issued when a vehicle is reported for dismantling and no fees shall be required for the aforesaid affidavit or any stolen, lost or damaged certificate, card, plate or plates of duplicates thereof, unless the vehicle is subsequently registered in accordance with Section 11519.

Local regulations

11522. The provisions of this chapter shall not prevent the local authorities of any city, city and county or county by ordinance, within the exercise of the police power of such city, city and county or county, from imposing local regulations with respect to traffic in loose vehicle parts and vehicle accessories.

SEC. 7. Section 11520 is added to the Vehicle Code, to read:

Notification of acquisition

11520. (a) Any licensed automobile wrecker who obtains actual possession as a transferee of a vehicle subject to registration hereunder for the purpose of wrecking or dismantling, shall within twenty-four (24) hours forward notification on an appropriate form, to the department at its headquarters in Sacramento, of acquiring such vehicle and at the same time a copy of said form shall be forwarded to the California Highway Patrol at its headquarters in Sacramento and to local enforcement agencies when required by local ordinance. A copy of such form shall also be forwarded to the legal owner if known to the wrecker.

(1) A period of seven (7) days, exclusive of Saturdays, Sundays, and holidays set forth in Sections 6700 and 6701 of the Government Code, shall elapse following the forwarding of the notification before the wrecking or dismantling shall begin, unless earlier permission has been received from the department as provided in subdivision (b) of this section, except that vehicles acquired under the provisions of Section 3072 or 3073 of the Civil Code shall not be wrecked or dismantled until permission has been received from the department.

(2) Within 90 days of the date of taking possession, a licensed automobile wrecker shall surrender, or show diligent effort to secure and surrender, to the department the documents evidencing ownership, and the license plates last issued for each vehicle acquired for dismantling purposes.

(b) Any person desiring to dismantle or wreck any vehicle subject to registration hereunder shall surrender to the department the report as required, the certificate of ownership, registration card, and the license plate or plates last issued therefor, and thereby make application for a transfer of ownership, but such person shall not dismantle or wreck the vehicle until permission has been received from the department, except as provided in subdivision (a)(1) of this section. Any person who complies with this subdivision within 24 hours from the time of obtaining actual possession as a transferee of a motor vehicle subject to registration, exclusive of Saturdays, Sundays, and holidays set forth in Sections 6700 and 6701 of the Government Code, or any person who receives a vehicle under a bill of sale conforming to subdivision (b) of

Section 11515 from an insurance company, shall be exempt from the requirements of the first paragraph and paragraph (1) of subdivision (a) of this section.

(1) When the department has received the report when required, the certificate of ownership from such person, the registration card and last issued license plate or plates as required herein, the transfer shall be deemed complete and no transfer fee or prior unpaid transfer fee shall be paid.

(2) When the transferee of a vehicle is an automobile wrecker who acquired the same for the purpose of dismantling or wrecking the same, and when said transferee shall report the vehicle for the purpose of dismantling as required by subdivision (b) of this section, then said transferee shall not be required to file an affidavit of nonoperation and shall not be required to pay fees as would otherwise be required if said vehicle were to be registered for operations on the highways of this State.

(c) Automobile wreckers licensed hereunder shall maintain a record of all vehicles acquired for dismantling or wrecking, which shall contain the name and address of the person from whom such vehicle was purchased or acquired and the date thereof, the registration number last assigned to the vehicle and a brief description of the vehicle, including insofar as the hereinafter specified data may exist with respect to a given vehicle, the make, type, serial number and the identifying number used for registration purposes.

(d) It shall be prima facie evidence that an identifiable vehicle in a dismantled condition has been so partially dismantled by the person having possession thereof.

(e) Any person who violates this section is guilty of a misdemeanor. Any person not licensed under the provisions of this chapter who is convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than five days nor more than six months or by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or by both such fine and imprisonment and upon a second or any subsequent conviction by imprisonment in the county jail for not less than 30 days nor more than one year or by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000) or by both such fine and imprisonment.

SEC. 8. Section 7 of this act shall become operative only if Assembly Bill No. 1632 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as this act becomes operative; at which time Section 11520 of the Vehicle Code as added by Section 6 of this act is repealed. **Effect Stats. 1961, Ch. 1566**

SEC. 9. This act shall become operative January 1, 1962 **Operative date**

CHAPTER 1641

An act to amend Section 3510 of the Fish and Game Code, relating to training of dogs and field trials.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 3510 of the Fish and Game Code is amended to read:

3510. Whenever legally acquired domestically reared pheasants are used for the training of hunting dogs, such birds may be lawfully taken if the person taking the birds has a valid hunting license and permit issued by the department.

Whenever such birds are used for field trials held by organizations operating under the auspices of the American Kennel Club, the American Field Dog Stud Book, or other organization which in the opinion of the department is a bona fide hunting dog organization, the birds may be taken if the organization conducting the field trial has a permit for such taking issued by the department and if each individual that shoots the birds has a valid hunting license.

The fee for such permits is one dollar ($1) for each individual permit and five dollars ($5) for each organizational permit. Applications for such permits shall be made to the department.

The department may require that any pheasants so used be marked to distinguish them from wild pheasants and the carcass of any bird so taken shall be tagged with a seal as provided for in Section 3206 and 3207.

The department may designate in such permit, the time, place, and dates where such training of dogs or field trials may be held.

The release and taking of exotic nonresident game birds subject to Sections 3515 and 3516 may be pursuant to this section if authorized by the commission. Such permits shall be issued on an annual basis commencing on January 1, 1962.

CHAPTER 1642

An act to amend Sections 6951, 6952, 6953, and 6954 of, and to add Sections 6955, 6956, and 6957 to, the Education Code, relating to education of institutional children.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 6951 of the Education Code is amended to read:

Reimbursement of school district

6951. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in a regularly established nonprofit, tax-exempt, licensed children's institution located either within or without the boundaries of the district, the district shall be reimbursed for the actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the children's institution. The pupil residing in an institution under this section does not acquire residence in the district wherein the institution is located during the period of residence in this institution.

SEC. 2. Section 6952 of said code is amended to read:

Same Determination of expense

6952. The county or city and county of which any such minor is a resident shall at the close of each school year pay to the district educating such minor the cost of educating such minor during the school year. The cost shall be determined by dividing the total current expenses of the school district during such school year less all apportionments from the State or allocations from the federal government received by the district during such school year, by the total number of units of average daily attendance in such school district during such school year.

The county or city and county of which any such minor is a resident shall at the close of each school year also pay to the district educating such minor the excess expenditures of educating such minor during the school year. The excess expenditures shall be determined by dividing the total excess expenditures of the school district during such school year on account of educating such minors less all special purpose apportionments from the State or allocations from the federal government on account of the excess costs of educating such minors by the total number of units of average daily attendance of such minors in such school or classes during such school year.

"Excess expenditures"

For the purpose of this section "excess expenditures" shall mean the additional expenditures made by the district during the school year for education of such minors in regular classes and in classes maintained in regularly established licensed institutions authorized by law to be maintained by the district.

SEC. 3. Section 6953 of said code is amended to read:

Claims

6953. The district maintaining such school or classes shall forward its claim on forms prescribed by the Superintendent of Public Instruction not later than the 15th day of July of each year to the county superintendent of schools of the county, or city and county, wherein the district is located, who shall certify and present the claim to the county superintendent of the county, or city and county, of the pupil's residence.

SEC. 4. Section 6954 of said code is amended to read:

Request for funds

6954. The county superintendent of schools in each county, and city and county, shall file with the board of supervisors

not later than the eighth day of August of each year a request for sufficient funds to pay the total amount of claims presented to him in accordance with this chapter.

SEC. 5. Section 6955 is added to said code, to read:

Payment of claims

6955. The board of supervisors of each county, and city and county, shall annually, at the time and in the manner of levying other county, and city and county taxes, levy and cause to be collected a tax for the payment of claims submitted pursuant to this chapter.

SEC. 6. Section 6956 is added to said code, to read:

Depository: Notice of availability

6956. The moneys received from such county tax shall be deposited in the county treasury to the credit of the county school service fund. On or before the first Monday in February and the first Monday in June of each year, the county auditor shall notify the county superintendent of schools of the amount of money in the treasury available for the payment of claims authorized by this chapter.

The county superintendent of schools shall thereupon disburse the money to the school districts which have qualified for reimbursement pursuant to this chapter.

SEC. 7. Section 6957 is added to said code, to read:

Forms and procedures

6957. The State Superintendent of Public Instruction may furnish the forms and shall prescribe the procedures required of school districts and county superintendents of schools under this chapter, and shall adopt all rules and regulations necessary for carrying out its provisions.

CHAPTER 1643

An act to amend Sections 1227, 1228, 1413, 1415, and 1416 of the Financial Code, relating to loans by banks.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 1227 of the Financial Code is amended to read:

Loans secured by first liens on real property

1227. A commercial bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The term of the loan does not exceed 10 years and the amount does not exceed 60 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(b) The term of the loan does not exceed 20 years, is repayable in substantially equal installments not less often than monthly, with payments commencing not later than 60

days from the date of the loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount does not exceed 75 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(c) The loan is on a farm or productive agricultural lands, the term does not exceed 20 years, is repayable in substantially equal installments not less often than annually, and the amount does not exceed 75 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(d) The term of the loan does not exceed six months and the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(e) The term of the loan does not exceed 18 months and the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal, and the loan is for the purpose of financing building operations under a plan providing for payment of the loan or providing for refinancing by loans otherwise permitted by this chapter.

A commercial bank may make a loan without regard to the above restrictions when necessary to facilitate the sale of real property owned by the bank.

SEC. 2. Section 1228 of said code is amended to read:

Same

1228. A commercial bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The loan is fully guaranteed or insured or covered by a commitment to guarantee or insure by the United States, the Federal Housing Administrator, or by any other agency of the United States which the superintendent shall have approved for the purposes of this subdivision as an issuer of insurance or guarantees of loans on real property, whether the proceeds of the guarantee or insurance is payable in cash or in obligations of the United States; or

(b) The loan is fully guaranteed by the United States or any agency thereof pursuant to the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, or, if a portion of the loan is so guaranteed, then if the unguaranteed portion of the loan does not exceed 75 percent of the sound market value of the property or leasehold for loan purposes as determined by proper appraisal.

(c) The loan is one in which the Small Business Administration co-operates through agreements to participate on an

immediate or deferred basis under the Small Business Act, as amended.

SEC. 3. Section 1413 of said code is amended to read:

Same

1413. A savings bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The term of the loan does not exceed 10 years and the amount does not exceed 60 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(b) The term of the loan does not exceed 20 years, is repayable in substantially equal installments not less often than monthly, with payments commencing not later than 60 days from the date of the loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount does not exceed 75 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(c) The loan is on a farm or productive agricultural lands, the term does not exceed 20 years, is repayable in substantially equal installments not less often than annually, and the amount does not exceed 75 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(d) The term of the loan does not exceed 18 months and the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal and the loan is for the purpose of financing building operations under a plan providing for payment of the loan or providing for refinancing by loans otherwise permitted by this chapter.

A savings bank may make a loan without regard to the above restrictions when necessary to facilitate the sale of real property owned by the bank.

SEC. 4. Section 1415 of said code is amended to read:

Same

1415. A savings bank holding a first lien on real property may take, or purchase and hold, or loan upon another and immediately junior lien but all such loans shall not exceed in the aggregate 75 percent of the sound market value of the property as determined by proper appraisal. A savings bank may loan not to exceed the face value of a deed of trust or mortgage which constitutes a first lien upon real property, but in no event shall any such loan exceed 75 percent of the sound market value of the property covered by said mortgage or deed of trust as determined by proper appraisal.

SEC. 5. Section 1416 of said code is amended to read:

1416. A savings bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if: Same

(a) The loan is fully guaranteed or fully insured or covered by a commitment to fully guarantee or fully insure by the United States, the Federal Housing Administrator, or by any other agency of the United States which the superintendent shall have approved for the purposes of this subdivision as an issuer of insurance or guarantees of loans on real property, whether the proceeds of the guarantee or insurance is payable in cash or in obligations of the United States; or

(b) The loan is fully guaranteed by the United States or any agency thereof pursuant to the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, or, if a portion of a loan is so guaranteed, then, if the unguaranteed portion of the loan does not exceed 75 percent of the sound market value of the property or leasehold for loan purposes as determined by proper appraisal

(c) The loan is one in which the Small Business Administration co-operates through agreements to participate on an immediate or deferred basis under the Small Business Act, as amended.

CHAPTER 1644

An act to amend Section 15953 of the Education Code, relating to school districts contracts.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 15953 of the Education Code is amended to read:

15953. In school districts, having an average daily attendance of 1,000 or more, as shown by the annual report of the county superintendent of schools for the preceding school year, the board may secure from responsible bidders at least three estimates of the cost of the work to be done or materials or supplies to be furnished. The estimates shall be secured from bona fide dealers or craftsmen engaged in the business or in handling the goods specified.

Estimates shall be submitted in writing and shall be filed with the clerk or secretary of the board, or with such other officer or employee as the board may designate.

If any of the estimates of cost is less than four thousand dollars ($4,000), the board may let a contract for the work, materials, or supplies, to the lowest responsible bidder without publishing the notice calling for bids

CHAPTER 1645

An act to add Section 19579.1 to, and to amend Section 19590 of, the Education Code, relating to state school building aid.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 19579.1 is added to the Education Code, to read:

Apportionments for sites, temporary and portable buildings, etc.

19579.1. In addition to any powers granted the board under this chapter, the board shall have authority to make apportionments to school districts for the purchase of sites and construction or purchase of temporary and portable buildings thereon, or for such construction alone, and for the cost of site preparation, including necessary utility costs, in connection with their utilization. The board may establish standards in conjunction with the Department of Education pertaining to said sites and facilities as a condition of making such apportionments.

Direct expenditures by board

In addition, the board may expend moneys from the State School Building Aid Fund directly for the construction, acquisition, storage, maintenance and repair of such buildings, and administrative costs relating thereto. In such event the board may lease, sell or transfer under a lease-purchase agreement such buildings to eligible school districts or to county superintendents of schools. Any such agreements with school districts may provide for the payment by the State of site preparation costs, including necessary utility costs, sufficient to permit the utilization of such facilities. Any buildings leased for placement on the school property or under a purchase or a lease-purchase agreement shall be deemed the construction or alteration of a school building as those terms are defined in Sections 15451 to 15465, inclusive. The consideration payable by either school districts or county superintendents for such facilities shall, as nearly as practicable, reflect an amount which would render to the State a fair return, as determined by the board, on its investment in said facilities and expenditures connected with their utilization, in the light of the benefits conferred by the agreement pertaining thereto.

Contracts

The county superintendent of schools may contract with eligible school districts respecting and transfer to them by lease, lease-purchase or sale, facilities acquired by him from the board, provided that such agreements are not inconsistent with the rights of the State under any agreement between such superintendent and the board respecting such property. Repayments to the State as due shall be made by the county superintendent from the funds received from the affected school districts, and, if necessary to make the same when due, from the county school service fund, upon which he is authorized to draw requisitions for this purpose. Such fund shall be

reimbursed for such withdrawals from any payments made by the affected districts to the county superintendent not required when made for the discharge of any obligations of the county superintendent hereunder to the State.

Approval of transfers

No transfer of any property acquired directly by the board to any school district by lease or otherwise shall be made either by the board or county superintendents without the approval of the Department of Education solely as to (1) the property to be transferred, including incidental construction, if any, connected therewith, (2) whether the same shall be by lease or sale, and (3) if less than a sale, the term of such lease, including any contingent or indefinite term.

The board, affected school districts, and county superintendents of schools are authorized to do any and all things necessary to carry out the purposes of this section. Payments required of any affected school districts under any agreement entered into pursuant to this section shall be made promptly when due. Whenever the board deems it economically desirable in the State's interest to do so, it may dispose of any facilities directly acquired by it to any public or private parties in such manner and under such terms as it deems best, providing that such disposition is not inconsistent with any agreements previously entered into under this section.

"Eligible school districts"

The term "eligible school districts" as used in this section, shall be deemed to refer to those districts which at the time an agreement contemplated hereunder is entered into would upon proper application have been eligible to receive an apportionment under this chapter, provided that solely for the purpose of determining such eligibility the board, or the county superintendent of schools in agreements with districts hereunder, may waive construction area restrictions pertaining to apportionments under this chapter.

SEC. 2. Section 19590 of said code is amended to read:

Bonded debt requirements

19590. No apportionment to a school district shall become final unless: (a) the total amount of outstanding bonds of the district exceeds ninety-five percent (95%) of the maximum amount of bonds which the district could have had outstanding under any law on the date the conditional apportionment is made, or (b) if the total amount of the bonds of the district outstanding and unpaid is less than ninety-five percent (95%) of the amount of the bonds permitted to be issued by the district, the amount of district bonds outstanding is within twenty-five thousand dollars ($25,000) of the total bond limit permitted, as of the date on which the conditional apportionment is made At the time the board makes a conditional apportionment pursuant to Section 19571, it shall determine what portion of the total amount of bonds which a district is permitted to issue and sell by law shall be issued and sold by such district, the proceeds of which shall be applied toward the cost of the project for which the apportionment is sought; provided, that in the event the school district has previously received apportionments, such proceeds shall first be applied

toward the reduction, in chronological order beginning with the earliest, of any apportionments previously made to the district, before being applied toward the cost of the project for which an apportionment is sought, provided further that no such proceeds shall be applied toward the reduction of any apportionment for a site made pursuant to Section 19577 prior to the combination of such site apportionment with a construction apportionment pursuant to subsection (d) of Section 19577. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district. The amount of any apportionment for a construction project made as a consequence of applying district bond proceeds toward the reduction of prior apportionments pursuant to this section instead of applying the district bond proceeds toward the cost of such construction project, shall be excluded in determining the amount chargeable against the apportionments authorized by the electorate of the district to be accepted, expended and repaid. It is hereby declared that this provision, added by the amendment to this section enacted at the 1958 First Extraordinary Session of the Legislature, is not intended as a change in the law, but rather as a declaration of existing law.

Any provision of this code to the contrary notwithstanding, whenever the electors of a district, subsequent to any requirement by the board for the sale of bonds in connection with an apportionment, authorize the issuance of bonds for any purpose for which an apportionment could lawfully be made, such authorization shall, in addition to the purposes specified, be deemed to constitute the consent of the electors to apply the proceeds of the bonds so required to be sold by the board toward the reduction of any apportionment previously made to such district. Any bond funds used to reduce any apportionment pursuant to this section shall be transferred to the State School Building Aid Fund and shall be available for reapportionment by the board. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district.

No apportionment to a school district under this chapter shall become final, nor any agreement authorized by Section 19579.1 be entered into unless at an election called by the governing board of the district, two-thirds of the qualified electors of the district voting thereat have authorized the governing board to accept, expend and repay as provided in this chapter an apportionment under the provisions thereof or, with respect to said agreement, to obligate the district in an amount equal to or in excess of the maximum amount which

the district could be obligated by said agreement, or by any act of its governing board or for which it is responsible, contemplated or permitted thereby. Said election shall be called, held and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot shall contain substantially the following words:

"Shall the governing board of the district be authorized (1) to accept and expend an apportionment from the State of California under and subject to the provisions of Chapter 10 of Division 14 of the Education Code, which amount is subject to repayment as provided by said chapter, or (2) to enter into an agreement or agreements with the State pursuant to Section 19579.1 of the Education Code, which will at the time of such agreement or agreements (or at the time of any subsequent act of the governing board, or for which it is responsible, contemplated or permitted thereby) commit the district to a total expenditure in connection with all such agreements of not more than _____ dollars, or both. Yes _____ No _____."

CHAPTER 1646

An act to amend Section 1770 of the Harbors and Navigation Code, relating to San Francisco harbor.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1770 of the Harbors and Navigation Code is amended to read:

1770. Subject to any valid leases and subject to such jurisdiction as the City and County of San Francisco may have in the public streets within the area hereinafter described and subject to the present occupancy and use of land and air space by the San Francisco-Oakland Bay Bridge under the jurisdiction of the California Toll Bridge Authority and the Department of Public Works, the Port Authority has possession and control of that portion of the Bay of San Francisco, and the adjacent territory, together with all the improvements, rights, privileges, easements, and appurtenances connected therewith, or in anywise appertaining thereto, for the purposes provided by this part, which is bounded as follows:

Commencing at the intersection of the center line of Lewis Street with the center line of Webster Street; running thence southerly along the center line of Webster Street to a point in the northerly line of Tide Land Survey #15, San Francisco County patented by the State of California to the North San Francisco Homestead and Railroad Association on June 23, 1864; thence easterly along said northerly line to the northeasterly corner of the lands patented to said association; thence

southerly along the easterly line, and the extension thereof, to the shore line of San Francisco Bay as said shore line existed in 1850; thence easterly along the shore line of 1850 to the easterly line of Laguna Street; thence northerly along the easterly line of Laguna Street to the center line of Lewis Street; thence easterly along the center of Lewis Street to a point distant 514.19 feet westerly from the westerly line of Van Ness Avenue; thence northerly 21.78 feet to a point distant 514.65 feet westerly from the westerly line of Van Ness Avenue; thence easterly 156.0 feet to a point distant 358.68 feet westerly from the westerly line of Van Ness Avenue and 25.02 feet northerly from the center line of Lewis Street; thence southerly 25.02 feet to a point on the center line of Lewis Street distant 358.16 feet westerly from the westerly line of Van Ness Avenue; thence easterly along the center of Lewis Street to the center of Polk Street; thence southerly along the center of Polk Street to the southerly line of the Embarcadero; thence easterly along the southerly line of the Embarcadero to a point 275 feet west of the westerly line of Hyde Street measured at right angles thereto; thence southerly parallel with the westerly line of Hyde Street to a point 225 feet north of the northerly line of Jefferson Street; thence easterly parallel with the northerly line of Jefferson Street to the westerly line of Hyde Street; thence southerly along the westerly line of Hyde Street to the southerly line of Jefferson Street; thence easterly along the southerly line of Jefferson Street to the westerly line of Powell Street; thence southerly along the westerly line of Powell Street to the southerly line of Beach Street; thence easterly along the southerly line of Beach Street to the westerly line of Grant Avenue; thence southerly along the westerly line of Grant Avenue to the southerly line of North Point Street; thence easterly along the southerly line of North Point Street to the westerly line of Kearny Street; thence southerly along the westerly line of Kearny Street to the shore line of 1850; thence southerly along the shore line of 1850 to the southerly line of Francisco Street; thence easterly along the southerly line of Francisco Street to the westerly line of Montgomery Street;

Thence southerly along the westerly line of Montgomery Street to the southerly line of Chestnut Street; thence easterly along the southerly line of Chestnut Street to the westerly line of Sansome Street; thence southerly along the westerly line of Sansome Street to the southerly line of Lombard Street; thence easterly along the southerly line of Lombard Street to the westerly line of Battery Street; thence southerly along the westerly line of Battery Street to the southerly line of Greenwich Street; thence easterly along the southerly line of Greenwich Street to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to the westerly line of Front Street; thence southerly along the westerly line of Front Street to the southerly line of Vallejo Street; thence easterly along the southerly line of Vallejo

Street to the easterly line of Front Street; thence southerly along the easterly line of Front Street to the northerly line of Broadway; thence easterly along the northerly line of Broadway a distance of 137.5 feet; thence northerly parallel to Front Street to southerly line of Vallejo Street; thence easterly along the southerly line of Vallejo Street to the westerly line of Davis Street; thence southerly along the westerly line of Davis Street to the southerly line of Broadway; thence easterly along the southerly line of Broadway to the westerly line of Embarcadero; thence southerly along the westerly line of the Embarcadero, formerly East Street, as shown on that certain map entitled "Monument Map of the Fifty Vara District of the City and County of San Francisco to its intersection with the northerly line of Howard Street; thence westerly along the northerly line of Howard Street to the westerly line of Steuart Street; thence southerly along the westerly line of Steuart Street to the westerly line of the Embarcadero; thence southerly along the westerly line of the Embarcadero to a point 137.5 feet southerly from the southerly line of Harrison Street measured at right angles thereto; thence westerly parallel to Harrison Street to the westerly line of Spear Street; thence southerly along the westerly line of Spear Street to the northerly line of Bryant Street; thence westerly along the northerly line of Bryant Street to the westerly line of Beale Street; thence southerly along the westerly line of Beale Street to the northerly line of Brannan Street; thence westerly along the northerly line of Brannan Street to the westerly line of First Street; thence southerly along the westerly line of First Street to the northerly line of Townsend Street; thence westerly 550 feet along the northerly line of Townsend Street to the former westerly line of Gale Street, thence along said westerly line of Gale Street to the northerly line of King Street; thence westerly along the northerly line of King Street to the westerly line of Second Street.

Thence southerly along the westerly line of Second Street to the northerly line of Berry Street; thence westerly along the northerly line of Berry Street to the westerly line of Third Street; thence southerly along the westerly line of Third Street 275.00 feet to a point 35 feet southerly of the northerly line of Channel Street; thence westerly parallel to said Channel Street 825 00 feet to the easterly line of Fourth Street; thence northerly along the easterly line of Fourth Street 35.00 feet to the northerly line of Channel Street; thence westerly along the northerly line of Channel Street to a point 285 feet distant from the easterly line of Seventh Street; thence southwesterly to a point on the southerly line of Channel Street 170 feet distant from the easterly line of Seventh Street; thence southerly and parallel to Seventh Street to a point 100.00 feet distant from the southerly line of Channel Street; thence easterly parallel to the southerly line of Channel Street to the westerly line of Sixth Street; thence northerly along said westerly line of Sixth Street 80.00 feet; thence at right angles to said west-

erly line 82.5 feet to a point on the easterly line of Sixth Street; thence southerly 80.00 feet along said easterly line; thence at right angles to said easterly line of Sixth Street and parallel to Channel Street to a point on the westerly line of Fourth Street; thence northerly 100.00 feet along said westerly line of Fourth Street to the southerly line of Channel Street; thence easterly along the southerly line of Channel Street to the westerly line of Third Street; thence southerly along the westerly line of Third Street to the southwesterly line of Fourth Street; thence southeasterly along the southwesterly line of Fourth Street to the westerly line of Illinois Street; thence southerly along the westerly line of Illinois Street to a point on the line of ordinary high tide as established by the Board of Tideland Commissioners, between Butte, now Nineteenth, Street and Napa, now Twentieth, Street in 1868; thence easterly, southerly and westerly along said high water mark to the westerly line of Illinois Street; thence southerly along the westerly line of Illinois Street to the center line of Twenty-fifth Street; thence easterly along the center line of Twenty-fifth Street to the easterly line of Massachusetts Street; thence southerly along the easterly line of Massachusetts Street to the center line of Twenty-Sixth Street; thence westerly along the center line of Twenty-Sixth Street to the westerly line of Maryland Street; thence southerly along the westerly line of Maryland Street to the northerly line of Army Street; thence westerly along the northerly line of Army Street to the westerly line of Michigan Street; thence southerly along the westerly line of Michigan Street to the northerly line of Marin Street; thence westerly along the northerly line of Marin Street to the westerly line of Illinois Street; thence southerly along the westerly line of Illinois Street to the northerly line of Tulare Street; thence westerly and northwesterly along the northerly line of Tulare Street to the northerly line of Marin Street; thence westerly along the northerly line of Marin Street to the center of Texas Street; thence southerly along the center of Texas Street produced to the southerly line of Islais Street produced westerly; thence easterly along the southerly line of Islais Street to the southwesterly line of Arthur Avenue; thence southeasterly along the southwesterly line of Arthur Avenue to the westerly line of Ingalls Street; thence southerly along the westerly line of Ingalls Street to the line of ordinary high tide of 1868, as established by the Board of Tideland Commissioners; thence southerly along the said line of ordinary high tide of 1868 to the northerly line of the State Patent to the South San Francisco Homestead and Railroad Association; thence easterly along said northerly line of the state patent to the easterly line of Earl Street; thence northerly along the easterly line of Earl Street and its extension to the bulkhead line of 1948; thence along said bulkhead line to its intersection with the southern boundary of the City and County of San Francisco; thence along the southerly, easterly and northerly boundary lines of said city and county to a point

due north of the place of commencement; thence south to the place of commencement. Together with that certain parcel of real property described as follows: Commencing at the intersection of the southwesterly line of Yosemite Avenue with the southeasterly line of Fitch Street; running thence northwesterly along the southwesterly line of Yosemite Avenue to the line of ordinary high tide, as established by the Board of Tideland Commissioners; thence northerly and easterly along said line of ordinary high tide to the southerly line of the State Patent to the South San Francisco Homestead and Railroad Association; thence easterly along said southerly line of the state patent to the southeasterly line of Fitch Street; thence southwesterly along the southeasterly line of Fitch Street to the place of commencement.

CHAPTER 1647

An act to repeal Chapter 4 (commencing with Section 16300) of Part 1 of Division 7 of the Business and Professions Code, relating to itinerant merchants.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Chapter 4 (commencing with Section 16300) of Part 1 of Division 7 of the Business and Professions Code is repealed.

CHAPTER 1648

An act to amend Section 1218 of, and to add Section 1227.5 to, the Penal Code, relating to judgments of death.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1218 of the Penal Code is amended to read:

1218. The judge of the court at which a judgment of death is had, must, immediately after the judgment, transmit to the Governor, by mail or otherwise, a statement of the conviction and judgment, and a complete transcript of all the testimony given at the trial including any arguments made by respective counsel and a copy of the clerk's transcript.

Transmittal to Governor

SEC. 2. Section 1227.5 is added to said code, to read:

1227.5. Notwithstanding Section 1227, where a judgment of death has not been executed by reason of a stay or reprieve granted by the Governor, the execution shall be carried out on the day immediately after the period of the stay or reprieve without further judicial proceedings.

Execution on day after period of stay, etc

CHAPTER 1649

An act to amend Sections 74702 and 74703 of the Government Code, relating to the Santa Rosa Municipal Court.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 74702 of the Government Code is amended to read:

Clerk Salary

74702. There shall be one clerk who shall receive a salary of four hundred twenty-nine dollars ($429) monthly with annual increments of twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of five hundred fifteen dollars ($515).

SEC. 2. Section 74703 of said code is amended to read:

74703. The clerk may appoint:

Appointees: Salaries

(a) One assistant clerk who shall receive a minimum salary of three hundred seventy-four dollars ($374) monthly with annual increments of eighteen dollars ($18), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) to a maximum of four hundred forty-nine dollars ($449).

(b) Three deputy clerks grade III, each of whom shall receive a minimum salary of three hundred forty-one dollars ($341) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and eighteen dollars ($18) to a maximum of four hundred ten dollars ($410) monthly.

(c) Three deputy clerks grade II, each of whom shall receive a minimum salary of three hundred eleven dollars ($311) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) to a maximum of three hundred seventy-four dollars ($374) monthly.

(d) Four deputy clerks grade I, each of whom shall receive a minimum salary of two hundred seventy-one dollars ($271) monthly with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of three hundred twenty-six dollars ($326) monthly.

CHAPTER 1650

An act to amend Sections 533 and 613 of, and to add Section 614.2 to, the Agricultural Code, relating to cottage cheese.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 533 of the Agricultural Code is amended to read:

533. It is unlawful to produce, manufacture or prepare for sale, or sell: Prohibited sales

(a) Any milk, cream, or other product of milk to which has been added, or that contains, any compound of boron, salicylic acid, formaldehyde, or other preservative.

(b) Any milk or product of milk, to which any coloring matter, except as otherwise provided in this division, has been added or to which any gelatin or other substance, except as otherwise provided in this division, has been added. This section does not prohibit the use of harmless coloring matter and common salt (chloride of sodium) in butter and cheese, the use of gelatin, sweetening, eggs or egg products, harmless coloring or flavoring, or edible stabilizer in the manufacture of ice cream, ice milk, sherbet, or edible stabilizer or citric acid in the creaming mixture for cottage cheese, or the use of alkalies approved by the director, in the manufacture of butter, or the adjustment of the acidity of ice cream mix within limits designated by the director.

SEC. 2. Section 613 of said code is amended to read:

613. (a) Uncreamed cottage cheese or cottage cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cottage cheese contains not more than 80 percent of moisture and not more than 0 5 percent fat. Cottage cheese defined

(b) One or more of the dairy ingredients specified in subparagraph (2) of this paragraph is pasteurized; calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix; harmless artificial coloring may be added; harmless lactic acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt. Cottage cheese may also be made by any other comparable procedure approved by the director. Method of preparation

(1) The dairy ingredients referred to in subparagraph (b) of this paragraph are sweet skim milk, concentrated skim milk, and nonfat dry milk solids. If concentrated skim milk or nonfat dry milk solids is used, water may be added in a quantity

not in excess of that removed when the skim milk was concentrated or dried.

(2) For the purposes of this section, the term "skim milk" means the milk of cows from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(3) For the purposes of this section, cottage cheese made from goat milk is a special variety of cheese.

(4) The packaging of uncreamed cottage cheese or cottage cheese shall take place only in a licensed milk products plant.

SEC. 3. Section 614.2 is added to said code, to read:

Homogenized creamed cottage cheese spread

614.2. Homogenized creamed cottage cheese spread is creamed cottage cheese which has been subjected to a mechanical process or treatment in such manner as to insure the breakup of all curd particles. It shall contain not less than 4 percent milk fat by weight of the product or more than 80 percent of moisture.

CHAPTER 1651

An act to amend Section 6401 of the Public Resources Code, relating to reservation of minerals to the State.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 6401 of the Public Resources Code is amended to read:

6401. All oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits in public lands belonging to the State, or which may become the property of the State, are reserved to the State. Such deposits are reserved from sale except upon a rental and royalty basis and except as otherwise provided by law. A purchaser of any public lands belonging to the State, or which may become property of the State, shall acquire no right, title, or interest in or to such deposits. The right of such purchaser shall be subject to the reservation of all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits, and to the conditions and limitations prescribed by law providing for the State and persons authorized by it to prospect for, mine, and remove such deposits, and to occupy and use so much of the surface of the land as may be required for all purposes reasonably extending to the mining and removal of such deposits therefrom: provided, that when any person, authorized by the State to prospect for said reserved deposits to the extent provided for in this division, enters upon such land, such person so entering shall be liable to and shall compensate such purchaser of land for all damage and injury to the permanent improvements and the crops on such lands by reason of such prospecting; pro-

vided, further, that persons who have acquired the right to mine and remove such deposits may re-enter, occupy and use so much of the surface of the land as may be required for all purposes reasonably extending to the mining and removal of such deposits therefrom; first, upon securing the written consent or waiver of the purchaser of such public land; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the State of California for the use and benefit of the purchaser of such land, to secure the payment of such damages to the crops or tangible improvements of the purchaser of said land as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in the form and in accordance with the rules and regulations prescribed by the commission: and provided, further, that the provisions of this section shall not apply to any compromise agreement entered into under this division.

CHAPTER 1652

An act to add Section 14683.5 to the Health and Safety Code, relating to fire protection districts

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 14683.5 is added to the Health and Safety Code, to read:

14683.5. The directors may acquire real property, or any interest therein, within or outside the boundaries of the district for prospective use as the location for structures or facilities of the district for the prevention and suppression of fires and may, until such time as the property is required for such structures or facilities, create a leasehold interest therein on such terms as the directors deem will be of benefit to the district. No real property or interest therein shall be acquired by the directors pursuant to this section outside the boundaries of the county or counties in which the district is located unless the board of supervisors of each county in which such property is located has consented to such acquisition by resolution.

CHAPTER 1653

An act to amend Sections 12807, 40508 and 40509 of the Vehicle Code, relating to failure to pay fines for traffic violations.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 12807 of the Vehicle Code is amended to read:

Prohibition against issuance or renewal of driver's license

12807. The department shall not issue or renew a driver's license to any person:

(a) When a license previously issued to the person under this code has been suspended until the expiration of the period of the suspension, unless cause for suspension has been removed.

(b) When a license previously issued to the person under this code has been revoked until the expiration of one year after the date of the revocation, except where a different period of revocation is prescribed by this code, or unless the cause for revocation has been removed

(c) When the department has been notified by a court that the licensee has violated his written promise to appear in court, unless the department has received a certificate signed by the magistrate or clerk of the court hearing the case in which the promise was given showing that the case has been adjudicated.

(d) When the department has been notified by a court that the licensee has failed to pay a lawfully imposed fine for a violation of any provision of Division 11 (commencing with Section 21000) of this code within the time authorized by the court.

SEC. 2. Section 40508 of said code is amended to read:

Failure to appear

40508. (a) Any person willfully violating his written promise to appear in court or before a person authorized to receive a deposit of bail is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

Failure to pay fine

(b) Any person willfully failing to pay a lawfully imposed fine for a violation of any provision of Division 11 (commencing with Section 21000) of this code within the time authorized by the court is guilty of a misdemeanor regardless of the full payment of the fine after such time.

SEC. 3. Section 40509 of said code is amended to read:

Failure to appear

40509. (a) Whenever any person has for a period of 15 or more days willfully violated his written promise to appear in court or before the person authorized to receive a deposit of bail, the magistrate or clerk of the court before whom the defendant so promised to appear shall give notice of such fact to the department not less than 30 nor more than 60 days after issuance of the warrant. Whenever thereafter the case in which

such promise was given is adjudicated the magistrate or clerk of the court hearing the case shall file with the department a certificate showing that the case has been adjudicated.

Failure pay fine

(b) Whenever any person has for a period of 15 or more days willfully failed to pay a lawfully imposed fine for a violation of any provision of Division 11 (commencing with Section 21000) of this code within the time authorized by the court, the magistrate or clerk of such court shall give notice of such fact to the department after the issuance of a warrant, and after it has been determined that service of such warrant cannot be had. Whenever thereafter the fine is fully paid, the magistrate or clerk of such court shall file with the department a certificate showing that the fine has been paid.

CHAPTER 1654

An act to create the Lake Cuyamaca Recreation and Park District and to prescribe its boundaries, organization, powers, operation, management, financing, change of boundaries, and dissolution.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

Article 1. General Provisions

Description and boundaries

SECTION 1. The Lake Cuyamaca Recreation and Park District is hereby created to consist of territory in San Diego County, bounded and described as follows:

Beginning at the northeasterly corner of Cuyamaca State Park, thence easterly along the southerly line of Section 1, Township 14 South, Range 4 East, to an intersection with the easterly boundary of Cuyamaca Rancho; thence northwesterly following the easterly boundary of Cuyamaca Rancho to its most northeasterly corner in Section 23, Township 13 South, Range 4 East; thence westerly following Cuyamaca Rancho's northerly boundary to an intersection with the boundary of the Cleveland National Forest, also being the southeasterly corner of Section 21, Township 13 South, Range 4 East; thence continuing westerly along the boundary of the Cleveland National Forest, also being the southerly line of Section 21 and Section 20, TBS, R4E, to the southwesterly corner of said Section 20; thence in a southerly direction continuing along the boundary of the Cleveland National Forest to an intersection with the most northwesterly corner of the Cuyamaca State Park, being located in Section 31, TBS, R4E; thence following the northerly boundary of Cuyamaca State Park in all of its various courses to the point of beginning.

Short title

SEC. 2. This act shall be known and may be cited as the Lake Cuyamaca Recreation and Park District Act.

Elections

SEC. 3. The manner of the conduct of elections, the annexation and exclusion of territory, and the dissolution of the district, unless otherwise provided herein shall be as prescribed in Chapter 1 (commencing with Section 58000), Division 1, Title 6 of the Government Code. All of the provisions of that chapter are incorporated in the act by reference and shall have the same force and effect as if fully set forth herein.

Construction

SEC. 4. The provisions of Section 58309 of the Government Code notwithstanding, in the event of conflict between the provisions of this act and those of Chapter 1 (commencing with Section 5800), Division 1, Title 6 of the Government Code, the provisions of this act shall prevail.

Validity proceeding

SEC. 5. Any proceeding in which the validity of the organization of the district is questioned shall be commenced within three months after the date of the first election of members of the district board; otherwise such organization and the legal existence of the district, and all proceedings in respect thereto, are valid and in every respect legal and incontestable.

Tax levy

SEC. 6. On or before the first day of February of any year that an assessment or taxes are to be levied and when the boundaries of the district are changed for any reason whatsoever, the tax or assessment levying authority shall comply with the provisions of Sections 54900, 54901, and 54902 of the Government Code.

Construction

SEC. 7. This act shall be liberally construed to effectuate its purpose.

Article 2. Definitions

Same Definitions

SEC. 10. The terms defined in this article have the meaning set forth unless the context requires a different meaning.

"District"

SEC. 11. "District" means the Lake Cuyamaca Recreation and Park District.

"Supervising authority" or "appointing authority"

SEC. 12. "Supervising authority" or "appointing authority" means the board of supervisors of San Diego County.

"District board"

SEC. 13. "District board" means the board of directors of the district.

"City"

SEC. 14. "City" includes "city and county."

"Recreation"

SEC. 15. "Recreation" means any activity, voluntarily engaged in, which contributes to the physical, mental, or moral development of the individual or group participating therein, and includes any activity in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports, and athletics, or any of them, and any informal play incorporating any such activity.

"Community recreation" and "public recreation"

SEC. 16. "Community recreation" and "public recreation" mean such recreation as may be engaged in under direct control of the district.

"Recreation center"

SEC. 17. "Recreation center" means a place, structure, area, or other facility under the jurisdiction of the district board used for community recreation whether or not it may

be used also for other purposes, playgrounds, playing fields or courts, beaches, lakes, rivers, swimming pools, gymnasiums, auditoriums, rooms for arts and crafts, camps, meeting places, parks and parkways, and recreational reservoirs.

"Voter" SEC. 18. "Voter" means a registered elector in the district or an owner, or the officer appointed therefor by the board of directors of a corporation owner, or the legal representative of the owner, including one joint tenant or one tenant in common.

"Legal representative" SEC 18 1. "Legal representative" means an officer or other person or persons appointed to serve as such by the board of directors of a corporation owner.

"Owner" SEC. 18.2. "Owner" means the owner of land within the district as shown on the last equalized county assessment roll.

Article 3. Administration

District board SEC. 20. The district board is the governing body of the district and shall consist of five members. Each member of the board shall be appointed by the appointing authority and shall be a voter in the district.

Ratification election SEC. 22. The election at which this act is submitted to the voters of the district for ratification shall be conducted, as nearly as may be practicable, in accordance with the provisions of Article 5 (commencing with Section 58130) and Article 6 (commencing with Section 58160), Chapter 1, Division 1, Title 6 of the Government Code. Upon the appointment of the first district board, three members shall be appointed to terms expiring on January 1, 1965. Two members shall be appointed to terms expiring on January 1, 1963. All subsequent appointments shall be for four-year terms.

First district board

Term of office SEC. 24. The members shall hold office until their successors are appointed and qualified.

Vacancies SEC. 25. Any vacancy in the office of a member appointed to the district board shall be filled by appointment by the supervising authority for the unexpired term.

Meetings SEC. 26. Within 30 days after the appointment of members of the first board pursuant to this act, the members shall meet and organize as a board, electing a chairman and such other officials as may be necessary from their number, after which they may transact business. Regular meetings shall be held not less than once every three months. Regular and special meetings shall be called and conducted as prescribed by Sections 54953, 54954 and 54956 of the Government Code.

Article 4. Powers and Duties

Rules for proceedings SEC. 30. The district board shall establish rules for its proceedings.

District board: Powers SEC. 31. The district board is the legislative body of the district and shall determine all questions of policy.

Same

SEC. 32. The district board may:

(a) Organize, promote, conduct, and advertise programs of community recreation;

(b) Establish systems of recreation and recreation centers, including parks and parkways; and

(c) Acquire, construct, improve, maintain and operate recreation centers within or without the territorial limits of the district.

Same: Co-operation with other agencies

SEC. 33. The district board may co-operate with any city, county, district, state, or any subdivision thereof, or federal agency to carry out the purposes of this article, and to that end, may enter into agreements with each other, and may do any and all things necessary or convenient to aid and co-operate in carrying out the purposes of this article.

The district board and the governing bodies of any city, county, or school district having jurisdiction over any of the same territory or over contiguous territories may jointly establish a system or systems of recreation, and may jointly do any act which either is authorized to do under Section 32. Nothing in this act shall be construed to prohibit any joint or co-operative action authorized by this section.

Succession

SEC. 34. The district board shall have perpetual succession.

Powers and duties

SEC. 35. The district board shall have and exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this act, including but not limited to the power:

(a) To sue and be sued.

(b) To take or acquire real or personal property of every kind or any interest therein, within and without the district, by grant, purchase, gift, devise or lease, and to hold, manage, occupy, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district.

(c) To exercise the right of eminent domain, except that such right shall be exercised only within the territory of the district after approval for such exercise has been granted by resolution of the supervising authority.

(d) To appoint and employ and pay persons who are necessary and adequately trained, to maintain and operate the property, improvements and facilities under its control and to operate programs of public recreation. The district board may employ personnel at the pleasure of the board or by contract, and may establish a merit system, retirement privileges, and provide for other employment practices either directly or through contractual arrangement with the State or other public agency or private organization.

(e) To employ counsel.

(f) To enter into and perform all necessary contracts.

(g) To borrow money, give security therefor, purchase on contract, and do and perform any and all acts and things necessary or proper to carry out the provisions of this act.

Contracts

SEC. 36. The district board may contract with other governmental agencies.

Civil service system

SEC. 37. The district board may, by ordinance, provide for a civil service system for employees of the district. All regularly paid employees of the district shall be subject to the rules and regulations of the civil service commission of the supervising authority; provided, however, that the district board may determine whether or not its employees shall be subject to civil service regulations of the supervising authority, and in the event that a majority of the employees of the district consent, the district board may by resolution at any time withdraw its employees from the civil service rules and regulations of the supervising authority. If the employees are under the civil service system of the supervising authority the district is entitled to receive personnel services from the supervising authority on a cost basis.

Employee bonds

SEC 38. The district board may require any employee of the district to be bonded. the cost of such bonds to be borne by the district.

Vehicles

SEC. 39. The district board may lease or rent private vehicles or equipment owned by district employees or others and reimburse them for use of same within budgetary limitations.

Hospital service contracts

SEC. 40. The district board may enter into group hospital service contracts with hospitals, hospital districts, and nonprofit corporations formed under Section 9201 of the Corporations Code for hospital service, or into contracts for group disability insurance with insurers, for the members of the district board and the employees relating to injuries or illnesses suffered by such persons, either in the performance of duty or at other times; and for such purpose the district is construed to be a district within the meaning and effect of Sections 10270.5 and 11512.2 of the Insurance Code and other laws related thereto.

Other forms of insurance

SEC. 41. In addition to compensation insurance required by law, the district board may take out insurance in the form and in the amounts as the board may deem necessary for the adequate protection of the district's property, officers, employees, and interests.

Professional, etc., meetings

SEC. 42. The district board may authorize the attendance of its members and employees at professional or vocational meetings and may authorize payment of reasonable expenses therefor, including transportation to and from such meetings.

Seal

SEC. 43. The district board may adopt a seal.

Records and books: Inspection

SEC. 44. The district board shall keep a record of all its acts, and of all money received and disbursed by it. The books shall be open to public inspection.

Change of name

SEC. 45. The district board may propose a change in the name of the district to the supervising authority, who may signify their approval of the change by resolution and the change in name shall be effective by the same resolution. The district may not change its name to correspond with the name of an individual living at the time a change in name is proposed by the district board.

Quorum

SEC. 46. A majority of the district board shall constitute a quorum for the transaction of business.

Ordinances

SEC. 47. The district board shall act only by ordinance, resolution or motion. A majority vote of the members of the district board is required on each action taken, and the vote shall be recorded.

Compensation

SEC. 48. Each member of the district board may receive such sum as may be fixed by the board, not exceeding ten dollars ($10), for each meeting of the board attended by him, not exceeding four meetings in any calendar month.

Allowance for expenses

SEC. 49. Members of the district board may be allowed actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the district board.

Rules and regulations

SEC. 50. The district board may make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the property, improvements, and facilities under its management or belonging to the district.

Article 5. Provisions Relating to Elections

Elections

SEC 60. The district board shall call elections, or cause an election to be called, subsequent to the election at which this act is submitted to the voters of the district for ratification, and the provisions of Section 58171 of the Government Code notwithstanding, notice of each election shall be given as provided in Article 1 (commencing with Section 58000), Chapter 1, Division 1, Title 6 of the Government Code.

Election clerk

SEC. 61. The election clerk of the supervising authority shall perform such duties as may be required incident to the election at which this act is submitted to the electors of the district for ratification, which duties would otherwise normally be performed by the district board or the secretary thereof.

Qualified voters

SEC. 62. No person shall be permitted to vote at the election at which this act is submitted for ratification, or at any election held by the district, unless he is a voter as defined in this act.

Applicable law

SEC. 63. The provisions of the Elections Code relating to the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections, so far as they may be applicable, shall govern all district elections except:

Exceptions

(a) To the extent that the provisions of the Elections Code pertaining to the conduct of local elections are inconsistent with the provisions of that code pertaining to general elections, the provisions of the Elections Code pertaining to local elections shall control.

(b) Inconsistent provisions of this act shall control over any provisions of the Elections Code.

(c) The elections clerk of the supervising authority shall perform all duties in connection with an election if requested by the district board on a cost basis.

Candidates Qualification

SEC. 64. No person shall be a candidate for or be appointed to or hold office on the district board unless he is a voter of the district.

Ballots

SEC. 65. The ballots used at elections on propositions shall set them forth in terms conforming to the requirements of law for municipal elections.

Expenses

SEC. 66. The expense of the election held relative to the ratification of this act shall be paid by the county if the proposition fails to carry, but if this act is ratified such expense shall be a charge against the district and repaid to the county from the first moneys collected by the district. The expense of all other elections shall be a charge against the district.

Article 6. Finance, Taxation and Bonds

Preliminary budget

SEC. 70. On or before the 15th day of May of each year, or a date prescribed by the supervising authority, the district board shall estimate and determine the annual amount of money required for the district and shall adopt a preliminary budget which may be divided into the following main classes:

Classes

(1) Maintenance and operation;
(2) Capital outlay;
(3) Bonded or other indebtedness interest and redemption;
(4) Capital outlay reserve;
(5) Unappropriated reserve;
(6) General reserve;
(7) Salaries and wages.

Notice Contents

SEC. 71. On or before the 15th day of May of each year, or on a date prescribed by the supervising authority, the district board shall publish a notice at least one time stating:

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

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

Meeting on budget

SEC. 72. At the time and place designated in the published notice for the meeting, any taxpayer may appear and be heard regarding the increase, decrease, or omission of any item of the budget or for the inclusion of any additional items.

Continuances

SEC. 73. The hearing on the budget may be continued from time to time until concluded.

Final budget

SEC. 74. The district board shall report the final budget to the supervising authority after the budget hearing but not later than the first day of July of each year, after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases, or additions.

Tax levy

SEC. 75. The supervising authority shall, at the time of levying the county taxes, levy a tax upon all the property taxable by the district, to meet the amount set forth in the final budget submitted by the district board. The tax shall not, however, exceed a rate of fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation.

Assessment and collection

SEC. 76. The taxes so levied shall be computed and entered on the assessment roll and collected at the same time and in the same manner as county taxes, and when collected shall be placed in the county treasury for use of the district. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such taxes.

Transfers of funds

SEC. 77. The district board may further provide by resolution for transfers or revisions of unencumbered funds within the general classes of the adopted budget, other than transfers from the capital outlay reserve.

Reserve for capital outlays

SEC. 78. The district board may establish a reserve for capital outlays. If such reserve is established, the board shall declare the purposes for which the reserve is to be used and shall include in the annual tax levy for the district an item stating the amount to be included for such purposes.

Transfers to reserves

SEC. 79. At any time after the creation of a capital outlay reserve, the district board may transfer to such reserve any unencumbered surplus reserve remaining to the credit of the district at the end of any fiscal year.

Purposes of reserve

SEC. 80. Whenever a capital outlay reserve is established, it shall be used only for the purposes specified at the time the reserve was established except that if, at the beginning of every fiscal year, it is found that the reserve is no longer required for such purposes, the district board may, by unanimous vote, discontinue the reserve or transfer so much thereof as is no longer required for such purposes to the district general fund.

Maximum tax rate

SEC. 81. Any maximum rate of tax for any district may be increased and, having been increased, may be decreased by an amount equal to or less than the amount of such increase, by a majority of the votes cast by the voters of the district at an election which may be called by the district board of its own motion and shall be called within 90 days after the filing with the district board of a petition signed by not less than 10 percent of the voters of the district, requesting that an election be called.

Any decrease in an increased maximum tax rate pursuant to this section shall not be in an amount which will reduce the tax rate for the district below the maximum specified in Section 75. The district board shall determine whether the increase or decrease shall remain in effect for a specified or unspecified period of time, unless the petition filed by the qualified voters provides for a specified or unspecified period of time. If a specified period is provided for in the petition or determined upon by the district board, such period shall be stated on the ballot.

Conduct of election

SEC. 82. The district board shall call, or cause to be called, hold, and conduct the election. Except as provided in this section, the election shall be called, held, and conducted by the district board in as nearly the same manner as is practicable as are elections upon the issuance of bonds. Notices of the election shall be posted or publication completed at least 30 days before the election. In addition, the county clerk, or the registrar of voters if such office has been established, of the county in which the territory of the district is located, shall, at least 10 days before the day fixed for the election, mail to each voter of the district, a card designating the polling place and time of the election and stating the purposes of the election. Such statement shall contain only the following:

(a) The amount of the proposed decrease or increase in the maximum tax rate.

(b) A brief summary of the issues involved.

Statement of purposes

SEC. 83. At least 60 days before the date of the election the district board shall furnish the county clerk or registrar of voters with a list of precincts established for the election and the polling place in each such precinct, together with a copy of the statement of the purposes of the election in the form in which it is to appear on the card.

The costs incurred by the county clerk or registrar of voters in connection with this section shall be paid out of the funds of the district.

Form of ballot

SEC. 84. The ballot used in the election shall contain substantially the words "shall the proposed (increase decrease) in the maximum tax rates from _____ to _____, (such rate to be in effect in the Lake Cuyamaca Recreation and Park District for the year (or years) 19___ to 19___) be authorized?" Opposite such words, in separate lines, the words "yes" and "no" shall be printed, with a voting square opposite each such word. Each voter shall stamp or print a cross in the voting square after the answer he desires to give.

Effective date of increased tax rate

SEC. 85. Any decrease in an increased tax rate of the district shall become effective on the July 1st following the date of the election.

Treasurer

SEC. 86. The county treasurer shall act as the treasurer of the district, and shall receive no compensation for the receipt and disbursement of money of the district.

Claims

SEC. 87. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. All claims against the district shall be audited, allowed, and paid by the district board by warrants drawn on the county treasurer. As an alternative, the district board may instruct the county auditor to audit, allow and draw his warrant on the county treasurer, for all legal claims presented to him and authorized by a majority of the district board. The county treasurer shall pay the warrants in the order in which they are presented.

Loans

SEC. 88. San Diego County may loan any of its available funds to the district.

Warrants

SEC. 89. When any warrant of the district, properly drawn on any fund in the official custody of the county treasurer, is presented to the county treasurer for payment, and it is not paid for want of funds, the county treasurer shall endorse thereon "not paid for want of funds" and the date and time of presentation and sign his name thereto. From that time until paid the warrant bears interest at the rate of 5 percent a year.

Acquisition of lands

SEC. 90. The district may acquire all necessary and proper lands and facilities, or any portion thereof, by means of a plan to borrow money or by purchase on contract. The amount

Indebtedness

of indebtedness to be incurred shall not exceed an amount equal to the anticipated tax income for a two-year period, and all such indebtedness shall be repaid in approximately equal annual installments during a period not to exceed five years from the date on which it is incurred and shall bear interest at a rate not exceeding 6 percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the district board and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the district board. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, a tax shall be levied and collected sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

Bonds Limitations

SEC. 91. If a structure or structures, or the acquisition of real or personal property, necessary for the district purposes reasonably requires an expenditure in excess of available funds of the district derived from ordinary taxation, the district board may adopt a resolution calling an election within the district upon the issuance of bonds. The amount of the bonds to be issued shall not exceed the amount specified in the resolution calling the election, nor shall the district incur a bonded indebtedness exceeding 10 percent of the assessed value of all the taxable property in the district.

Bond election resolution

SEC. 92. The resolution calling an election upon the issuance of bonds shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate to be paid thereon, such rate or maximum rate not to exceed 6 percent per annum, and the nature of the proposed

structure or improvement or of the property to be acquired, and such resolution shall be published as a notice of the election in accordance with the provisions of Sections 58006 and 58007 of the Government Code.

Vote required

SEC. 93. If at the election two-thirds of the votes cast are in favor of the issuance of the bonds, the district board is thereupon authorized to issue the bonds.

Issuance of bonds

SEC. 94. Bonds issued pursuant to this chapter shall be issued as follows:

(a) The district board may fix a date, not more than five years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, a part, to be determined by the district board, which shall be not less than one-fortieth of the indebtedness of such issue or series shall be payable annually at a date and place specified; provided, however, the bonds or any issue or series may be made to mature and become payable in approximately equal total annual installments of interest and principal, during the term of the bonds computed from the first year in which any part of the principal shall mature to the date of final maturity which annual installments may vary one from the other in amounts not exceeding in any year more than 5 percent of the total amount of the bonds of such issue or of the series thereof then proposed to be issued. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

(b) The district board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this chapter.

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on the issuance of such bonds.

(d) The denomination of the bonds shall be fixed by the district board, but shall not be less than one hundred dollars ($100) or more than one thousand dollars ($1,000) each.

(e) The bonds shall be signed by the presiding officer of the district board and by the county treasurer. Signatures may be facsimile by use of an engraved or lithographed signature.

(f) Interest coupons shall be numbered consecutively and signed by the county treasurer in like manner as the bonds.

Sale of bonds: Price, bids, etc.

SEC. 95. Such bonds shall be sold by or on behalf of the district board for not less than the face value thereof. Before selling the bonds, or any part thereof, the district board shall give notice not less than 10 days prior to the date of sale by publication in a newspaper of general circulation circulating in the district inviting sealed bids in such manner as the board shall prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines

that the bids received are not satisfactory as to price or responsibility of the bidders, the district board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Validity of bonds

SEC. 96. In case the term of office of any officer whose signature is required upon a bond or coupon expires before delivery of such bond or coupon, his signature thereon shall be valid for all purposes connected with such bond or coupon, or if the term of office of such officer expires or he is removed from office or resigns or his office is otherwise vacated before the bonds and coupons have been signed, then the signature of his elected or appointed successor shall be placed on the bonds or coupons and shall be valid for all purposes connected with such bond or coupon.

Proceeds of bond sale

SEC. 97. The proceeds of sale of all bonds so issued shall be deposited with the county treasurer and shall be withdrawn therefrom only upon the order of the district board or pursuant to its directions and only for carrying out of the purposes for which the bonds were issued.

Special tax levy

SEC. 98. A special tax shall be levied and collected for the payment of interest on bonds and for the retirement of bonds issued pursuant to this chapter and said special tax shall be in addition to all other taxes levied for district purposes. The tax shall be collected in the same manner and at the same time as other county taxes. All money derived from such tax shall be kept by the county treasurer in a special bond service fund and shall be paid by the treasurer for the purchase of any matured bond or interest coupon upon presentation thereof.

Payment of bonds

SEC. 99. If the payment of the first installment of bonds is postponed for five years or any portion thereof, the special tax shall nevertheless be collected beginning the first year and the amounts thereof accumulated in the bond service fund.

Rate of tax for bonds

SEC. 100. The district board shall, in fixing the rate of the tax for bonds issued under this chapter, allow not to exceed 15 percent for anticipated delinquencies.

If the district board fails to do so, the county auditor shall fix the rate of the tax for bonds issued under this act.

Costs incurred by county

SEC. 101. All costs incurred by the county in connection with the issuance of bonds pursuant to this act shall be reimbursed to it by the district.

Dissolution

SEC. 102. If the district is dissolved by proceedings under Article 8 of this act the property in the territory constituting the district at the time of its dissolution shall continue to be subject to tax, levied as provided in Section 98, to pay the principal of and interest on bonds of the district outstanding at the time of such dissolution and for such special tax as may be required to be levied for the interest on or redemption of special indebtedness of the district, if any, outstanding at the time of such dissolution.

Article 7. Annexation or Withdrawal

Annexation or exclusion of territory

SEC. 110. Proceedings may be commenced looking toward annexation to or exclusion from a district organized under this act in the manner provided in Article 8 (commencing at Section 58230 of the Government Code) of the District Organization Law upon petition signed by at least 10 percent of the voters of the area proposed to be annexed or excluded.

Alternative procedure

SEC. 111. This section provides an alternative procedure for the commencement of proceedings looking toward the annexation of territory to, or the withdrawal of territory from a district.

If at any time after establishment of the district the district board determines that certain territory contiguous to the district should be annexed to the district, or that certain territory should be withdrawn from the district, the district board shall fix a time and place for hearing the matter of the annexation or withdrawal of territory. No territory outside the county in which the district is formed may be annexed to the district.

It shall publish a notice once a week for two successive weeks in a newspaper circulated in the territory which it is proposed to annex to or withdraw from the district. The newspaper shall be one which the district board deems most likely to give notice to the voters of the territory.

The notice shall be headed "Notice of the proposed annexation of territory to the Lake Cuyamaca Recreation and Park District in San Diego County," or "Notice of the proposed withdrawal of certain territory from the Lake Cuyamaca Recreation and Park District in San Diego County." The notice shall contain a statement of the time fixed by the district board for a hearing on the matter. The notice shall also designate the territory proposed to be annexed or withdrawn.

At the time and place or places fixed for the hearing of the matter of annexation or withdrawal, or at any time to which the hearing may be continued, the district board shall hear any person objecting to the annexation or withdrawal of territory or objecting to the annexation or withdrawal of any portion of the territory. At the conclusion of the hearing the district board shall proceed in accordance with the following provisions of this article.

Resolution of annexation or exclusion

SEC. 112. If the district board determines to annex to or withdraw from the district any territory it shall so declare by resolution. The annexation or withdrawal shall be effective upon the date of the adoption of the resolution unless more than 1 percent of the total number of voters of the territory to be annexed to the district have at or prior to the hearing filed written objections to the annexation, or more than 1 percent of the total number of voters of the territory proposed to be withdrawn have at or prior to the hearing filed written objections to the withdrawal. If written objection to the proposed annexation or withdrawal is made by the number of voters specified in this section, the resolution of annexation or with-

drawal shall not be effective until it is approved by a majority of the votes cast by the voters of the entire district except that where territory is withdrawn as a result of incorporation as a city or annexation to a city, the proposed withdrawal shall not be effective until it is approved by a majority of the votes cast by the voters of the territory proposed to be withdrawn, or by a majority vote of the votes cast by the voters of the entire new proposed district in case of a proposed annexation of territory.

Election

SEC. 113. The election shall be so conducted and shall be held at such place and during such hours of the day as will be in the judgment of the district board best serve the needs and convenience of the majority of the voters of the existing or proposed district. The district shall pay the cost of the election.

Title to withdrawn property

SEC. 114. When any territory is withdrawn from the district and incorporated as a city, or annexed to a city, the district shall retain title to and possession of all property of the district both real and personal. The district may convey all or any part of such property to the city with or without the payment of consideration therefor as the district board determines.

Maintenance of facilities

SEC. 115. When a city annexes any portion of the unincorporated area in the district and the district conveys real property or recreation centers to the city, the city shall maintain and operate the property or recreation centers for the purpose of public recreation

Liability for bonded indebtedness

SEC. 116. Territory withdrawn from the district shall continue to be liable for such portion of the bonded indebtedness or other indebtedness of the district incurred before the withdrawal as it would have been liable for had it not withdrawn.

Article 8. Dissolution

Dissolution petition

SEC. 120. Upon receiving a petition, signed by 25 percent of the voters of the district, requesting its dissolution, the district board shall, by resolution, call an election for this purpose. The provisions of Article 10 (commencing with Section 58300), Chapter 1, Division 1, Title 6 of the Government Code shall not apply to the dissolution of districts organized under this act.

Dissolution resolution

SEC. 121. As an alternative method of dissolution, the governing body of the district may by resolution duly adopted, and in the absence of a petition by the voters, order an election to determine whether or not the district shall be dissolved.

Election

SEC. 122. The election shall be called in the same manner in all particulars as an election called for the ratification of this act. If at the election the majority of the votes cast ratify the proposal to dissolve the district, the district board shall enter a finding to that effect upon its minutes and thereupon the district is dissolved. The district shall pay the cost of the election.

Title to property upon dissolution

SEC. 123. Upon the dissolution of the district any funds or property of the district shall vest in San Diego County, or if all of the district is within a city or cities shall vest in the

largest city within which located, and the supervising authority shall be the ex officio governing body of the district in winding up the district's affairs. Any fund or property of the district in excess of its liabilities shall be used by the county or city, as the case may be, for recreation purposes.

Article 9. When in Effect

Operative upon ratification

SEC. 130. The provisions of this act, except those relating to and necessary for its submission to the electors of the district, shall not become operative unless and until it has been ratified by the voters of the district as defined by this act, voting on the proposition therefor at an election called and held in the district.

Election time limit

SEC. 131. The election shall be called and held within 90 days after this act becomes effective.

Proposition

SEC. 132. The proposition to be submitted at the election shall read "Shall the creation of the Lake Cuyamaca Recreation and Park District by the State Legislature be ratified?"

Conduct of election

SEC 133. The election shall be called and conducted by the supervising authority in the manner prescribed in Section 22 and Article 5 of this act. If a majority of the votes cast at the election favor the ratification of the creation of the district, the supervising authority shall, by resolution entered on its minutes, declare the district duly created under this act.

Copy of resolution

SEC. 134. Immediately after the passing of the resolution declaring the district created, the clerk of the supervising authority shall file a certified copy of the resolution with the Secretary of State and for record in the office of the county recorder. Upon such filing, this act shall become completely operative.

Article 10. Need for Special Act

Purpose of act

SEC. 140. The purpose of this act is to form the Lake Cuyamaca Recreation and Park District in order that the area benefited may be provided with various recreational facilities and recreational programs. The land in the district, in general, is not owned by residents. The owners are the ones primarily concerned with the district and the ones who will be supporting the district. The owners should, therefore, hold the voting power. There is no general law which provides for the formation of a district with the powers necessary to accomplish the purposes of this act which provides for voting by owners. Therefore, special legislation is necessary.

CHAPTER 1655

An act to add Section 16304.6a to the Government Code, relating to state funds.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 16304.6a is added to the Government Code, to read:

16304.6a. Within the time during which the appropriation is available for expenditure, the State Board of Control at the request of the Trustees of the California State Colleges and with the approval of the Director of Finance, may authorize that unneeded funds in any appropriation for the support of a college which is included in the California State Colleges shall be available and shall be deemed appropriated for the support of any college included in the California State Colleges.

CHAPTER 1656

An act to add Section 69741.1 to the Government Code, relating to the place for the hearing of sessions of the superior court.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 69741.1 is added to the Government Code, to read:

69741.1. A motion for new trial, motion under Code of Civil Procedure Section 663, and a motion for judgment notwithstanding the verdict may, with the written consent of all parties concerned, be heard at any place in the State of California by the judge who presided at the trial.

CHAPTER 1657

An act to add Section 1622 to the Education Code, relating to school district records.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 1622 is added to the Education Code, to read:

1622. If all of the territory of any school district becomes part of two or more school districts of any type, and the inclusion in the two or more new school districts of the several portions of territory comprising the whole of the original school district is effective for all purposes on the same date, the records of the original school district shall be disposed of as follows:

(a) All records of the original school district which are required by law to be kept on file shall be deposited with the governing board of the school district which, after the reorganization has become effective for all purposes, has located within its boundaries the former office of the superintendent of the original school district.

(b) Records of employees shall be transferred to the school district thereafter employing the personnel or thereafter maintaining the last place of employment.

(c) Records of pupils shall be transferred to the school district which, after the date on which the reorganization becomes effective for all purposes, maintains the school in which a pupil was last enrolled.

CHAPTER 1658

An act to amend Section 606 of the Education Code, relating to vacancies on school boards.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 606 of the Education Code is amended to read:

606. Any vacancy shall be filled by the majority of the remaining members of the board. The appointee shall hold office only until the first day of July following the next election at which a member of the county board of education is elected in the county and until his successor is qualified. At such election the person elected to fill the vacancy shall be elected to serve for the remainder of the unexpired term.

CHAPTER 1659

An act to amend Sections 565, 570, 4010, 5011, 5014, 5015, 9261, 12521, 25801, and 35104 of the Vehicle Code, relating to construction equipment.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 565 of the Vehicle Code is amended to read:

"Special construction equipment"

565. "Special construction equipment" is:

(a) Any vehicle used primarily off the highways for construction purposes and which moves only occasionally over the highways and which because of the length, height, width, or unladen weight may not move over the public highways unladen without the permit specified in Section 35780.

(b) Any vehicle which is designed and used primarily either for grading of highways, paving of highways, earth moving, and other construction work on highways, or for construction or maintenance work on railroad rights-of-way, and which is not designed or used primarily for the transportation of persons or property and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road and railroad construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, caterpillar tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, water wagons, power shovels and draglines, speed swings, skip loaders, weed mowers, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of 96 inches in width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in Section 35780 of this code and which are not operated laden except within the boundaries of the job construction site, and other similar types of construction equipment.

SEC. 2 *Section 570 of said code is amended to read:*

Same: Exclusions

570 "Special construction equipment" does not include any of the following:

(a) A vehicle originally designed for the transportation of persons or property to which machinery has been attached unless specifically designated as such in Section 565.

(b) Dump trucks originally designed to comply with the size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in Section 35780 of this code, to operate such vehicles on a highway, truck-mounted transit mixers, cranes and shovels.

SEC 3 *Section 4010 of said code is amended to read:*

4010. Special construction equipment and special mobile equipment are exempt from registration.

SEC. 4. *Section 5011 of said code is amended to read:*

Identification plate

5011. Every piece of special construction equipment shall display an identification plate attached thereto.

SEC. 5. *Section 5014 of said code is amended to read:*

Application for identification plate Contents

5014. An application for an identification plate for special construction or mobile equipment or implements of husbandry shall include the following:

(a) A statement by the owner of the use or uses which he intends to make of the equipment or implement.

(b) A description of the vehicle, including any distinctive marks or features.

(c) A photograph of the vehicle.

(d) Such other information as may reasonably be required by the department to determine whether the applicant is entitled to be issued an identification plate

When identification plates are to be obtained for more than one piece of equipment or implement, each of which is of the same identical type, only one photograph of one piece shall be required to be attached to the application.

SEC 6 Section 5015 of said code is amended to read:

Application for identification plate

5015. The application for an identification plate for special construction equipment shall be made before any such piece of equipment is moved over the highway.

SEC. 7. Section 9261 of said code is amended to read:

Fee

9261. A service fee of five dollars ($5) shall be paid for an identification plate for special construction or mobile equipment or implements of husbandry. Publicly owned special highway construction equipment and publicly owned special mobile equipment are exempt from the service charge.

SEC. 8. Section 12521 of said code is amended to read:

Permission required

12521. Any person operating any piece of special construction equipment upon a highway when its dimensions are such that permission of the authorities having jurisdiction of the highway must be obtained prior to its movement thereon and when such permission has been obtained shall have an appropriately endorsed driver's license issued by the department.

SEC. 9. Section 25801 of said code is amended to read:

Applicable provisions

25801. The provisions of Sections 24250, 24251, 24400 through 24404, inclusive, 24600 through 24604, inclusive, 24606 through 24610, inclusive, Articles 4, 5, 6, 9, 11, 12, and 13 (commencing at Sections 24800, 24950, 25100, 25350, 25450, 25500, and 25650, respectively) of Chapter 2, of this division, and Sections 25950, 25952 and 25953 shall not apply to special construction or maintenance equipment, nor to motor trucks equipped with snow removal or sanding devices, but shall apply to motor trucks and automobiles used independently of such equipment.

The provisions of Section 25803 shall be applicable to such equipment.

SEC. 10. Section 35104 of said code is amended to read:

Limitations

35104. The limitations as to width do not apply to the following vehicles except that these vehicles shall not exceed a width of 120 inches:

(a) Any trailer or semitrailer, including lift carriers and tip-bed trailers, used exclusively for the transportation of implements of husbandry by farmers or implement dealers.

(b) Special mobile equipment.

(c) Special construction or maintenance equipment.

This section shall have no application to highways which are a part of the National System of Interstate and Defense Highways (as referred to in Section 108 of the Federal-aid Highway Act of 1956) when such application would prevent this State from receiving any federal funds for highway purposes

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CHAPTER 1660

An act to amend Section 28108 of the Government Code, relating to compensation for public services in counties.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 28108 of the Government Code is amended to read:

28108. In a county of the eighth class the officers shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and fees fixed pursuant to the charter of the county, except that the following shall receive as compensation for such services the following sums:

(a) Each supervisor, seven thousand two hundred dollars ($7,200) a year for personal services performed personally by him as supervisor and seven cents ($0.07) for each mile traveled to and from his residence to the county seat. Not more than one mileage at any one regular or special meeting of the board shall be allowed. The compensation provided in this section to be paid to each member of the board is in full for all official services performed by him in any public capacity.

(b) The fee for trial jurors for attendance in any court is five dollars ($5) for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile actually and necessarily traveled in attending upon court, in going only, the mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

(c) For attending as a grand juror for each day's attendance, including each day's attendance at committee meetings and investigations upon the order of the grand jury five dollars ($5). For each mile actually traveled, in going only, in attending court as a juror, meetings of the grand jury, grand jury committee meetings, and in making investigations upon the order of the grand jury, fifteen cents ($0.15).

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

CHAPTER 1661

An act to amend Section 20863 of the Business and Professions Code, relating to vehicle tank trucks.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 20863 of the Business and Professions Code is amended to read:

20863. The device used for the indication of grade, brand or trade name as required by this article shall be so interlocked or interconnected with the valve or other device with which the selection of product is controlled, that any change in position of the controlling or selecting device shall automatically indicate the grade, brand, or trade name of the product which has been selected for measurement and delivery. Such device shall not permit the flow of products of different grades, brands or trade names at any given time.

This section shall not prohibit the use of an unloading position on the selecting device or mechanism. Said unloading position shall be used only when all compartments contain a single grade of a product. It shall be further provided that when there is such a position on the selecting device adequate means shall be provided to prevent the indicator of the selecting device being placed in the unloading position unless the operator commits a deliberate act such as the removal of a pin or the turn of a valve or some other deliberate act. This device, or position on the selecting mechanism, shall also indicate the grade, brand or trade name of the product being selected for measurement.

CHAPTER 1662

An act to amend the title of Article 3a of Chapter 7 of Division 8 of, and to amend Sections 20766, 20767, 20768, 20769, 20770, 20771, 20772, 20773, and 20774 of, and to add Section 20853 to, the Business and Professions Code, relating to petroleum dispensing devices.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. The title to Article 3a of Chapter 7 of Division 8 of the Business and Professions Code is amended to read:

Article 3a. Motor Fuel Pump License

SEC. 2. Section 20766 of said code is amended to read:

Licensed dispensing device

20766. On and after July 1, 1962, it shall be unlawful to sell at retail gasoline, liquefied petroleum gas, diesel fuel, distillate, outboard motor fuel or other petroleum products for use as fuel for internal combustion engines from any motor fuel pump, or container from which fuel for internal combustion engines is sold, or other dispensing device which has not been licensed by the department.

SEC. 3. Section 20767 of said code is amended to read:

Application for license

20767. (a) Application for a motor fuel pump license shall be filed with the department by the owner or operator of each such pump, container used as a dispensing device, or other dispensing device on a form prescribed and furnished by the department. The application shall be accompanied by a license fee of two dollars ($2) for each pump, container used as a dispensing device, or other dispensing device. Applications for the renewal of a motor fuel pump license for each fiscal year beginning July 1st shall be made on or before the last day of June next preceding.

Issuance of license

(b) After compliance by the owner or operator with the provisions of Sections 20766 and 20767, the department shall grant and issue to each applicant a license for each separate place of business within the State. The license shall be valid only for the location for which it is issued and for the transaction of business at the place and the number of dispensing devices designated on the license and is not assignable or transferable to any other location. The license shall at all times be conspicuously and prominently displayed at the location for which the license is issued.

Display

SEC. 4. Section 20768 of said code is amended to read:

Expiration of license

20768. Each motor fuel pump license issued by the department shall expire at midnight of June 30th of the fiscal year stated thereon. Any motor fuel pump, container used as a dispensing device, or other dispensing device added to the location during the fiscal year will require an additional motor fuel pump license issued by the department. When displayed on the premises in such a manner as to be plainly visible, such license shall serve as evidence that the prescribed license fee has been paid to the expiration of the indicated fiscal year, and no additional fee shall be required during said period because of a change in ownership.

SEC. 5. Section 20769 of said code is amended to read:

Form of license

20769. The motor fuel pump license shall be of a form prescribed by the department, and shall have stated upon it the fiscal year to which same is applicable, the fee paid, together with such wording as the department may require for clear and proper identification

SEC. 6. Section 20770 of said code is amended to read:

Removal of license

20770. It is unlawful to remove any valid motor fuel pump license from the premises which has been licensed.

SEC. 7. Section 20771 of said code is amended to read:

Invalid license

20771. It is unlawful to display or use any license, tag, label or design, indicating or tending to indicate that same is a

motor fuel pump license, except a valid license issued by the department under the provisions of this article.

SEC. 8 Section 20772 of said code is amended to read:

Lost, stolen, etc., license

20772. In the event that a motor fuel pump license has been lost, destroyed or stolen, the department shall, upon application of the owner or operator of the motor fuel pumps or other dispensing devices for which such license was used or intended to be used, issue a letter of certification that the prescribed fees have been paid. Such certification shall serve as proof of payment until the end of the fiscal year.

SEC. 9. Section 20773 of said code is amended to read:

Certificate of accuracy

20773. After September 30th of any fiscal year and until the last day of June of said fiscal year no sealer shall issue a certificate of accuracy or a seal of accuracy for any pump, container or other dispensing device from which is dispensed at retail any petroleum product for use as fuel for internal combustion engines unless such pump, container or other dispensing device shall have been licensed as provided for in this article.

SEC. 10. Section 20774 of said code is amended to read:

Sealing containers, etc

20774. On and after the first day of October and until the last day of June of any fiscal year the department, or a sealer, may close and seal outlets and inlets of any pump, container or other dispensing device from which is sold at retail gasoline, liquefied petroleum gas, diesel fuel, distillate, outboard motor fuel or other petroleum products for use as fuel for internal combustion engines, unless such pump, container or other dispensing device shall have been licensed as provided for in this article.

Presentation of valid proof, by the owner or operator, that the license has been applied for shall be sufficient evidence of compliance with the provisions of this article and the provisions of Sections 20773 and 20774 shall be disregarded.

SEC. 11. Section 20853 is added to said code, to read:

Conditions precedent to authorization

20853. The use of pumps or other devices which are capable of withdrawing gasoline from one tank containing gasoline and another tank containing motor oil and dispensing them as a single combined product and of withdrawing gasoline alone from the tank containing gasoline shall be authorized when the department determines that all of the following conditions exist:

(a) The device mechanism accurately measures the quantities being simultaneously withdrawn for dispensing as a combined product from each of the two tanks when the combined product is dispensed and the quantity being dispensed from the gasoline tank alone when gasoline alone is dispensed.

(b) The device mechanism accurately and visibly records and displays the ratio of gasoline to motor oil, the quantity of each ingredient being dispensed, the price per gallon for the gasoline being dispensed, and the price per quart for any motor oil being dispensed.

(c) The device mechanism prevents the changing of the ratio of gasoline to motor oil during dispensing.

(d) There is firmly attached to or painted upon the device mechanism a sign or label plainly visible consisting of the word or words in letters not less than one-half of an inch in height "outboard motor fuel" together with the brand, trademark or trade name of such product, which word or words shall also be in letters of not less than one-half of an inch in height.

The provisions of this section shall not supersede any other provisions in this chapter, except that they shall supersede such other provisions including Sections 20782, 20873, 20840, 20846, 20849, 20850, 20851, and 20930 to the extent necessary to authorize the operation of the above-described blending type of pump connected to two tanks, one containing motor oil and the other gasoline, provided that the motor oil shall in its separate state meet the specifications for lubricating oil as required by Section 20800 and that the gasoline shall in its separate state meet the specifications for gasoline as required by Section 20780.

CHAPTER 1663

An act to amend Section 11200 of the Government Code, relating to state departments.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 11200 of the Government Code is amended to read:

11200. The Governor, upon recommendation of the director of the following state departments, may appoint not to exceed two chief deputies for the Directors of the Departments of Finance, Public Works, and Mental Hygiene, and not to exceed one chief deputy for the Directors of the Departments of Social Welfare, Agriculture, Insurance, Employment, Motor Vehicles, Professional and Vocational Standards, and Water Resources.

The deputies provided for in this section shall be in addition to those authorized by any other law.

CHAPTER 1664

An act to add Section 9653.1 to the Education Code, relating to state textbooks.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 9653.1 is added to the Education Code, to read:

9653.1. The governing board of any school district may purchase copies of a state supplementary textbook for supplementary purposes which are in addition to the number of copies of the particular state textbook provided free to the district by the State. Such copies shall be sold to the school district pursuant to this section for a price which does not exceed their cost price which shall be established by the State Board of Education.

CHAPTER 1665

An act to repeal Chapter 2038 of the Statutes of 1957 and Section 69598 of the Government Code, and to add Section 69598 to the Government Code, relating to judges of the Superior Court in the County of San Joaquin.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Chapter 2038 of the Statutes of 1957 is repealed.

SEC. 2. Section 69598 of the Government Code is repealed. Repeal

SEC. 3. Section 69598 is added to the Government Code, to read:

69598. In the County of San Joaquin there shall be five judges of the superior court. Judges of the superior court

SEC. 4 This act shall become operative on the day when the Governor receives from the Board of Supervisors of the County of San Joaquin notice, by registered mail, that the board has determined that court quarters are available for the additional judge provided by this act. Operative date

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CHAPTER 1666

An act to amend Section 1551 of the Labor Code, relating to labor contractors.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1551 of the Labor Code is amended to read:

1551. As used in this chapter, "employment agency" or "agency" means:

(a) The business of conducting, in any capacity, an intelligence office, employment agency, registry, other than a nurses' registry as defined in Chapter 5 (commencing with Section

1710) of Part 6 of Division 2 of this code, or any agency, business, or office which procures, offers, promises, or attempts to procure employment or engagements for others, or for the registration of persons seeking to procure or retain employment or engagement, or for giving information as to where and of whom such help, employment or engagement may be procured, or for providing employment or engagements, where a fee or other valuable consideration is exacted, or attempted to be collected, directly or indirectly, for such services, regardless of where such business is conducted.

(b) Any person, service, bureau, organization, club, or school, which by advertisement or otherwise offers, as one of its main objects or purposes, to procure employment for any person who will pay for its services, or that collects dues, tuition, or membership or registration fees of any sort, where the main object of the person paying the same is to secure employment.

(c) Any person who acts as a labor contractor.

(1) A labor contractor is any person, who, for a fee or other compensation, employs an individual to render personal services to, for or under the direction of a third person.

(2) "Bona fide employees" or "employees," when used with reference to the employees of a labor contractor, refers to the employees rendering services to the labor contractor and not to the individuals employed by the labor contractor to render personal services to, for or under the direction of a third person.

(3) "Employer," when used with reference to an applicant for employment through a labor contractor, refers to the person to or for whom or under whose direction the personal services are rendered.

(4) A central hiring establishment, intelligence office, registry, agency or place maintained without cost to applicants for employment, by groups of employers or groups of employers and employees, or a person licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, does not constitute a labor contractor within the meaning of this chapter.

(5) A person employing individuals to render personal services to, for or under the direction of a third person is not a labor contractor within the meaning of this chapter if every individual, whom such person employs, receives for his services a remuneration in excess of two hundred dollars ($200) per month.

(6) A person employing individuals to render part-time or temporary personal services to, for or under the direction of a third person in business offices or in industrial establishments is not a labor contractor within the meaning of this chapter if the person employing the individuals, in addition to wages or salaries, pays federal social security taxes, state and federal unemployment insurance, carries workmen's compensation insurance as required by state law, and sustains responsibility

for the acts of his employees while rendering services to, for or under the direction of a third person. The person employing individuals to render part-time or temporary personal services shall not send the employees to any place where a strike, lockout or labor dispute exists.

CHAPTER 1667

An act to add Section 22402.5 to the Public Utilities Code, relating to directors of airport districts.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 22402.5 is added to the Public Utilities Code, to read:

22402.5. If on the 20th day prior to a general airport district election only one person has been nominated for each of the offices of director to be filled at that election or no person has been nominated for any such office, and a petition signed by 5 percent of the voters requesting that the election be held has not been presented to the board of directors of the district, an election shall not be held.

In such case no election shall be held but the board shall appoint those nominated for the offices of director, or, if no person has been nominated, the board shall appoint any qualified person to the office.

If a general airport district election is not held, the board at any meeting held prior to the day fixed for the election shall appoint to the offices of directors those persons nominated, or, if no person is nominated, any qualified persons, who shall qualify, take office, and serve exactly as if elected at a general district election.

CHAPTER 1668

An act to add Section 814.5 to the Corporations Code, relating to boards of directors of corporations.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 814.5 is added to the Corporations Code, to read:

814.5. If the articles of incorporation or bylaws so provide, any action required or permitted to be taken by the board of directors under any provision of this division may be taken

without a meeting, if all members of the board shall individually or collectively consent in writing to such action. Such written consent or consents shall be filed with the minutes of the proceedings of the board. Such action by written consent shall have the same force and effect as a unanimous vote of such directors. Any certificate or other document filed under any provision of this division which relates to action so taken shall state that the action was taken by unanimous written consent of the board of directors without a meeting, and that the articles of incorporation or bylaws, as the case may be, authorize the directors to so act, and such statement shall be prima facie evidence of such authority.

CHAPTER 1669

An act to amend Section 2804 of the Unemployment Insurance Code, relating to unemployment disability insurance.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 2804 of the Unemployment Insurance Code is amended to read:

2804. When an individual is furnished or is compensated for hospitalization pursuant to the Workmen's Compensation Law or an employer's liability law of this State or of any other state or of the federal government he shall be ineligible to receive the twelve dollars ($12) per day as provided in Section 2801 for any day for which he is receiving or is eligible to receive in the form of cash payments benefits under the Workmen's Compensation Law or an employer's liability law of this State or of the federal government.

CHAPTER 1670

An act to amend Section 4601 of the Labor Code, relating to workmen's compensation.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 4601 of the Labor Code is amended to read:

4601. If the employee so requests, the employer shall tender him one change of physicians. Upon request of the employee for a change of physicians, 12 days shall be the maximum amount of time permitted by law for the employer or

insurance carrier to nominate at least three additional practicing physicians competent to treat the particular case from among whom the employee may choose. In the event the employee is not so notified, the employee may select a physician of his choice and the employer or insurance carrier shall be liable to pay the reasonable cost of treatment. The employee is also entitled, in any serious case, upon request, to the services of a consulting physician of his own choice at the expense of the employer. All of such treatment shall be at the expense of the employer.

CHAPTER 1671

An act to amend Sections 54952 and 54957 of, and to add Sections 54952.5, 54952.6, 54959 and 54960 to, the Government Code, relating to meetings of local legislative bodies.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 54952 of the Government Code is amended to read:

54952. As used in this chapter, "legislative body" means the governing board, commission, directors or body of a local agency, or any board or commission thereof, and shall include any board, commission, committee, or other body on which officers of a local agency serve in their official capacity as members and which is supported in whole or in part by funds provided by such agency, whether such board, commission, committee or other body is organized and operated by such local agency or by a private corporation. "Legislative body"

SEC. 2. Section 54952.2 is added to said code, to read:

54952.5. As used in this chapter "legislative body" also includes, but is not limited to, planning commissions, library boards, recreation commissions, and other permanent boards or commissions of a local agency. Same

SEC. 3. Section 54952.6 is added to said code, to read:

54952.6. As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance. "Action taken"

SEC. 4. Section 54957 of said code is amended to read:

54957. Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges Construction

brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hear ng. The legislative body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body

Nothing in this chapter shall be construed to prevent any board, commission, committee, or other body organized and operated by any private organization as defined in Section 54952 from holding executive sessions to consider (a) matters affecting the national security, or (b) the appointment, employment or dismissal of an officer or employee or to hear complaints or charges brought against such officer or employee by another officer, person, or employee unless such officer or employee requests a public hearing. Said body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

SEC. 5. Section 54959 is added to said code, to read:

Penalties

54959. Each member of a legislative body who attends a meeting of such legislative body where action is taken in violation of any provision of this chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.

SEC. 6. Section 54960 is added to said code, to read:

Enjoining violations

54960. Any interested person may commence an action either by mandamus or injunction for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency.

CHAPTER 1672

An act to add Article 6 (commencing with Section 18560) to Chapter 8 of Division 10 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to the recount of votes at elections.

In effect September 15, 1961

[Approved by Governor July 14, 1961 Filed with Secretary of State July 18, 1961.]

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

NOTE. The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 1673

An act to amend Section 752 of the Welfare and Institutions Code, and to amend Section 781 of the Welfare and Institutions Code as added by Senate Bill No. 332 of the 1961 Regular Session, relating to wards of the juvenile court.

[Approved by Governor July 14, 1961 Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 752 of the Welfare and Institutions Code is amended to read:

Sealing of records

752. In any case in which a person became a ward of the juvenile court for the reasons described in subdivisions (f), (g), (h), (i), (j), (k), (m), or (n) of Section 700, or any other reason involving misconduct by such person, such person, or the county probation officer, may, five years or more after the jurisdiction of the juvenile court has terminated as to such person, petition the court for sealing of the records, including records of arrest, relating to such person's case, in the custody of the juvenile court and probation officer and such other agencies, including law enforcement agencies, and public officials, as petitioner alleges, in his petition, to have custody of such records. The court shall notify the district attorney of the county and the county probation officer, if he is not the petitioner, of the petition, and such district attorney or probation officer or any of their deputies or any other person having relevant evidence may testify at the hearing on the petition. If, after hearing, the court finds that since such termination of jurisdiction he has not been convicted of a felony or of any misdemeanor involving moral turpitude and that rehabilitation has been attained to the satisfaction of the court, it shall order sealed all records, papers, and exhibits in such person's case in the custody of the juvenile court, including the juvenile court record, minute book entries, and entries on dockets, and other records relating to the case, in the custody of such other agencies and officials as are named in the order. Thereafter the proceedings in such case shall be deemed never to have occurred, and such former ward may properly reply accordingly to any inquiry about the events records of which are ordered sealed pursuant to this section The court shall send a copy of the order to each agency and official named therein, and each such agency and official shall seal records in its custody as directed by the order, shall advise the court of its compliance, and thereupon shall seal the copy of the court's order for sealing of records that it or he received. The person who is the subject of records sealed pursuant to this section may petition the superior court to permit inspection of the records by persons named in the petition, and the superior court may so order. Otherwise such records shall not be open to inspection.

SEC. 2. Section 781 of the Welfare and Institutions Code as added by Senate Bill No. 332 of the 1961 Regular Session of the Legislature is amended to read:

Same

781. In any case in which a person became a ward of the juvenile court for the reasons described in Section 601 or Section 602, such person, or the county probation officer, may, five years or more after the jurisdiction of the juvenile court has terminated as to such person, petition the court for sealing of the records, including records of arrest, relating to such person's case, in the custody of the juvenile court and probation officer and such other agencies, including law enforcement agencies, and public officials, as petitioner alleges, in his petition, to have custody of such records. The court shall notify the district attorney of the county and the county probation officer, if he is not the petitioner of the petition, and such district attorney or probation officer or any of their deputies or any other person having relevant evidence may testify at the hearing on the petition. If, after hearing, the court finds that since such termination of jurisdiction he has not been convicted of a felony or of any misdemeanor involving moral turpitude and that rehabilitation has been attained to the satisfaction of the court, it shall order sealed all records, papers, and exhibits in such person's case in the custody of the juvenile court, including the juvenile court record, minute book entries, and entries on dockets, and other records relating to the case in the custody of such other agencies and officials as are named in the order. Thereafter the proceedings in such case shall be deemed never to have occurred, and such former ward may properly reply accordingly to any inquiry about the events, records of which are ordered sealed. The court shall send a copy of the order to each agency and official named therein, and each such agency and official shall seal records in its custody as directed by the order, shall advise the court of its compliance, and thereupon shall seal the copy of the court's order for sealing of records that it or he received. The person who is the subject of records sealed pursuant to this section may petition the superior court to permit inspection of the records by persons named in the petition, and the superior court may so order. Otherwise such records shall not be open to inspection.

Effect: Stats. 1961, Ch 1616

SEC. 3. Section 2 of this act shall become operative only if the Senate Bill No. 332 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Senate Bill No. 332 takes effect; at which time Section 1 of this act is repealed.

CHAPTER 1674

An act to amend Section 851.5 of the Penal Code, relating to telephone calls by arrested persons.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 851.5 of the Penal Code is amended to read:

851.5. (a) Any person arrested has, immediately after he is booked, and, except where physically impossible, no later than three hours after his arrest, the right to make, at his own expense, in the presence of a public officer or employee, at least two telephone calls from the police station or other place at which he is booked, one completed to the person called, who may be his attorney, employer, or a relative, the other completed to a bail bondsman.

(b) Any public officer or employee who deprives an arrested person of the rights granted by this section is guilty of a misdemeanor.

CHAPTER 1675

An act to add Title 2.5 (commencing with Section 1812.80) to Part 4, Division 3, of the Civil Code, relating to contracts for health and dance studio services and facilities.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Title 2.5 is added to Part 4, Division 3, of the Civil Code, to read:

TITLE 2.5. CONTRACTS FOR HEALTH OR DANCE STUDIO SERVICES

Legislative findings and purposes

1812.80. (a) The Legislature finds that there exists in connection with a substantial number of contracts for health and dance studio services, sales practices and business and financing methods which have worked a fraud, deceit, imposition, and financial hardship upon the people of this State; that existing legal remedies are inadequate to correct these abuses; that the health and dance studio industry has a significant impact upon the economy and well-being of this State and its local communities; that the abuses and problems which have arisen in the field of health and dance studio services are similar and substantial as to both industries and peculiar to both industries as to kind or extent; and that the provisions of

this title relating to such contracts are necessary for the public welfare.

(b) The Legislature declares that the purpose of this title is to safeguard the public against fraud, deceit, imposition and financial hardship, and to foster and encourage competition, fair dealing, and prosperity in the field of health and dance studio services by prohibiting or restricting false or misleading advertising, onerous contract terms, harmful financial practices, and other unfair, dishonest, deceptive, destructive, unscrupulous, fraudulent and discriminatory practices by which the public has been injured in connection with contracts for health and dance studio services.

"Contract for health or dance studio services"

1812.81. As used in this title, "contract for health or dance studio services" means a contract for instruction, training or assistance in physical culture, bodybuilding, exercising, reducing, figure development, dancing, or any other such physical skill, or for the use by an individual patron of the facilities of a dance studio, ballroom, health studio, gymnasium or other facility used for any of the above purposes, or for membership in any group, club, association or organization formed for any of the above purposes; but does not include contracts for professional services rendered or furnished by a person licensed under the provisions of Division 2 of the Business and Professions Code or contracts for instruction at schools operating pursuant to the provisions of the Education Code.

Application

1812.82. Every contract for health or dance studio services shall be in writing and shall be subject to the provisions of this title.

More than one contract

1812.83. All contracts for health or dance studio services, which may be in effect between the same seller and the same buyer, the terms of which overlap for any period, shall be considered as one contract for the purposes of this title.

Limitation on term of contracts

1812.84. No contract for health or dance studio services shall require payments or financing by the buyer over a period in excess of two years from the date the contract is entered into, nor shall the term of any such contract be measured by the life of the buyer; provided, however, that the services to be rendered to the buyer under the contract may extend over a period not to exceed seven years from the date the contract is entered into.

Commencement of services

1812.85. Every contract for health or dance studio services shall provide that performance of the agreed upon services will begin within six months from the date the contract is entered into.

Maximum fees

1812.86. No contract for health or dance studio services shall require payment by the person receiving the services or the use of the facilities of a total amount in excess of five hundred dollars ($500).

Notes, etc

1812.87. No contract for health or dance studio services shall require or entail the execution of any note or series of notes by the buyer which when separately negotiated will cut

off as to third parties any right of action or defense which the buyer may have against the seller.

Assignment

1812.88. No right of action or defense arising out of a contract for health or dance studio services which the buyer has against the seller, and which would be cut off by assignment, shall be cut off by assignment of the contract to any third party whether or not he acquires the contract in good faith and for value unless the assignee gives notice of the assignment to the buyer as provided in this section and within 30 days of the mailing of notice receives no written notice of the facts giving rise to the claim or defense of the buyer. A notice of assignment shall be in writing addressed to the buyer at the address shown on the contract and shall identify the contract and inform the buyer that he must, within 30 days of the date of mailing of the notice, notify the assignee in writing of any facts giving rise to a claim or defense which he may have. The notice of assignment shall state the name of the seller and buyer, a description of the services, the contract balance and the number and amount of the installments.

Termination upon death or disability

1812.89. (a) Every contract for health or dance studio services shall contain a clause providing that if, by reason of death or disability, the person agreeing to receive services is unable to receive all services for which he has contracted, he and his estate shall be relieved from the obligation of making payment for services other than those received prior to death or the onset of disability, and that if he has prepaid any sum for services, so much of such sum as is allocable to services he has not taken shall be promptly refunded to him or his representative.

Refund upon death or disability

(b) In every case in which a person has prepaid a sum for services under a contract for health or dance studio services, and, by reason of death or disability, is unable to receive all such services, the party agreeing to furnish such services shall, on request, immediately refund to such person or his personal representative such amount of the sum prepaid as is proportionate to the amount of services not received.

Installment payments

(c) Notwithstanding the provisions of any contract to the contrary, whenever the contract price is payable in installments and the buyer is relieved from making further payments or entitled to a refund under this section, the amount of the contract price allocable to services not received shall represent at least as great a proportion of the total contract price as the sum of the periodic monthly balances not yet due bears to the sum of all the periodic monthly balances under the schedule of installments in the contract.

Applicable law

1812.90. The provisions of this title are not exclusive and do not relieve the parties or the contracts subject thereto from compliance with all other applicable provisions of law.

Enforcement

1812.91. Any contract for health or dance studio services which does not comply with the applicable provisions of this title shall be void and unenforceable as contrary to public policy.

Advertising

1812.92. Any contract for health or dance studio services entered into in reliance upon any willful and false, fraudulent, or misleading information, representation, notice or advertisement of the seller shall be void and unenforceable.

Waiver of this title

1812.93. Any waiver of the buyer of the provisions of this title shall be deemed contrary to public policy and shall be void and unenforceable.

Recoveries for violation

1812.94. (a) Any buyer injured by a violation of this title may bring an action for the recovery of damages. Judgment may be entered for three times the amount at which the actual damages are assessed plus reasonable attorney fees.

(b) Notwithstanding the provisions of this article, any failure to comply with any provision of this title may be corrected within 30 days after the execution of the contract by the buyer, and, if so corrected, neither the seller nor the holder shall be subject to any penalty under this title, provided that any correction which increases any monthly payment, the number of payments, or the total amount due, must be concurred in, in writing, by the buyer. "Holder" includes the seller who acquires the contract or, if the contract is purchased by a financing agency or other assignee, the financing agency or other assignee.

Severability clause

1812.95. If any provision of this title or the application thereof to any person or circumstances is held unconstitutional, the remainder of the title and the application of such provision to other persons and circumstances shall not be affected thereby.

Prior agreements

SEC. 2. This act shall not affect the validity of any agreement made prior to the effective date of the act.

CHAPTER 1676

An act to amend Section 1752.5 of the Welfare and Institutions Code, relating to juvenile delinquency, and making an appropriation.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 1752.5 of the Welfare and Institutions Code is amended to read:

1752.5. The director may establish or assist in the establishment of any public council or committee, and may assist and co-operate with any existing agency, having as its object the prevention or decrease of delinquency among youths; and the director may co-operate with or participate in the work of any such councils, or any existing councils, affecting conditions in the community.

To assist the director in carrying out the legislative intent of this section, he shall appoint a youth committee of not less than five persons nor more than seven persons. Members of this committee will serve at the pleasure of the director without salary, but shall be reimbursed for their traveling expenses necessarily incurred in the performance of their duties.

SEC. 2. The amount of five thousand dollars ($5,000) is appropriated from the General Fund to the Department of the Youth Authority for the support of the committee created by Section 1752.5 of the Welfare and Institutions Code during the 1961-62 fiscal year.

CHAPTER 1677

An act to amend Sections 14401, 14481.1 and 14548 of the Health and Safety Code, and to amend Sections 13908, 13948, and 13949 of the Health and Safety Code as added by Chapter 565, Statutes 1961 Regular Session, relating to fire protection districts.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 14401 of the Health and Safety Code is amended to read:

Incorporated areas

14401. Any city or any portion thereof may be embraced and included in a district for fire protection purposes upon the adoption of an ordinance by the governing body of the city declaring its intention and desire that the city or any designated portion thereof be embraced and included within the district, and the filing of a certified copy of the ordinance with the Secretary of State and with the board of supervisors of the county within which the district is located; provided, however, that no city nor any portion thereof shall be annexed to a county fire protection district without the approval of the governing body of the district; and provided further, that the governing body of the district may require as a condition to such annexation or inclusion that the city or portion thereof annexed or included within the district remain a part of such district or its successor district for a period of time not to exceed 10 years. Upon the expiration of the period of time set forth in the conditions or, if none, at any time, the legislative body of the city may provide by ordinance for the withdrawal of the territory of the city from the district. The withdrawal shall be effective upon the filing of a certified copy of the ordinance with the Secretary of State and the governing body of the district or on the date fixed by the legislative body of the city whichever is later. Where the withdrawal is effective on or before February 1st of the fiscal year the district shall furnish fire protection services to the territory withdrawn until the first day of July next succeeding. Where the with-

drawal is effective subsequent to February 1st of the fiscal year and the territory is subject to district taxation for the succeeding fiscal year the district shall furnish fire protection services to the territory until the 30th day of June of the fiscal year next succeeding.

SEC. 2. Section 14548 of said code is amended to read:

Liability for services upon withdrawal

14548. Upon the withdrawal of territory of a district by a city as provided for in Sections 14540 and 14541, such city shall be liable for water or hydrant service, or both such services, being furnished under contract for fire protection within the area withdrawn. The city's responsibility for water or hydrant service, or both such services, shall begin on the date that the district is relieved of the responsibility of furnishing fire protection to the area withdrawn.

SEC. 3. Section 13948 of said code, as added by Chapter 565, Statutes 1961 Regular Session, is amended to read:

Incorporated areas

13948. Any city, or portion thereof, may be included within a district upon the adoption of an ordinance by the city governing body requesting the inclusion which is approved by the district board. The district board may require as a condition to the inclusion that the city or portion thereof included within the district remain a part of the district for a period of time not to exceed 10 years. Upon the expiration of the period of time set forth in the conditions or, if none, at any time, the legislative body of the city may provide by ordinance for the withdrawal of the territory of the city from the district. The withdrawal shall be effective upon the filing of a certified copy of the ordinance with the Secretary of State and the governing body of the district or on the date fixed by the legislative body of the city whichever is later. Where the withdrawal is effective on or before February 1st of the fiscal year the district shall furnish fire protection services to the territory withdrawn until the first day of July next succeeding. Where the withdrawal is effective subsequent to February 1st of the fiscal year and the territory is subject to district taxation for the succeeding fiscal year the district shall furnish fire protection services to the territory until the 30th day of June of the fiscal year next succeeding. Other land may be included in a district by order of the board of supervisors if the board of supervisors determines by resolution that the land will be benefited by being included within the district; provided, however, that no land may be included by the board of supervisors within the territory of a district having a district board composed of three or five members elected as provided in this part without the approval of the district board of such district.

SEC. 4. Section 14481.1 of said code is amended to read:

Election to pay district taxes

14481.1. On or before the first day of July in any year the governing body of any city, the area of which is located entirely or partially within a county fire protection district, may elect to pay out of municipal funds the whole or a stated percentage of the amount of taxes which will be levied for district

purposes for the fiscal year commencing upon said first day of July upon property located within such city.

The election shall be made by the adoption of an order reciting that the city, pursuant to this section, elects to pay the whole or a stated percentage of the amount of taxes which will be levied by the district upon property located within the incorporated limits of the city and stating the time and manner in which payment shall be made.

Upon the adoption of the order a certified copy of same shall be presented to the governing body of the district for its approval. If the governing board of the district is satisfied that the financial condition of the city reasonably will assure such payment and if the time and manner of payment is acceptable, the board shall by order approve the city's election to pay the taxes. Immediately upon the adoption of the order approving the city's election to pay the taxes, certified copies of both orders shall be filed with the county auditor, county assessor and county tax collector.

Thereafter, if the whole of the taxes which are levied on property within the city is to be paid by the city, the county auditor shall not extend the district tax on such property, or if only a percentage of the tax which is levied on such property is to be paid by the city the auditor shall only extend the balance of the district tax on such property.

If the payment made by any city shall exceed the total amount of district taxes which have been levied against property within the city, the amount of such excess without interest shall be refunded to the city prior to the close of the fiscal year for which the payment was made.

Any election to pay taxes pursuant to this section shall be effective only for the fiscal year for which made.

SEC. 5. Section 13908 of said code as added by Chapter 565, Statutes 1961 Regular Session, is amended to read:

13908 The tax levied within all or part of an incorporated area of a district may be paid from the funds of the city if the governing body of such city so determines and notifies the board of supervisors. The funds to be paid by the city in lieu of the general property tax shall be collected at the same time as other taxes provided for herein. Taxes

SEC. 6. Section 13949 of said code, as added by Chapter 565, Statutes 1961 Regular Session, is amended to read:

13949. The district board may exclude land from a district if it determines, by resolution, that the land will not be benefited by remaining in the district. Upon the exclusion of any territory from a district, if the remainder of the district continues to exist as such, all property previously acquired by the district shall remain vested in the district and be used for purposes of the district. Exclusion from district Resolution

SEC. 7. Sections 3, 5, and 6 of this act shall become operative only if Chapter 565, Statutes 1961 Regular Session becomes effective, and in such case, at the same time as Chapter 565, Statutes 1961 Regular Session, takes effect. Effect Stats 1961, Ch 565

CHAPTER 1678

An act to amend Section 3704 of the Labor Code, relating to workmen's compensation and self-insurers.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 3704 of the Labor Code is amended to read:

3704. The commission, in the event that the surety on such bond becomes liable for payment thereunder or resort must be had to the deposited securities or the interest thereon, or both, may direct the order, manner, and amounts of payment due the beneficiaries. Payment by the surety pursuant to the order of the commission or when ratified by the commission constitutes a full release of the surety's liability under the bond to the extent of such payment, and entitles the surety to full reimbursement by the principal or his estate, including necessary attorney fees and other costs and expenses, without prior claim or proceedings on the part of the injured employee or other beneficiaries.

CHAPTER 1679

An act to amend Section 12212 of the Business and Professions Code, relating to local administration of weights and measures.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 12212 of the Business and Professions Code is amended to read:

12212. Each sealer shall, at least once in each year, or more often if he deems necessary, see that the weights, measures and all weighing and measuring apparatus, other than liquefied petroleum gas vapor measuring devices, used in his county are correct and shall, at least once in each 10 years or more often if he deems necessary, see that each liquefied petroleum gas vapor measuring device used in his county is correct.

Effective July 1, 1962, in counties where the director finds that the sealer, because of lack of equipment, is unable or fails to perform such tests as required herein, the director may enter into a contract with the board of supervisors of each of such counties to perform such tests. Such contracts shall provide that the county shall pay the cost of such services based upon a uniform schedule of fees developed by the di-

rector. Such fee schedule shall be based on the approximate cost of performing such services. Such contracts shall also provide that the director shall periodically render a bill to each county so served for the cost of services rendered, and the auditor of the county so billed shall pay such charge in the same manner in which other claims against the county are paid.

Fees collected from vehicle scale and livestock scale tests shall be credited to the Department of Agriculture Fund. All other fees collected under the provisions of this section shall be credited to the General Fund.

CHAPTER 1680

An act to add Section 4894 to the Health and Safety Code, relating to loans of county funds to sewer maintenance districts.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 4894 is added to the Health and Safety Code, to read:

4894. Pursuant to a resolution adopted by its board of supervisors, a county may lend any of its available funds to a county sewer maintenance district located wholly within the county for use by the district in emergency situations for the construction, reconstruction, and repair of sewer systems within the district. The loan shall not exceed 100 percent of the tax levy of the district for the year in which the loan is made.

The board of supervisors in the resolution shall specify the date and manner in which the funds shall be repaid. The resolution may provide for the payment of interest on the loan and the loan shall be repaid at the times and in the manner specified in the resolution which time shall not in any event exceed five years.

Funds so loaned shall be deemed to have been appropriated by the district for the purposes for which the loan was made.

CHAPTER 1681

An act to add Section 13008 to the Education Code, relating to school district employment.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 13008 is added to the Education Code, to read:

13008. It shall be unlawful for any person authorized to invoke disciplinary action against any employee of a school district or employee in the office of the county superintendent of schools either in his individual capacity or as a member of any board, to invoke or attempt to invoke disciplinary action against any such employee or to discriminate against such employee in the terms, conditions and privileges of employment solely because of the employee's appearance before the governing board of a school district, the county board of education, legislative committees, or any other duly constituted governmental board, commission or council, whether such appearance was undertaken voluntarily or otherwise.

Violation of the provisions of this section shall be a misdemeanor.

CHAPTER 1682

An act to amend Section 36502 of the Government Code, relating to eligibility for city elective office.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 36502 of the Government Code is amended to read:

36502. A person is not eligible to hold office as councilman, city clerk, or city treasurer unless he is at the time of assuming such office an elector of the city, and has resided in the city for the year preceding his election.

If, during his term of office, he moves his place of residence outside of the city limits or ceases to be an elector of the city, his office shall immediately become vacant.

CHAPTER 1683

An act to add Section 23661.1 to the Business and Professions Code, relating to the alcoholic beverages.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 23661.1 is added to the Business and Professions Code, to read:

23661.1 Notwithstanding any other provision of law, an adult passenger on board a chartered airplane on a flight which commences and terminates in the continental United States and which does not land outside the continental United States, may bring not to exceed one quart of alcoholic beverages into

this State for household or personal use. Such alcoholic beverages shall be exempt from state licensing restrictions. No person shall bring in more than one quart of alcoholic beverages during any calendar year pursuant to the authority granted in this section.

CHAPTER 1684

An act to amend Section 20209 of the Government Code, relating to investment of the State Employees' Retirement Fund.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1 Section 20209 of the Government Code is amended to read:

20209. The board may invest the money in the Retirement Fund in real property or improvements thereon or to be constructed thereon when such real property or improvements are acquired or to be made by or for sale or lease to the State or a public agency. The board may acquire such real property under the provisions of the Property Acquisition Law. Title to real property acquired by or on behalf of the board pursuant to this section or under the Property Acquisition Law shall be vested in the board The Director of Finance on behalf of the State may hire or lease as lessee real property or improvements acquired hereunder for lease to the State. Such lease may contain an option or options to purchase said property, or a provision that title to said property shall vest in the State at the expiration of said term, and the Director of Finance is authorized to acquire such property The board also may invest such money in any valid special obligations of the State or a public agency or an agency of either issued to finance a public building and secured solely by such building or revenues, rentals or receipts received from operation of such building. This section shall not be construed as authorization to acquire any real property or improvements thereon or to issue any obligations to finance such acquisition on behalf of the State unless such acquisition is authorized by a separate act or appropriation enacted by the Legislature.

CHAPTER 1685

An act to amend Sections 11716, 11716.3, 11716.4, 11717 and 11718 of, to add Sections 11716.01, 11716.02, 11716.03, 11716.04, 11716.05, 11716.06, 11716.07, 11716.08, 11716.09, 11716.1, 11716.2, 11716.5, 11716.6, 11716.61, 11716.62, 11716.63, 11716.7, 11716.8 and 11716.9 to, and to repeal Sections 11716.1 and 11716.2 of the Insurance Code, relating to workmen's compensation insurance.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 11716 of the Insurance Code is amended to read:

Deposit for security

11716. Such deposit shall be security for the payment of the insurer's obligations on workmen's compensation insurance transacted in this State in the same manner as is provided in this article for the use of the bond. Such deposit shall not be withdrawn except upon the written order of the commissioner to use the proceeds thereof in payment of workmen's compensation claims, but shall be forthwith payable by the State Treasurer to the commissioner upon such order. Irrespective of any other provisions of this code such deposit shall be physically retained by the State Treasurer and only released in accordance with the provisions of this article.

SEC. 2. Section 11716.01 is added to said code, to read:

Payment of obligations at time of discontinuance of business

11716.01. If the commissioner has been named conservator or liquidator of such insurer pursuant to Article 14 (commencing with Section 1010), Chapter 1, Part 2, Division 1 of this code and has determined that such insurer shall not continue to carry on its business as a workmen's compensation insurer, the obligations of the surety on the bond and the proceeds of the deposit shall be used by the commissioner to pay or procure the payment of such obligations as set forth in this article. The obligations of the bond and the proceeds of the deposit shall in such event inure to the commissioner as a trust to be held separate and apart from all other assets of the insurer held by the commissioner. They shall be used only for the purposes set forth and in accordance with the procedures established in this article and shall only be subject to the orders of the court in which the conservation or liquidation proceedings are pending to the extent provided in this article.

SEC. 3 Section 11716.02 is added to said code, to read:

Methods of discharging obligations

11716.02 Where the commissioner is authorized to proceed under Section 11716.01 he may either:

(a) Subject to Sections 11716.6 to 11716.63, enter into reinsurance and assumption agreements with one or more admitted solvent workmen's compensation insurers by the terms of which liability for all such obligations is reinsured and assumed by such insurer; or

(b) Discharge such obligations himself from the proceeds of such bond or deposit.

SEC. 4. Section 11716.03 is added to said code, to read:

11716.03. If the commissioner is discharging such obligations himself, he shall as soon as practical follow the procedures set forth in Sections 11716.04 through 11716.06 for the sole purpose of permitting him to determine the proportion of the amount due on such obligations which shall actually be paid by him. Such procedure shall not be for the purpose of determining liability for such obligations or the amount thereof. Jurisdiction to determine such liability or the amount thereof is reserved to the Industrial Accident Commission in accordance with law. Determination of proportion of obligations due

SEC. 5. Section 11716.04 is added to said code, to read:

11716.04. To make such determination the commissioner shall estimate the aggregate liability of such insurer for all such obligations including: Same Procedure

(a) The estimated liability for all reported workmen's compensation claims including both those shown by the records of the insurer and those of which the commissioner shall be informed of from any source;

(b) An estimate of the liability for incurred but unreported workmen's compensation claims which shall be computed by the commissioner in the same manner as is used in the examination of solvent workmen's compensation insurers in determining the reserves for incurred but unreported workmen's compensation claims; and

(c) If it is anticipated that a petition may be filed with the Industrial Accident Commission pursuant to Section 11716.09, an estimate of the amount of the allowance to be petitioned for.

SEC. 6. Section 11716.05 is added to said code, to read:

11716.05. All such reported claims shall be assembled in a list showing the name of the claimant, the name of the employer and the estimated liability of the insurer upon such claim. Copies of such list shall be sent to the Industrial Accident Commission, the Division of Labor Statistics and Research of the Department of Industrial Relations, any rating organization designated by the commissioner as his statistical agent under Section 11751.5 and if a bond be on file, to the surety insurer. Same

The commissioner shall thereafter give thirty (30) days written notice of a public hearing to be held for the purpose of determining the estimated aggregate liability of the insurer for all such obligations to all of said organizations and to any other person who has requested such notice. Such notice shall also be published in newspapers of general circulation in San Francisco and Los Angeles at least twenty (20) days in advance of said hearing. After such hearing the commissioner shall determine the estimated aggregate liability of such insurer for such obligations including the estimated expenses, if any, for which a petition will be filed with the Industrial

Accident Commission pursuant to Section 11716.09 and the amount which may be realized from the bond or deposit.

SEC. 7. Section 11716.06 is added to said code, to read:

Same

11716.06. Thereafter, he shall enter an order determining the maximum proportion of each claim which can be paid safely from the proceeds of such bond or deposit without its premature exhaustion. If he determines that the maximum proportion which may be paid is less than 100 percent he shall from time to time and in any event within two years after the determination of such proportion and within each two-year period thereafter redetermine the proportion which may be safely paid. Such redetermination shall (except as provided in (c) hereof) only affect future payments irrespective of the time of the award or certification of the claim, and pursuant thereto the commissioner may determine to pay:

(a) The same proportion;

(b) A lesser proportion; or

(c) A greater proportion. In which event the difference between the former proportion and such greater proportion with interest thereon as provided in Section 11716.7 shall be paid to previously paid awardees or claimants.

SEC. 8. Section 11716.07 is added to said code, to read:

Payment of claims

11716.07. After determining the maximum proportion of each such claim which can safely be paid the commissioner shall proceed with the payment of such claims. In so doing he shall be subject to the jurisdiction, awards and processes of the Industrial Accident Commission with respect to each such claim in the same manner as would an insurer except that he shall only pay to such person the proportion of any award determined as provided in this article. If the workmen's compensation claim to be paid is not one required by law to be presented to the Industrial Accident Commission nor one which the claimant has brought before the Industrial Accident Commission the commissioner shall prior to the payment thereof certify to the claimant the amount he will pay thereon.

SEC. 9. Section 11716.08 is added to said code, to read:

Appeal time

11716.08. After so certifying the amount then due the commissioner shall allow thirty (30) days to elapse to permit an appeal to the Industrial Accident Commission. If an appeal is taken payment shall only be made in accordance with the determined pro rata of the orders and awards of said commission. If no appeal is taken he shall then pay the determined pro rata thereof as follows:

(a) If there is valid and collectible reinsurance with admitted solvent insurers, from the proceeds of such reinsurance;

(b) If the obligation is secured by a deposit, from the proceeds of the deposit;

(c) If the obligation is secured by a bond, in accordance with the obligations of the surety. The surety may either:

(1) Pay each individual claim upon demand;

(2) Furnish the commissioner with such funds as he shall estimate are necessary to make such payments as they become due; or

(3) Pay to the commissioner an amount equal to the entire liability assumed by it.

The failure of the surety to make such funds available as permitted herein shall permit all parties to take such action against it as is permitted by this article for its failure to pay an award of such commission. However, payment by the surety to the commissioner in accordance with subparagraphs (2) and (3) above shall to the extent thereof discharge the surety from further obligation under its bond.

SEC. 10. Section 11716.09 is added to said code, to read:

Claims expense

11716.09. Allocated claims expense necessary to discharge such obligations and the expenses connected with all proceeding permitted by the article shall be paid first from the general assets of the insurer in accordance with the preferences set forth in Section 1033. If the general assets available in this State are not sufficient to pay such expenses or have been exhausted, the commissioner may petition the Industrial Accident Commission for an allowance sufficient to pay such expenses from the proceeds of the bond or of the deposit. Such commission shall grant such petition if it is satisfied that such general assets are not so available. Such allowance shall be taken into consideration in determining the aggregate estimated liability for claims pursuant to Section 11716.03 but only for such amounts as will permit the commissioner to proceed to discharge such obligations.

Repeal

SEC. 11. Section 11716.1 of said code is repealed.

SEC. 12. Section 11716.1 is added to said code, to read:

Repayment to surety

11716.1. If the surety pays any claimant or the commissioner pursuant to this article, and the commissioner thereafter recovers from any reinsurer of the principal, amounts based upon the benefits paid by the surety, such amounts shall be paid to the surety or credited to any obligations of it to the commissioner. To the extent of such payments or such credit the surety's obligation on the bond is restored.

Repeal

SEC. 13. Section 11716.2 of said code is repealed.

SEC. 14. Section 11716.2 is added to said code, to read:

Maximum payment

11716.2. In no instance shall the surety or the commissioner be required to pay an amount which shall exceed:

(a) The proportion of the claim found by the commissioner to be payable under Sections 11716.03 through 11716.06 and 11716.3.

(b) When added to all previous amounts paid, the amount which may be realized from the bond or deposit, as the case may be.

SEC. 15. Section 11716.3 of said code is amended to read:

Commutation of unpaid claims

11716.3. Six years after such insurer has been seized by the commissioner as liquidator or conservator the commissioner shall petition the Industrial Accident Commission to commute all remaining unpaid claims to lump sum awards and shall

procure payment from the surety or make payment from the proceeds of said deposit by first making such payments to claimants as will equalize as nearly as possible the proportion paid to each and, second, distribute the balance thereof pro rata among claimants until all have received the full amount of their claims or an equal proportion thereof. If all such awards including any interest allowed pursuant to Section 11716.7 have been fully paid, the balance of such deposits shall be transferred to the commissioner as liquidator or conservator and included in the general assets of such insurer.

SEC. 16. Section 11716.4 of said code is amended to read:

Undeliverable claim payments

11716.4. If payment mailed to any claimant at his last known address has been returned as undeliverable and the commissioner or the surety is unable to locate such claimant and he makes no demand for such payment upon the commissioner or the surety within the five-year period following such seizure by the commissioner, such payment shall revert to the deposit or shall not diminish the amount payable under the bond and shall be distributed or be available to other claimants as set forth in this article. No distribution pursuant to Section 11716.3 shall be made to such claimant.

SEC. 17. Section 11716.5 is added to said code, to read:

Petition for discharge

11716.5. From time to time and in any event at or prior to the time of the filing of his petition for discharge as conservator or liquidator, the commissioner shall file with the Industrial Accident Commission an accounting of all trust funds received and used from the proceeds of the bond or from the deposit and with the court an accounting of all funds received and used as expenses from the general funds of the insurer.

SEC. 18. Section 11716.6 is added to said code, to read:

Reinsurance and assumption agreement. Contents

11716.6. If the commissioner enters into a reinsurance and assumption agreement as provided in Section 11716.02(a) such agreement shall provide for the following:

(a) The reinsurance and assumption of all such obligations by the reinsuring and assuming insurers.

(b) If there be more than one such reinsurer the proportion of all such obligations assumed by each reinsurer and a method for the actual processing and payment of such obligations by the reinsurers or their representatives.

(c) The reimbursement of the reinsuring and assuming insurers from the bond or deposit of the insurer in liquidation or conservation. Such provision shall conform with either Section 11716.61 or Section 11716.62 and shall not be effective unless approved by the Industrial Accident Commission.

(d) The amounts, if any, to be paid to the reinsurers from the general funds of such insurer. If such provision provides for a payment from such general funds it shall be effective only upon approval of the court in which the conservation or liquidation proceedings are pending.

(e) Such other matters as are necessary and proper to achieve the purposes of the reinsurance and assumption agreement.

SEC. 19. Section 11716.61 is added to said code, to read:

11716.61. (a) The reimbursement provision referred to in Section 11716.6(c) shall in the event of a deposit provide for the transfer of the securities in the deposit to the deposits of the reinsurers. Thereafter, except as provided in (b), the deposit of the reinsuring and assuming insurers shall be security for the payment of all of such obligations assumed by such agreement as well as such obligations on workmen's compensation insurance transacted in this State by the reinsurer, provided, however, that in determining the amount which shall remain on deposit as security for such obligations which are reinsured and assumed the method prescribed by Section 11699(a)(1) shall be used without any limitation as to time. In providing for the transfer of the securities the agreement may provide for their direct transfer to the deposit account of the reinsurers, or, if the securities deposited are in such denominations or units as to make the equitable transfer to more than one reinsurer impossible, it may provide either for a formula under which such transfers may be made and differences in value reconciled by payments or credits among the reinsurers or for the sale of such securities by the commissioner and the reinvestment of the proceeds in other securities in amounts which can be so equitably transferred. Reimbursement provision

(b) If the obligations of one or more reinsurers are secured by a bond rather than by a deposit the agreement shall provide that any transfer shall be to a separate deposit to be maintained by such insurer in which event such separate deposit shall only be held as security for the obligations reinsured and assumed under the contract and not as security for such obligations on other workmen's compensation insurance transacted in this State. The amount which shall remain in such separate deposit shall be determined as set forth in (a).

(c) The agreement shall provide that if it appears that the market value of the securities on deposit will exceed the obligations assumed by the reinsurers the commissioner may withhold the transfer of a portion of the deposit and may after a two-year period enter into a final settlement with the reinsurers with respect thereto at which time any excess in such deposit shall be transferred to the general assets of the insurer in liquidation or conservation.

SEC. 20. Section 11716.62 is added to said code, to read:

11716.62. Reimbursement of the reinsuring and assuming insurers from the bond provided by this article shall be made by each insurer presenting to the surety proof of payments made to claimants pursuant to such reinsuring and assuming agreement. Thereupon the surety shall reimburse the reinsurer and be released from its obligations to the extent of such reimbursement. However, the payment to any reinsurer shall not exceed the proportion of the amount of the bond which is equal to the proportion of all such obligations reinsured and assumed by such insurer. Same

SEC. 21. Section 11716.63 is added to said code, to read:

Limitation

11716.63. The commissioner shall not enter into any such agreement with any such insurer if its reinsurance and assumption of any such liability will impair its solvency or render its further transaction of business hazardous under subsection (d) of Section 1011.

SEC. 22. Section 11716.7 is added to said code, to read:

Interest on prorated payment increases

11716.7. If the commissioner prorates payments pursuant to Section 11716.06 and thereafter increases such prorated amounts pursuant to said section or to Section 11716.3 all increased payments to previously paid claimants shall include an allowance of interest on the increase of four percent (4%) for each full year which has elapsed between the increase. In commuting awards to lump sum payments pursuant to Section 10716.3 the Industrial Accident Commission shall assume an earning factor of four percent (4%) per annum.

SEC. 23. Section 11716.8 is added to said code, to read:

Liability to claimant

11716.8. None of the officers, organizations or persons specified in this article shall be liable to any claimant if payments made in good faith and as provided in this article exhaust the funds available so as to either reduce the percentage of any claim actually paid to one or more claimants or to prevent any such payment.

SEC. 24. Section 11716.9 is added to said code, to read:

Liquidation proceedings

11716.9. If pursuant to this article assets are transferred to the commissioner as liquidator after the termination of the liquidation proceedings the commissioner shall, subject to the approval of the court in which the liquidation proceedings were pending, determine whether to reopen such proceedings or whether to deliver such assets to the State Controller pursuant to the Uniform Disposition of Unclaimed Property Act (commencing with Section 1500 of the Code of Civil Procedure).

SEC. 25. Section 11717 of said code is amended to read:

Repayment of deposit

11717. Unless the deposit is withdrawn by the commissioner pursuant to Section 11716 it, or any remainder thereof, may be repaid to the insurer either upon satisfactory showing to the commissioner that every liability to pay compensation is reinsured with a solvent insurer or fully paid and discharged, or upon filing a bond pursuant to this article.

SEC. 26. Section 11718 of said code is amended to read:

Use of deposit

11718. Such deposit unless so withdrawn by the commissioner shall be used only for the payment of compensation claims so long as there remains unpaid any such claim or any part thereof.

CHAPTER 1686

An act to amend Sections 23787 and 24042 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 14, 1961 Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 23787 of the Business and Professions Code is amended to read:

Onsale license Public eating place

23787. The department shall, before issuing any onsale license for the sale of alcoholic beverages, other than beers, to be consumed or otherwise disposed of in any bona fide public eating place, determine whether the public eating place is equipped and maintained in good faith for sales to and consumption by the public of meals upon the premises. A hotel or motel of 75 rooms or more which is licensed and so equipped and maintained may sublet the sale and service of the meals required by Section 23038. Provided, however, that the licensee shall be responsible for any violations of this division caused or permitted by the lessee on the licensed premises.

Nothing in this section shall preclude the renewal, transfer, or issuance of an onsale general license to any premises equipped and maintained in good faith for sales to and consumption by members of the public of meals upon the premises even though the operation of such premises is limited solely to the service of meals and beverages at prearranged events of a social or business nature and where admission is by ticket only.

SEC. 2. Section 24042 of said code is amended to read:

Posting of onsale license

24042. Any licensee under an onsale general license or an onsale general license for seasonal business who maintains upon or within the premises for which the license is issued more than one room in which there is regularly maintained a fixed counter or service bar at which distilled spirits are served to members of the public for consumption within the licensed premises shall obtain from the department, and the department may upon request issue, a duplicate of his original license for each room, in excess of one, containing a fixed counter or service bar and shall post a duplicate of his original license in each such room. He shall pay to the department at the time of application for each duplicate license an amount equal to the license fee payable for a like period for the distilled spirits privileges of the original onsale general license or onsale general license for seasonal business. Failure to obtain the duplicate licenses and to pay the fees and renewal fees therefor shall subject the licensee to the penalties imposed by this division for failure to obtain an original license or to pay the renewal fees therefor.

Duplicate license

Such duplicate license may be issued to a room reserved for the exclusive use of designated patrons, provided that the

department shall, in the event such license is issued, endorse upon such license the terms and conditions under which the privileges conferred by the said license may be exercised, and provided further that upon the receipt by the department of the request for such a duplicate license written notice thereof which shall consist of a copy of the request shall immediately be mailed by the department to the sheriff or chief of police within whose jurisdiction the premises are situated and no such duplicate license shall be issued by the department until at least 30 days after such mailing. Upon receipt by the department within such 30 days of a protest by the sheriff or chief of police within whose jurisdiction the premises are situated, the department shall not issue such a duplicate license until after a hearing is held by the department within the county or city affected and said hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code and the department shall have all the powers granted therein.

A licensee under an onsale general license, or an onsale general license for seasonal business, issued for a bona fide public eating place may obtain a duplicate license or licenses under this section for rooms which constitute public premises, as defined in Section 23039, and a licensee under such a license issued for public premises may obtain a duplicate license or licenses under this section for rooms which constitute bona fide public eating places, except that a duplicate license or licenses for rooms which constitute bona fide public eating places shall only be issued after the department has made the investigation and determination required by Section 23787. Rooms which constitute bona fide public eating places shall not be considered public premises, as defined in Section 23039, and the provisions of this division applicable solely to such public premises shall not be applicable to such rooms.

CHAPTER 1687

An act to amend Section 23320, and to add Sections 23374.6 and 23375.6 to, the Business and Professions Code, relating to alcoholic beverages.

In effect September 15, 1961

[Approved by Governor July 14, 1961 Filed with Secretary of State July 18, 1961]

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

SECTION 1. Section 23320 of the Business and Professions Code is amended to read:

Types of licenses and fees

23320. The following are the types of licenses to be issued under this division and the annual fees to be charged therefor:

(1) Beer manufacturer's license _____ $828.00 per year

(2) Wine grower's license (to be computed only on the gallonage produced), 5,000 gallons or less	22.00 per year
Over 5,000 gallons to 20,000 gallons per year	44.00 per year
Over 20,000 to 100,000 gallons per year	82.50 per year
Over 100,000 to 200,000 gallons per year	110.00 per year
Over 200,000 gallons to 1,000,000 gallons a year	165.00 per year
For each 1,000,000 gallons or fraction thereof over 1,000,000 gallons an additional	110.00 per year
(3) Brandy manufacturer's license	168.00 per year
(4) Distilled spirits manufacturer's license	276.00 per year
(5) Distilled spirits manufacturer's agent's license	276.00 per year
(6) Still license	12.00 per year
(7) Rectifier's license	276.00 per year
(8) Wine rectifier's license	276.00 per year
(9) Beer and wine importer's license	No fee
(10) Beer and wine importer's general license	56.00 per year
(11) Brandy importer's license	No fee
(12) Distilled spirits importer's license	No fee
(13) Distilled spirits importer's general license	276.00 per year
(14) Public warehouse license	12.00 per year
(15) Customs broker's license	12.00 per year
(16) Wine broker's license	56.00 per year
(17) Beer and wine wholesaler's license	56.00 per year
(18) Distilled spirits wholesaler's license	276.00 per year
(19) Industrial alcohol dealer's license	56.00 per year
(20) Retail package off-sale beer and wine license	12.00 per year
(21) Retail package off-sale general license for under $20,000 gross retail sales of distilled spirits per year	200.00 per year
In addition, for $20,000 or more gross retail sales of distilled spirits per year	200.00 per year
(22) On-sale beer license	84.00 per year
(23) On-sale beer and wine license	84.00 per year
(24) On-sale beer and wine license for trains (per train)	16.00 per year
(25) On-sale beer license for fishing party boats (per boat)	32.00 per year
(26) On-sale beer and wine license for boats (per boat)	56.00 per year

(27)	On-sale beer and wine license for airplanes (per scheduled flight)	16.00 per year
(28)	On-sale general license:	
	In cities of 40,000 population or over	580.00 per year
	In cities of less than 40,000 but more than 20,000 population	412.00 per year
	In all other localities	360.00 per year
(29)	On-sale general license for seasonal business:	
	In cities of 40,000 population or over	145.00 per quarter year
	In cities of less than 40,000 but more than 20,000 population	103.00 per quarter year
	In all other localities	90.00 per quarter year
(30)	(a) On-sale general license for bona fide clubs,	
	(b) Club license (issued under Article 4 of this chapter), or	
	(c) Veterans' club license (issued under Article 5 of this chapter):	
	In cities of 40,000 population or over	330.00 per year
	In cities of less than 40,000 but more than 20,000	248.00 per year
	In all other localities	220.00 per year
(31)	On-sale general license for trains and sleeping cars	128.00 per year
	Duplicate on-sale general license for trains and sleeping car companies	32.00 per year
(32)	On-sale general license for boats	332.00 per year
(33)	On-sale general license for airplanes	128.00 per year
	Duplicate on-sale general license for air common carriers	10.00 per year
(34)	On-sale general license for vessels of more than 1,000 tons burden	128.00 per year
	Duplicate on-sale general license for vessels of more than 1,000 tons burden	32.00 per year

SEC. 2. Section 23374.6 is added to said, to read:

Beer and wine importer's general license

23374.6. A beer and wine importer's general license authorizes the person to whom issued to become an importer of beer or wine and to sell state tax paid beer or wine to beer manufacturer's, wine grower's, beer and wine wholesaler's, wine rectifier's and beer and wine importer's general licensees.

SEC. 3. Section 23375.6 is added to said code, to read:

Limitation

23375.6. No beer and wine importer's general license shall be issued to any person who holds an interest, directly or indirectly, in any retail license No retail license shall be issued to any beer and wine importer's general licensee.

CHAPTER 1688

An act to amend Sections 3003 and 3131 of, to amend the heading of Article 5 (commencing with Section 3125) of Chapter 5 of Part 2 of Division 1 of, to repeal Article 6 (commencing with Section 3151) of Chapter 5 of Part 2 of Division 1 of, to add Section 3125.5 to, and to add Article 5 (commencing with Section 1601) to Chapter 6 of Part 1 of Division 1 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 5 (commencing with Section 1601) is added to Chapter 6 of Part 1 of Division 1 of the Unemployment Insurance Code, to read:

Article 5. Investments in or Expenditures for Property

Protection of property

1601. When money other than Disability Fund money is used in the purchase of property and in the construction of buildings, and appurtenant facilities, or in the purchase of property, or in the construction of buildings, and appurtenant facilities, for the use of the Department of Employment, or for the use of the Department of Employment and other state agencies, the Director of Employment may do any and all things necessary to protect the property including purchasing insurance against the loss of or damage to the property or the loss of use and occupancy of the property. Any transaction entered into by the Director of Employment under this section shall be subject to the approval of the Department of Finance.

SEC. 2. Section 3003 of said code is amended to read:

Investments

3003. Except as provided in Sections 3125, 3125.5 and 3131, all surplus money in the Disability Fund may be invested solely in interest-bearing obligations of the United States Government or of the State of California, and all interest or earnings therefrom shall be deposited in the Disability Fund.

SEC. 3. The heading of Article 5 (commencing with Section 3125) of Chapter 5 of Part 2 of Division 1 of said code is amended to read:

Article 5. Investments in Buildings

SEC. 4. Section 3125.5 is added to Article 5 of Chapter 5 of Part 2 of Division 1 of said code, to read:

Other investments

3125.5. The Department of Finance may from time to time, with the approval of the director, invest money in the Disability Fund for the acquisition of real property, pursuant to the Property Acquisition Law, and the construction and equip-

ment of a building or buildings and appurtenant facilities thereon after approval of preliminary plans under the procedure provided by Section 16 of the Budget Act of 1954, for the use of the Department of Employment as a branch office in Los Angeles. The aggregate amount which may be invested under this section shall not exceed two million seven hundred fifty thousand dollars ($2,750,000).

SEC. 5. Section 3131 of said code is amended to read:

Same

3131. The director may from time to time, with approval of the Department of Finance, invest money in the Disability Fund for repairs and for alterations of buildings and appurtenant facilities, or for repairs, or for alterations of buildings and appurtenant facilities, constructed pursuant to this article, but not to exceed the respective amounts authorized to be invested by Sections 3125 and 3125.5.

Repeal

SEC. 6. Article 6 (commencing with Section 3151) of Chapter 5 of Part 2 of Division 1 of said code is repealed.

CHAPTER 1689

An act to amend Section 20804.5 of the Government Code, relating to the State Employees' Retirement System.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 20804.5 of the Government Code is amended to read:

20804.5. Any member shall receive current service credit for time which was spent by him in employment of the State or a contracting agency prior to becoming a member of this system and (a) after persons employed in his status were eligible for membership in this system, or (b) while excluded from membership because serving on a part-time basis or because of his failure to exercise his right of election of membership under either Section 20360 or 20361 of this code, or (c) while excluded from membership in an employment in which persons since have become eligible for membership and which is not creditable to him under other provisions of this part, if, at any time prior to retirement, he elects to pay, and pays, into the retirement fund, by lump sum payment or by installments over a period not to exceed 60 months subject to minimum payments fixed by the board, normal contributions for such time prior to becoming a member computed by applying the rate of contribution applicable to him at the time he first became a member of this system to the compensation earnable by him at that time, together with interest on such contributions or on the unpaid balance if such contributions are paid by installments, from October 1, 1953, or from the date on which he first became a member of this system, whichever is later, until paid.

This section shall not apply to the employees of any contracting agency nor to any such agency unless and until the contracting agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461.5, or by express provision in its contract with the board.

SEC. 2. This act shall become operative on October 1, 1961. Operative date

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CHAPTER 1690

An act to amend Sections 124.5, 4552, 4553 and 4604.5 of, to add Section 4552.5 to, and to repeal Sections 2020.003 and 3084.05 of, the Welfare and Institutions Code, relating to medical care for public assistance recipients.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 124.5 of the Welfare and Institutions Code is amended to read:

124.5. The Medical Care Premium Deposit Fund in the State Treasury is hereby created. All moneys transferred by the State Controller pursuant to Section 4552 of this code and those funds made available to the State by the federal government for medical assistance for aged persons not receiving Old Age Security under Chapter 1 (commencing with Section 2000) of Division 3 of this code, and for the purpose of providing medical care and services to public assistance recipients, shall be deposited in the fund. Funds so deposited shall be held in trust in the fund for the sole purpose of paying for medical care and services for public assistance recipients as provided in Chapter 1 of Part 3 and for medical assistance for aged persons as provided by Chapter 1 (commencing with Section 4700) of Part 4 of Division 5 of this code and shall not be withdrawn for any other purpose. Medical Care Premium Deposit Fund

Moneys in said fund shall be deposited into the following accounts: Accounts

(a) Children and family account to which shall be deposited funds transferred pursuant to subdivisions (a) and (b) of Section 4552 of this code.

(b) Adult account to which shall be deposited funds transferred pursuant to subdivision (c) of Section 4552 of this code.

(c) Medical assistance for the aged account to which shall be deposited funds transferred pursuant to Sections 4750 and 4751 of this code. During such times as the transfer of funds from the General Fund is suspended as provided by Section 4750 of this code, funds determined to be available in the adult account shall be transferred to this account in the amount available and necessary to finance the program of medical

assistance for the aged as provided by Chapter 1 (commencing with Section 4700) of Part 4 of Division 5 of this code

Funds held in trust in the Medical Care Premium Deposit Fund shall not establish a right in any public assistance recipient to demand a proportionate share of the fund to provide for his medical needs.

Dissolution

If the Medical Care Premium Deposit Fund is dissolved, any moneys remaining therein shall revert to the General Fund.

SEC. 2. Section 4552 of said code is amended to read:

Transfers to Medical Care Premium Deposit Fund

4552. With respect to each of the following individuals the State Controller shall transfer to the Medical Care Premium Deposit Fund in the State Treasury a premium deposit equal to the total of the following sums:

(a) For each recipient of public assistance under Chapter 1 of Part 2 of Division 2 of this code the sum of three dollars ($3) per month.

(b) For each needy parent or needy person who takes the place of a parent in the supervision or care of needy children receiving assistance under Chapter 1 of Part 2 of Division 2 of this code the sum of six dollars ($6) per month.

(c) For each recipient of public assistance under Chapter 1 of Division 3, Chapters 1 or 3 of Part 1 of Division 5 and Chapter 1 of Part 2 of Division 5 of this code the sum of fifteen dollars ($15) per month; provided, however, any amount deposited during the fiscal year which exceeds the average monthly expenditure for medical care in behalf of recipients for whom deposits are made under this subsection shall revert to the General Fund.

Transfers made by the Controller pursuant to this section shall be based on estimates submitted to him by the State Department of Social Welfare as provided in Section 4553.

The sums transferred pursuant to this section shall not be construed as limiting the amount of service or the period over which such service may be granted with respect to any recipient found to be eligible for care under this chapter.

SEC. 3. Section 4553 of said code is amended to read:

Estimated amount to be transferred

4553. In advance of each quarter the State Department of Social Welfare shall certify to the Controller the estimated amount to be transferred pursuant to Section 4552.

The State Controller shall transfer the amount estimated to be required as reduced by the amount to be deposited by each county in the County Medical Care Revolving Fund pursuant to Section 4604.5 of this code and the amount estimated to be received from the federal government, from the General Fund to the Medical Care Premium Deposit Fund. In like manner the State Controller shall transfer from the Social Welfare Federal Fund to the Medical Care Premium Deposit Fund those funds which are received from the federal government to be expended for medical care in behalf of public assistance recipients.

Determination

The transfer of funds from the Social Welfare Federal Fund shall be determined as follows:

1. For each needy child for whom federal funds are received the sum of one dollar and fifty cents ($1.50) per month.

2. For each relative of a needy child for whom federal funds are received the sum of three dollars ($3) per month.

3. For each recipient of Aid to the Blind under Chapter 1 (commencing with Section 3000) of Part 1 of Division 5 of this code for whom federal funds are received the sum of three dollars ($3) per month.

4. For each recipient of Aid to Needy Disabled under Chapter 1 (commencing with Section 4000) of Part 2 of Division 5 of this code for whom federal funds are received the sum of three dollars ($3) per month.

5. For each recipient of Old Age Security under Chapter 1 (commencing with Section 2000) of Division 3 of this code for whom federal funds are received the sum of three dollars ($3) per month plus an amount equal to one-half of the medical expenditures made in behalf of each such recipient under this chapter.

The amounts to be transferred to the Medical Care Premium Deposit Fund shall be increased or decreased by the sums by which transfers for any previous quarter were smaller or larger than the amount of premium deposits determined to have been required under Section 4552.

SEC. 4. Section 4604 5 of said code is amended to read:

4604.5. Each county shall establish a special Medical Care Revolving Fund for payment of medical care bills rendered for services granted to recipients authorized to receive such services provided by this chapter or by Chapter 1 (commencing with Section 4700) of Part 4 of Division 5. Special Medical Care Revolving Fund

A children and family account, an adult account and a medical assistance for the aged account shall be maintained to conform to similar accounts of the Medical Care Premium Deposit Fund in the State Treasury as provided by Section 124.5 of this code.

Funds advanced to the county by the State pursuant to Section 4604 and 4754 of this code shall be deposited in such fund and credited to the account as specified by the advance. In addition county funds shall be deposited into the adult account as provided by Section 4552.5 of this chapter. Funds so deposited shall be held in trust for the sole purpose of paying for medical services provided under this chapter and Chapter 1 (commencing with Section 4700) of Part 4 of Division 5 of this code and shall only be withdrawn for this purpose. However, funds may be advanced by any county to a corporation or association in accordance with provisions of a contract executed with said corporation or association pursuant to Section 4554 or Section 4721 of this code; provided, such corporation or association provides an indemnity bond in the amount of any funds so advanced.

SEC. 5. Section 4552.5 is added to said code, to read:

4552.5. Each county shall deposit quarterly to the adult account of the Medical Care Revolving Fund a sum of money Quarterly deposit

equal to the product of one dollar ($1) multiplied by the number of recipients authorized to receive aid as of the first calendar month of each quarter under Chapter 1 (commencing with Section 2000) of Division 3, Chapters 1 (commencing with Section 3000) and 3 (commencing with Section 3400) of Part 1 of Division 5, and Chapter 1 (commencing with Section 4000) of Part 2 of Division 5 of this code.

The count of recipients for whom deposits are to be made pursuant to this section shall be those recipients authorized to receive aid as of the first day of the month and said count of recipients shall not be subject to change or adjustment for recipients added or discontinued during the month.

Repeal

SEC. 6. Section 2020.003 of said code is repealed.

Repeal

SEC. 7. Section 3084.05 of said code is repealed.

Operative date

SEC. 8. This act shall become operative on October 1, 1961.

CHAPTER 1691

An act to amend Section 13182 of, and to add Section 13195.5 to, the Education Code, relating to school employees' certification documents.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 13182 of the Education Code is amended to read:

Fee

13182. The fee for each credential or life diploma or for the renewal of a credential shall be fixed by the State Board of Education at an amount no less than the cost of its issuance or renewal, except that no such fee shall exceed ten dollars ($10).

The State Board of Education may require a fee, in an amount fixed by the board, for evaluation of transcripts of applicants for certification documents, which fee may be applied toward the fee for any credential or life diploma issued within such time as may be determined by the board.

SEC. 2. Section 13195.5 is added to said code, to read:

Standard designated subjects teaching credential

13195.5. The standard designated subjects teaching credential with a specialization in vocational trade and technical teaching shall authorize the holder, who also meets the requirements for a standard supervision credential as established by the State Board of Education, to supervise and administer programs of trade and technical education in school districts or in schools where the curricula are predominantly trade or technical or industrial in nature.

Effect Stats. 1961, Ch 818

SEC. 3. Section 2 of this bill shall become effective only if Senate Bill No. 57, as proposed in the 1961 Session of the Legislature, is enacted into law.

CHAPTER 1692

An act to repeal Sections 2001 and 2002 of, and to add Section 2001 to, the Government Code, relating to defense of public personnel in actions and proceedings.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 2001 of the Government Code is repealed. Repeal

SEC. 2. Section 2001 is added to said code, to read:

2001. (1) As used in this section: Definitions

(a) "Action or proceeding" does not include an action or proceeding to remove an employee from his employment, a criminal action or proceeding against a public employee, or an action or proceeding brought by a public entity against a public employee as an individual and not in his official capacity.

(b) "Employee" includes an officer, agent or employee.

(c) "Public entity" includes the State, a county, city, district or other public agency or public corporation.

(2) Unless provision has been made by the public entity for the employment of other counsel in connection therewith, the attorney for the public entity, upon request of the employee, shall act as counsel in the defense of any action or proceeding brought against an employee of the public entity, in his official or individual capacity, or both, on account of:

(a) The death or physical injury to person or property as a result of the dangerous or defective condition of any public property; or

(b) The death or physical injury to person or property as a result of the negligence of such employee occurring during the course of his service or employment; or

(c) Any damages caused by any act or failure to act by such employee occurring during the course of his service or employment.

(3) The attorney's fees, costs and expenses of defending the action or proceeding pursuant to this section are a lawful charge against the public entity. The public entity may recover from the public employee any attorney's fees or the reasonable value of legal services rendered, costs or expenses paid or incurred by it under the provisions of this section if the action or proceeding is one described in subdivision (2)(c) of this section and it is established that the public employee acted or failed to act because of bad faith or malice.

(4) The rights of a public employee under this section are in addition to and not in lieu of any rights the employee may have under any other law, charter, ordinance or regulation providing for the defense of a public employee.

SEC. 3. Section 2002 of said code is repealed. Repeal

CHAPTER 1693

An act to repeal Sections 31461.1, 31533, 31558.1, 31620.1, 31630.1, 31639.15, 31641.01, 31721.5 and 31780.5 of, and to add Article 15 (commencing with Section 31830) to Chapter 3 of Part 3 of Division 4 of Title 3 of, the Government Code, relating to retirement.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

Repeal

SECTION 1. Section 31461.1 of the Government Code is repealed.

Repeal

SEC. 2. Section 31533 of said code is repealed.

Repeal

SEC. 3. Section 31558.1 of said code is repealed.

Repeal

SEC. 4. Section 31620.1 of said code is repealed.

Repeal

SEC. 5. Section 31630.1 of said code is repealed.

Repeal

SEC. 6. Section 31639.15 of said code is repealed.

Repeal

SEC. 7. Section 31641.01 of said code is repealed.

Repeal

SEC. 8. Section 31721.5 of said code is repealed.

Repeal

SEC. 9. Section 31780.5 of said code is repealed.

SEC. 10. Article 15 (commencing with Section 31830) is added to Chapter 3 of Part 3 of Division 4 of Title 3 of said code, to read:

Article 15. Reciprocal Benefits

Legislative intent

31830. The provisions of this article are intended to encourage career public service by granting reciprocal retirement benefits to members who are entitled to retirement rights or benefits from two or more retirement systems established under this chapter or from a retirement system established under this chapter and the State Employees' Retirement System, and to delineate the financial obligations of each system and related political entity so that no system or political entity shall be liable for more than its just financial obligation.

Deferred retirement election

31831. Any member, whether over or under the minimum age of service retirement, who leaves county service and within 90 days thereafter becomes a member of the State Employees' Retirement System, or a retirement system established under this chapter in another county, regardless of the amount of county service, may elect deferred retirement pursuant to Article 9 of this chapter, except that he may not, after such election, rescind such election or withdraw any of his accumulated contributions while a member of such other system.

Information

31832. The board shall, on request of the Board of Administration of the State Employees' Retirement System or the board of retirement of a retirement system established in another county under this chapter, supply information and data necessary for the administration of such other system as it is affected by membership in and service credited under this system.

Age at entry

31833. For the purpose of this article and Articles 6 and 6.8 of this chapter, age at time of entrance into the retirement system for a person who enters within 90 days of last rendering service as a member of the State Employees' Retirement System or another retirement system established under this chapter, and who retains his membership in such other system or systems, shall be his age at entry into the first such other system.

Safety member

31834. Notwithstanding Section 31558 and regardless of age at entry into the system in counties subject to the provisions of Section 31676.1 and in counties electing pursuant to Section 31695.1, a person shall become a safety member on the first day of the calendar month following his entrance into service in a position the principal duties of which are defined in Sections 31470.2, 31470.4 or 31470.6, if such first day of the calendar month is within 90 days of last rendering active police or fire suppression or lifeguard work as a member of the State Employees' Retirement System or a retirement system established under this chapter in another county and the person retains his membership in such other system.

Computation of average compensation

31835. The average compensation during any period of service as a member of the State Employees' Retirement System or a member of a retirement system established under this chapter in another county shall be considered compensation earnable by a member for purposes of computing final compensation for such member provided:

(1) The period intervening between active memberships in the respective systems does not exceed 90 days.

(2) He retires concurrently under both systems and is credited with such period of service under such other system at the time of retirement.

"Service"

31836. "Service," solely for purposes of qualification for payment of benefits and retirement allowances, shall also include service as an employee of the State or a contracting agency under the State Employees' Retirement System or of another county having a retirement system established under this chapter, if the compensation for such service constitutes compensation earnable by a member under Section 31835 of this part.

No credit shall be granted in this retirement system for service for which the member has received credit in another retirement system or for which he is presently receiving a retirement allowance from another retirement system.

Retirement for disability

31837. Any member who elects, pursuant to Sections 31700 and 31832, to leave his accumulated contributions on deposit may be retired for disability, regardless of age or length of service, and receive a disability retirement allowance under this article based on the service credited to him at the time of retirement during any period thereafter in which he receives a disability retirement allowance under the State Employees' Retirement System or a retirement system estab-

Conditions

lished under this chapter in another county, subject to the following conditions:

(1) That such allowance shall not be paid if the period intervening between the last service credited under this system and his becoming a member in such other system exceeds 90 days.

(2) That if the member is retiring for non-service-connected disability, and, if a safety member has not attained age 55, or if a nonsafety member has not attained age 65, his retirement allowance shall be as calculated pursuant to Section 31838.

(3) That such allowance shall be an annuity which is the actuarial equivalent of the member's accumulated contributions when retirement under the other system is for disability arising out of and in the course of employment subject to such other system.

Retirement allowance

31838. Every safety member under age 55 years and every other member under age 65 years who is retired for non-service-connected disability and who is retired simultaneously under a disability retirement allowance from the State Employees' Retirement System or a retirement system established under this chapter in another county shall receive a retirement allowance equal to the greater of the following amounts:

(1) The sum to which he would be entitled as service retirement; or

(2) A sum which shall consist of:

(a) An annuity which is the actuarial equivalent of his accumulated contributions at the time of his retirement, and

(b) If, in the opinion of the board, his disability is not due to intemperate use of alcoholic liquor or drugs, willful misconduct, or violation of law on his part, a disability retirement pension purchased by contributions of the county or district, all computed as provided in Sections 31727 or 31727.2.

Death before retirement

31839. Upon the death before retirement of a member, while in service as a member of the State Employees' Retirement System or a retirement system established pursuant to this chapter in another county, who has made an election pursuant to Sections 31700 and 31832, the death benefit provided in Section 31781 payable by the system from which he elected deferred retirement shall consist of:

(a) When death is not the result of a disease or injury arising out of and in the course of employment, the amount of such death benefit shall not exceed an amount which when added to the death benefit payable for the member under such other system will equal the total of the accumulated contributions to both systems plus 50 percent of the annual compensation earnable by the deceased during the 12 months immediately preceding his death.

(b) When death is the result of disease or injury arising out of and in the course of his employment as a member of such other system, such death benefit shall consist solely of the member's accumulated contributions.

31840. The death benefit provisions of paragraph (a) of Section 31839 shall be subject to the provisions of Sections 31765, 31765.1, 31781.1 and 31781.2 in those counties where these sections are applicable. In all calculations under these sections only the retirement allowances which would be payable by the system from which the member elected deferred retirement shall be considered. The provisions of Section 31784 shall apply to the death benefits provided by paragraphs (a) and (b) of Section 31839. Applicability of provisions

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CHAPTER 1694

An act to amend Sections 31469.3, 31470.2, 31470.4 and 31560 of, and to repeal Sections 32064 and 32362 of, the Government Code, relating to retirement.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 31469.3 of the Government Code is amended to read:

31469.3. "Safety member" means any person who is either: "Safety member"

(a) A member of a pension system established pursuant to either Chapter 4 or Chapter 5, who elects by written notice filed with the board, to become a safety member, or

(b) Any person employed by a county, subject to Section 31676.1 or 31695.1 or by a district or court organized or existing within such a county, whose principal duties consist of active law enforcement or active fire suppression as described in Sections 31470.2 and 31470.4, or active lifeguard service as limited by Section 31470.6.

SEC. 2. Section 31470.2 of said code is amended to read:

31470.2. All sheriffs, undersheriffs, chief deputies sheriff, jailers, turnkeys, deputies sheriff, bailiffs, process servers, constables, deputies constable, motorcycle officers, aircraft pilots, heads and assistant heads of all divisions of the office of the sheriff, detectives and investigators in the office of the district attorney, marshals and all regularly appointed deputies marshals are eligible. Eligible employees

SEC. 3. Section 31470.4 of said code is amended to read:

31470.4. All county foresters, county firewardens, deputies or assistant county foresters, deputies or assistant county firewardens, fire apparatus engineers, fire prevention inspectors, forest firemen, fire patrolmen, aircraft pilots, and foremen assigned to fire suppression crews, all other personnel assigned to active fire suppression in any county forester's or county firewarden's department and all officers, engineers, and firemen of any county fire protection district, and all other personnel assigned to active fire suppression in any county fire protection district are eligible. Same

SEC. 4. Section 31560 of said code is amended to read:

Safety members

31560. A safety member shall remain a safety member only while the principal duties of his position consist of active law enforcement, active fire suppression or active lifeguard service as defined in Section 31469.3. While holding any other position in county service he shall remain a member but not a safety member.

Repeal

SEC. 5. Section 32064 of said code is repealed.

Repeal

SEC. 6. Section 32362 of said code is repealed.

CHAPTER 1695

An act to amend Sections 31726, 31726.5, 31727 and 31727.2 of the Government Code, relating to retirement.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 31726 of the Government Code is amended to read:

Service retirement allowance

31726. Upon retirement for non-service-connected disability a member who has attained age 65 shall receive his service retirement allowance.

Disability retirement allowance

Every member under age 65 who is retired for non-service-connected disability and who is not simultaneously retired as a member on deferred retirement of the State Employees' Retirement System or a retirement system established under this chapter in another county shall receive a disability retirement allowance which shall be the greater of:

(1) The sum to which he would be entitled as service retirement; or

(2) A sum which shall consist of:

(a) An annuity which is the actuarial equivalent of his accumulated contributions at the time of his retirement

(b) If, in the opinion of the board, his disability is not due to intemperate use of alcoholic liquor or drugs, willful misconduct, or violation of law on his part, a disability retirement pension purchased by contributions of the county or district.

SEC. 2. Section 31726.5 of said code is amended to read:

Service retirement allowance

Disability retirement allowance

31726.5. Upon retirement for non-service-connected disability a safety member who has attained age 55 shall receive his service retirement allowance. Every safety member under age 55 who is retired for non-service-connected disability and who is not simultaneously retired as a member on deferred retirement of the State Employees' Retirement System or a retirement system established under this chapter in another county shall receive a disability retirement allowance which shall be the greater of:

(a) An annuity which is the actuarial equivalent of his accumulated contributions at the time of his retirement.

(b) If, in the opinion of the board, his disability is not due to intemperate use of alcoholic liquor or drugs, willful misconduct, or violation of law on his part, a disability retirement pension purchased by contributions of the county or district.

SEC. 3. Section 31727 of said code is amended to read:

Non-service-connected disability retirement pension

31727. The non-service-connected disability retirement pension shall be such an amount as with that portion of his annuity provided by his accumulated normal contributions will make his disability retirement allowance, exclusive of the annuity provided by his accumulated additional contributions, equal:

(a) Ninety percent of one-sixtieth of his final compensation multiplied by the number of years of service credited to him, if (1) the member must rely upon service in another retirement system in order to be eligible to retire or (2) such disability retirement allowance exceeds one-third of his final compensation.

(b) If the member is eligible to retire without relying upon service in another retirement system, and the disability retirement allowance computed under (a) does not exceed one-third of his final compensation, 90 percent of one-sixtieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 65, but in such case the retirement allowance shall not exceed one-third of his final compensation.

SEC. 4. Section 31727.2 of said code is amended to read:

Same Safety member

31727.2. The non-service-connected disability retirement pension for a safety member shall be such an amount as with that portion of his annuity provided by his accumulated normal contributions, will make his disability retirement allowance equal:

(a) Ninety percent of one-fiftieth of his final compensation multiplied by the number of years of service credited to him, if (1) the member must rely upon service in another retirement system in order to be eligible to retire or (2) such disability retirement allowance exceeds one-third of his final compensation.

(b) If the member is eligible to retire without relying upon service in another retirement system, and the disability retirement allowance computed under (a) does not exceed one-third of his final compensation, 90 percent of one-fiftieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 55, but in such case the retirement allowance shall not exceed one-third of his final compensation.

Application

SEC 5. Sections 3 and 4 of this act apply only to members who enter the service of the county or district after its effective date.

CHAPTER 1696

An act to amend Section 1011 of the Fish and Game Code, relating to state liability in the operation of hunting and fishing areas.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 1011 of the Fish and Game Code is amended to read:

1011. The department may:

Powers of department

(a) Procure insurance for its employees against special hazards in connection with their duties occasioned by the existence of a state of war, in addition to workmen's compensation insurance.

(b) Procure insurance for its employees against injury or death in the course of performance of their duties arising from airplane accidents.

(c) Procure insurance on vessels owned or operated by the department against special hazards occasioned by the existence of a state of war, in addition to usual hazards.

(d) Procure insurance for itself and landowners who agree to permit the department to use their land as co-operative hunting, fishing, conservation or recreational areas, against any liability resulting from the operation of such hunting, fishing, conservation or recreational areas.

(e) Procure insurance for itself against any liability resulting from departmental activities or operations

The cost of such insurance shall be a proper charge against and shall be paid out of the Fish and Game Preservation Fund.

CHAPTER 1697

An act to amend Sections 28150, 28154 and 28156 of the Government Code, relating to compensation for public service in counties.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 28150 of the Government Code is amended to read:

50th class county Plumas

28150. In a county of the 50th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) Each supervisor, four thousand two hundred dollars ($4,200) a year and mileage from his residence to the county

seat at each sitting of the board, twenty cents ($0.20) a mile, such compensation to be in full for services as supervisor.

(b) Grand and trial jurors, five dollars ($5) per day and such mileage fees as are allowed by law.

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

(d) The district attorney, eleven thousand four hundred dollars ($11,400) a year.

SEC. 2. Section 28154 of said code is amended to read:

28154. In a county of the 54th class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums: 54th class county: Modoc

(a) The auditor, two thousand four hundred dollars ($2,400) a year and such fees as are allowed by law.

(b) The district attorney, six thousand dollars ($6,000) a year.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year, and mileage at the rate of fifteen cents ($0.15) a mile in traveling from his residence to attend regular meetings of the board and in returning.

Each supervisor shall also be allowed fifteen cents ($0.15) a mile for each mile actually traveled in inspecting county roads, not to exceed three hundred dollars ($300) annually.

(d) For attending as a grand juror or as a trial juror in the superior court in criminal cases, five dollars ($5) for each day's attendance. For each mile actually traveled in attending upon the superior court, ten cents ($0.10). The grand jurors and trial jurors in criminal cases shall be paid by warrants drawn by the county auditor, issued upon the order of the court, or judge thereof. Jurors who serve in civil actions in the superior court shall receive five dollars ($5) a day and ten cents ($0.10) a mile for each mile actually traveled to be paid by the party demanding the jury.

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

SEC. 3. Section 28156 of said code is amended to read:

28156. In a county of the 56th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums: 56th class county: Sierra

(a) The auditor, one thousand sixty dollars ($1,060) a year.

(b) The district attorney four thousand five hundred dollars ($4,500) a year and his necessary traveling expenses, to be allowed by the board of supervisors.

(c) Each supervisor, one thousand five hundred dollars ($1,500) a year, for all services rendered as supervisor and member of the board of equalization. He shall also receive ten cents ($0.10) for each mile traveled on county business and his actual and necessary traveling expenses when traveling by order of the board of supervisors on county business outside of the county.

(d) For each day's attendance as a grand juror or a trial juror in the superior court, six dollars ($6), and thirty-five

cents ($0.35) for each mile actually traveled one way as grand juror or trial juror. The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror. The auditor shall draw his warrant therefor and the treasurer shall pay the warrant.

CHAPTER 1698

An act to amend Section 1382 of the Penal Code, relating to the time within which a criminal prosecution must be brought to trial.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 1382 of the Penal Code is amended to read:

1382. The court, unless good cause to the contrary is shown, must order the action to be dismissed in the following cases:

1. When a person has been held to answer for a public offense and an information is not filed against him within 15 days thereafter.

2. When a defendant is not brought to trial in a superior court within 60 days after the finding of the indictment or filing of the information or, in case the cause is to be tried again following a mistrial, an order granting a new trial from which an appeal is not taken, or an appeal from the superior court, within 60 days after such mistrial has been declared, after entry of the order granting the new trial, or after the filing of the remittitur in the trial court; except that an action shall not be dismissed under this subdivision if it is set for trial on a date beyond the 60-day period at the request of the defendant or with his consent, express or implied, or because of his neglect or failure to appear and if the defendant is brought to trial on the date so set for trial or within 10 days thereafter.

3. Regardless of when the complaint is filed, when a defendant in a misdemeanor case in an inferior court is not brought to trial within 30 days after he is arrested unless he has signed a written notice to appear, in which case within 45 days after the latest date by which he has promised to appear, or the date upon which he does in fact appear, whichever may be later, or, in case the cause is to be tried again following a mistrial, an order granting a new trial from which an appeal is not taken, or an appeal from the inferior court, within 30 days after such mistrial has been declared, after entry of the order granting the new trial, or after the remittitur is filed in the trial court or, if the new trial is to be held in the superior court, within 30 days after the judgment on appeal becomes final; except that an action shall not be dismissed under this subdivision (1) if it is set for trial on a

date beyond the prescribed period at the request of the defendant or with his consent, express or implied, and the defendant is brought to trial on the date so set for trial or within 10 days thereafter or (2) if it is not tried on the date set for trial because of the defendant's neglect or failure to appear, in which case he shall be deemed to have been arrested within the meaning of this subdivision on the date of his subsequent arrest on a bench warrant or his submission to the court.

If the defendant is not represented by counsel, he shall not be deemed under this section to have consented to the date for his trial unless the court has explained to him his rights under this section and the effect of his consent.

CHAPTER 1699

An act to amend Section 69586 of the Government Code, relating to the Los Angeles County Superior Court.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 69586 of the Government Code is amended to read:

69586 In the County of Los Angeles there shall be 120 judges of the superior court, any one or more of whom may hold court.

CHAPTER 1700

An act to amend Section 13277 of the Education Code, relating to employment of teachers.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 13277 of the Education Code is amended to read:

13277. The Legislature hereby declares that it is contrary to the interest of this State and of the people thereof for any governing board or any person or persons charged by the governing board of any school district with the responsibility of interviewing and recommending persons for employment in positions requiring certification qualifications to fail or refuse to do so for reason of the age or marital status of any applicant for such employment, except as otherwise provided in this code.

CHAPTER 1701

An act to add Section 901.5 to the Education Code, relating to school district governing boards.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 901.5 is added to the Education Code, to read:

901.5. Every official action taken by the governing board of every school district shall be affirmed by a formal vote of the members of the board, and the governing board of every school district shall keep and maintain a journal of its proceedings, in which shall be recorded every official act taken.

The journal shall be open to inspection by any citizen during business hours.

CHAPTER 1702

An act to amend Section 8624 of the Business and Professions Code, relating to structural pest control.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 8624 of the Business and Professions Code is amended to read:

8624. The suspension or revocation of an operator's license has the same effect on each branch office registration issued under the name of the operator.

The performance by any partnership, corporation, firm or association of any act or omission constituting a cause for disciplinary action, likewise constitutes a cause for disciplinary action against any licensee who at the time such act or omission occurred was the responsible managing employee, qualifying partner, responsible managing officer, or qualifying member of such individual, partnership, corporation, firm or association, whether or not he had knowledge of or participated in the prohibited act or omission.

CHAPTER 1703

An act to add Part 10 (commencing with Section 5301) to Division 1 of the Revenue and Taxation Code, relating to the taxation of aircraft.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Part 10 (commencing with Section 5301) is added to Division 1 of the Revenue and Taxation Code, to read:

PART 10. AIRCRAFT ASSESSMENT AND TAXATION

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

Legislative intent

5301. It is the intent of the Legislature in enacting this part to provide for a uniform countywide system of ad valorem taxation of all aircraft in this State, regardless of where the aircraft is based in the State.

Definitions

5302. Except where the context otherwise requires, the definitions given in this chapter govern the construction of this part.

"Aircraft"

5303. (a) "Aircraft" means any contrivance used or designed for the navigation of or for flight in the air which has been flown at least once, other than a parachute or similar emergency safety device.

Same

(b) "Aircraft" does not include any of the following:

(1) Rockets or missiles.

(2) Aircraft operated exclusively by an air carrier or foreign air carrier as defined in subdivisions (3) and (19) of Section 101 of Title 1 of the "Federal Aviation Act of 1958 (P.L. 85-726; 72 Stat. 731) engaged in air transportation as defined in subdivision (10) of the same section while there is in force a certificate or permit issued by the Civil Aeronautics Board of the United States, or its successor, authorizing such air carrier to engage in such transportation.

"In this State"

5304. "In this State" means within the exterior limits of the State of California, and includes all territory within these limits owned by or ceded to the United States of America.

CHAPTER 2. EXEMPTIONS

United States, foreign government

5331. Aircraft owned by the United States, by any foreign government, or by a consul or other official representative of any foreign government, are exempt from personal property taxation.

State, local government

5332. Aircraft owned by this State or by any county, city and county, city, district, political subdivision, public corporation or authority of this State are exempt from personal property taxation.

CHAPTER 3. ASSESSMENT

Assessment

5362. The assessor of the county in which the aircraft is habitually situated shall assess the aircraft at its market value.

Market value

5363. In assessing aircraft, the county assessor shall determine the market value of the aircraft in accordance with standards and guides to the market value of aircraft prescribed by the board. In determining the market value of aircraft the assessor shall not take into account the existence of any custom or common method, if any, in arriving at the market value of any class or classes of aircraft.

Standards

5364. The board shall establish standards and fix guides to be used by the county assessor in the assessment of aircraft at market value.

Property statement

5365. Owners of aircraft shall annually file a property statement, in which is stated the make, model and year of manufacture of the aircraft, with the assessor of the county in which the aircraft is habitually based.

List of owners

5366. Owners, as well as operators, of private and public airports shall, on or before the first Monday in March of each year, provide the assessor of the county in which the airport is situated with a statement containing a list of names and addresses of the owners of all aircraft which use the airport as a base.

CHAPTER 4. LEVY

Tax levy

5391. On or before September 1, of each year, the board of supervisors of each county shall fix the rate of tax for aircraft, and shall levy the tax on aircraft. The rate shall be equal to one and one-half percent (1.5%) of the market value of the aircraft as determined pursuant to this part. If the board of supervisors of any county for any reason fails to fix the rate of tax for aircraft, the rate of tax for aircraft shall be conclusively presumed to be one and one-half percent (1.5%) of the market value of the aircraft as determined pursuant to this part.

In lieu of local taxes

5392. The tax levied pursuant to this part is in lieu of all other local property taxes on aircraft.

Assessment, equalization, etc.

Ad valorem taxes on aircraft not subject to this part but otherwise subject to ad valorem taxation shall be assessed, equalized, levied and collected by a county and a local taxing agency in the same manner as other ad valorem taxes on tangible personal property are assessed, equalized, levied and collected.

Taxes and assessments on aircraft subject to this part shall be equalized in the same manner as other taxes and assessments of tangible personal property on the local roll.

CHAPTER 5. COLLECTION

"Tax collector"

5421. As used in this chapter, "tax collector" means the official who is required to collect taxes on the unsecured roll in the county in which the aircraft is habitually based.

5422. The tax imposed pursuant to this part shall be collected by the tax collector. Tax collection

5423. The tax collector shall collect the tax imposed pursuant to this part like any other county taxes on the unsecured roll.

CHAPTER 6. DISTRIBUTION

5451. The revenue derived from any tax levied pursuant to this part shall be distributed as prescribed in this chapter. Revenue distribution

5452. If the aircraft are habitually based in a city and any school districts, the proceeds shall be distributed one-third to the city, one-third to the school districts, and one-third to the county.

5453 If the aircraft are habitually based outside of a city, but in any school districts, the proceeds shall be distributed one-half to the school districts and one-half to the county.

5454. If the aircraft are habitually based in an elementary school district and a high school district, the proceeds allotted to school districts shall be divided equally between the elementary school district and the high school district.

5455. It is the purpose of this chapter to divide the proceeds allotted to school districts equally between districts supporting elementary schools and districts supporting high schools, excluding all other educational districts.

5456. The details of the method of distribution shall be supplied by the county auditor, shall be approved by the board of supervisors, and shall fairly carry out the purpose of this chapter.

CHAPTER 1704

An act to amend Sections 8516 and 8674 of, and to add Section 8516.1 to, the Business and Professions Code, relating to structural pest control.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 8516 of the Business and Professions Code is amended to read:

8516. (a) The provisions of this section shall apply only to wood-destroying pests or organisms. Wood-destroying pests and organisms

(b) No licensee shall commence work on a contract, or sign, issue or deliver any documents expressing an opinion or statement relating to the absence or presence of wood-destroying pests or organisms until an inspection has been made. The licensee shall retain for three years all field reports from which a verbal or written estimate of or solutions for work is made. A written inspection report conforming to this section and on a form prescribed by the board shall be prepared and delivered to the person requesting the inspection or his designated agent. A copy of each such report shall be filed

with the board at the time the report is delivered or within three days of the date the inspection was made. The report shall be delivered to the person requesting the inspection, or his designated agent before work is commenced. The following shall be set forth in the report:

1. The date of the inspection and the name of the person making the inspection.

2. The name of the person or firm ordering the report.

3. The address or location of the property.

4. A general description of the building or premises inspected.

5. A foundation diagram or sketch of the structure or structures or portions of such structure or structures inspected, indicating thereon the approximate location of any infested or infected areas evident, and the parts of the structure where conditions exist which would ordinarily subject such parts to attack by wood-destroying pests or organisms.

6. Information regarding the substructure, foundation walls and footings, porches, patios and steps, air vents, abutments, attic spaces or other parts subject to attack by wood-destroying pests or organisms. Conditions usually deemed likely to lead to infestation or infection, such as earth contacts, excessive cellulose debris, faulty grade levels, excessive moisture conditions and insufficient ventilation are to be reported.

7. Indication or description of any areas normally subject to damage which are inaccessible or for other reason not inspected, with suggestion for further inspection if practicable. If, after the report has been made in compliance with the provisions of this section, authority is given later to open inaccessible areas, a supplementary report on conditions in these areas shall be made.

8. Recommendations for corrective measures.

(c) Such report and any contract entered into shall also state specifically when any guarantee for the work is made, and if so, the specific terms of the guarantee and the period of time for which the guarantee shall be in effect.

(d) Control service is defined as the regular reinspection of a property after a report has been made in compliance with the provisions of this section and such corrections as have been agreed upon have been completed. Under a control service agreement a licensee shall refer to the original report and contract in such manner as to identify them clearly, and said report shall be assumed to be a true report of conditions as originally issued, except as it may be modified after a control service inspection. A licensee is not required to issue a report as outlined in subsections 1 to 8 inclusive after each control service inspection. If after control service inspection, no modification of the original report is made in writing, then it will be assumed that conditions are as originally reported. A control service contract shall state specifically the particular wood-destroying pests or organisms and the portions of the buildings or structures covered by such contract.

SEC. 2. Section 8516.1 is added to said code, to read:

8516.1. Each copy of an inspection report filed with the board pursuant to Section 8516 shall have affixed thereto a stamp issued by the board in the denomination fixed by the board pursuant to Section 8674 as the inspection report filing fee. The board shall provide for the sale of such stamps and for the refund of moneys paid for stamps which are returned to it unused. Inspection report. Stamp

SEC. 3. Section 8674 of said code is amended to read:

8674. The amount of the fees prescribed by this chapter is that fixed by the following schedules. Fee schedule

Duplicate license	$2
Change of name	2

	Minimum	Maximum
Operator's examination	$10	$25
Operator's license	25	50
Renewal operator's license	25	50
Principal office registration	25	50
Renewal principal office registration	25	50
Branch office registration	10	25
Renewal branch office registration	10	25
Field representative's examination	5	15
Field representative's license	5	15
Renewal field representative's license	5	15
Solicitor trainee's permit	10	25
Inspection report filing	0.10	1

In the foregoing schedule, where a minimum and maximum amount is set forth, the board with the approval of the director shall determine and set the fee to be paid.

CHAPTER 1705

An act to add Chapter 7.3 (commencing with Section 25650) to Division 20 of the Health and Safety Code, and to amend Sections 27903, 27904, and 33000 of, and to repeal Sections 33001 and 33002 of, the Vehicle Code, and to amend Section 27904 of the Vehicle Code as proposed to be amended by Assembly Bill No. 1837 of the 1961 Regular Session, relating to the transportation of radioactive materials.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Chapter 7.3 (commencing with Section 25650) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 7.3. TRANSPORTATION OF RADIOACTIVE MATERIALS

"Radioactive materials"

25650. For the purposes of this chapter the term "radioactive materials" shall include any material or combination of materials that spontaneously emits ionizing radiation

Regulations

25651. The department shall adopt, in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, reasonable regulations which, in the judgment of the department, shall promote the safe transportation of radioactive materials. Such regulations shall prescribe the use of signs designating radioactive material cargo; may designate routes in this State which are to be used for the transportation of cargoes of hazardous radioactive materials, as defined by regulation, and the manner in which the shipper shall give notice of such shipment to appropriate authorities; and shall prescribe the packing, marking, loading and handling of radioactive materials, and the precautions necessary to determine whether the material when offered is in proper condition to transport, but shall not include the equipment and operation of the carrier vehicle. Such regulations shall be compatible with, but not more restrictive than, those established by the Atomic Energy Commission, the Interstate Commerce Commission, the Federal Aviation Agency or the United States Coast Guard.

Enforcement of regulations

25652. Regulations adopted by the department pursuant to Section 25651 may be enforced, within their respective jurisdictions, by any authorized representatives of the department, the Division of Industrial Safety of the Department of Industrial Relations, the Public Utilities Commission, the health department of any city or county, or any traffic officer as defined by Section 625 of the Vehicle Code.

Uniform application of regulations

25653. It is the legislative intention in enacting this chapter that the regulations adopted by the department pursuant to this chapter shall apply uniformly throughout the State, and no state agency, city, county, or other political subdivision of this State, including a chartered city or county, shall adopt or enforce any ordinance or regulation which is inconsistent with the regulations adopted by the department pursuant to this chapter.

Misdemeanor

25654. A violation of any regulation adopted by the department pursuant to Section 25651 is a misdemeanor.

SEC. 2. Section 27903 of the Vehicle Code is amended to read:

Vehicle transporting explosives, etc.

27903. No person shall operate any vehicle transporting any explosive substance or poisonous gases, or any truck, tank trailer, or tank semitrailer used for the transportation of flammable liquids or liquefied petroleum gases within the tanks thereon unless at the time of such transportation there is displayed upon each side and the rear of the exterior of the vehicle a sign upon which shall appear the word "explosives," or "poisonous gases," or "flammables," whichever may correctly

designate the cargo, in letters not less than three inches in height upon a background of sharply contrasting color.

Signs Radioactive materials

The use of signs to designate radioactive materials shall be in accordance with regulations adopted pursuant to Chapter 7.3 (commencing with Section 25650) of Division 20 of the Health and Safety Code.

SEC. 3. Section 27904 of said code is amended to read:

Trademarks, etc

27904. Section 27903 does not apply if each vehicle transporting the explosive, poisonous, or flammable cargo has prominently displayed on each side and the rear of the vehicle a trademark, trade name, other designating mark, or a legend, substantially descriptive of the type of cargo of the vehicle and generally known to the public as being applied to the explosive substance, poisonous gases, flammable liquids, or liquefied petroleum gases.

SEC. 4. Section 27904 of said code as proposed to be amended by Assembly Bill No. 1837 of the 1961 Regular Session is amended to read:

Same

27904. Section 27903 does not apply if each vehicle transporting the explosive, poisonous, or flammable cargo has prominently displayed on each side and the rear of the vehicle a trademark, trade name, other designating mark, or a legend, substantially descriptive of the type of cargo of the vehicle and generally known to the public as being applied to the explosive substance, poisonous gases, flammable liquids, or liquefied petroleum gases.

Section 27903 also does not apply if the vehicles are under the jurisdiction of, and in compliance with the regulations relating to signs of, the Public Utilities Commission or the Interstate Commerce Commission.

SEC. 5. Section 33000 of said code is amended to read:

Transportation of radioactive materials

33000. Transportation of radioactive materials shall be in accordance with Chapter 7.3 (commencing with Section 25650) of Division 20 of the Health and Safety Code.

Repeal

SEC. 6. Section 33001 of said code is repealed.

Repeal

SEC. 7. Section 33002 of said code is repealed.

Effect Stats 1961, Ch 686

SEC. 8. Section 4 of this act shall become operative only if Assembly Bill No. 1837 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 1837 takes effect; at which time Section 27904 of the Vehicle Code as amended by Section 3 of this act is repealed.

CHAPTER 1706

An act to add Section 65301.5 to the Government Code, relating to cities.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 65301.5 is added to the Government Code, to read:

65301.5. If there is no city planning commission the legislative body of the city may prepare, adopt, carry into effect, and administer a master plan In preparing, adopting, carrying into effect, and administering a master plan the legislative body shall do all things which this chapter requires a city legislative body or a city planning commission to do and may do all things which this chapter permits a city legislative body or a city planning commission to do, including all things required or permitted to be done under Articles 6 to 13, inclusive, of this chapter.

CHAPTER 1707

An act to amend Sections 9020, 9021, 9080, 9095, 9112, 9126, 9130, 9267, 9280, 9294, 9304, 9319, 9402, 9511, 9521, 9522, 9527, 9529, 9701, and 9713, and the article headings of Article 11 (commencing with Section 9280) and Article 13 (commencing with Section 9330) of Chapter 3, Division 9 of; to add Sections 9275, 9331, 9407, 9502.1, 9522.1, and Article 11.1 (commencing with Section 9306) and Article 11.2 (commencing with Section 9317) to Chapter 3, Division 9 of; and to repeal Sections 9053, 9506, 9307, 9308, 9309, 9310, 9311, 9312, 9313, 9314, 9315, 9316, and 9317 of, the Public Resources Code, relating to soil conservation districts.

In effect September 15, 1961

[Approved by Governor July 14, 1961 Filed with Secretary of State July 18, 1961]

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

SECTION 1. Section 9020 of the Public Resources Code is amended to read:

"Principal county"

9020. "Principal county" means the county in which all or the greatest portion of privately owned land of a district is situated. The principal county remains the same regardless of any change in boundaries. The principal county of a consolidated district is that county in which all or the greatest portion of the privately owned area in the consolidated district is located.

SEC. 2. Section 9021 of said code is amended to read:

"Landowner," "owners of land"

9021. "Landowner" or "owner of land" includes a holder of evidence of title and, also, a holder of land under a possessory right acquired by entry or purchase from the United States or the State of California A guardian, executor, administrator, or other person holding property in a trust capacity under an appointment of court is the "owner" of such property for the purposes of this division and as such may do and perform any act provided for herein when authorized by an order of court which order may be made without notice.

If any land is assessed on the assessment roll to unknown or fictitiously named owners, or to unnamed owners in addition to any owner or owners named thereon, the land has, for

the purposes of this division, but one owner in addition to any owner or owners whose true name or names may be purported to be given on the assessment book.

The holder of title to an undivided interest in any land is an owner as to his interest for the purposes of this division, and such undivided interests shall be counted and valued as though they were separate interests. If the assessment roll fails to indicate the extent of any undivided interest, the holders of title whose undivided interests are not specifically defined are owners for the purposes of this division, of equal shares therein.

The value of any land and the owners of any land are conclusively determined, for the purposes of this division, by the last equalized assessment roll.

SEC. 3. Section 9053 of said code is repealed. Repeal

SEC. 4. Section 9080 of said code is amended to read:

9080 Any proposal for the formation of a new district signed by one or more landowners of the proposed area shall be submitted to the board of supervisors of the principal county. Proposal for formation

SEC 5 Section 9095 of said code is amended to read:

9095. The petition shall be signed and valid by either of the following: Petition

(a) Not less than 100 landowners or a majority if there are less than 200 landowners in the proposed area;

(b) If a majority of the total landowners owning a majority of the private lands within the proposed district sign the petition, and if at the hearing as provided in Article 4 (commencing at Section 9110) of this chapter the board of supervisors finds it is in the public interest and welfare to form such a district, it may, by an order entered on its minutes, declare that to be its finding, and may further declare and order that the territory within the boundaries fixed by the board shall be organized as a district and declared duly formed without an election. The order shall name the district and appoint the first board of five directors; said board of directors shall then proceed to organize and shall be governed by all the rest of the provisions of this division. Formation by order

SEC. 6. Section 9112 of said code is amended to read:

9112. The published notice shall state that the petition has been received and a hearing will be held at the time and place specified in the notice or at such time and place to which the hearing may be adjourned. The published notice shall set forth the petition in full with accompanying signatures; or it shall describe the petition and the location of the proposed district in general terms and refer to the petition on file with the clerk of the board for further particulars. Notice

SEC. 7. Section 9126 of said code is amended to read:

9126 Directors shall be elected at large and each shall be an owner of land in the district. There shall be elected five directors. Directors

SEC. 8. Section 9130 of said code is amended to read:

Notice

9130. The notice shall describe the boundaries of the district as established by the board; or it shall describe the boundary in general terms and refer to the petition on file with the clerk of the board for further particulars; designate the name of the proposed district; and specify that the number of directors shall be five.

SEC. 9. Section 9267 of said code is amended to read:

Directors' activities

9267. The directors may engage in activities designed to promote a knowledge of the principles of soil and water conservation throughout the district and for that purpose may develop educational programs both for children and for adults In the development of such programs the directors may authorize the giving of awards and prizes for outstanding achievement; provided, that the total amount of any such awards or prizes shall not exceed the total balance remaining unexpended of money theretofore received by the district through donations, gifts, and grants. The provisions of this section are subject to the limitations established in Section 9402.

SEC. 10 Section 9275 is added to said code, to read:

Purchasing

9275 The board of directors shall adopt purchasing policies and procedures governing the purchase of supplies and equipment as required by Sections 54201 through 54204, inclusive, of the Government Code. The policies shall be in writing, copies of which shall be available for public distribution.

SEC. 11. The article heading of Article 11 (commencing with Section 9280), Chapter 3, Division 9 of said code is amended to read:

Article 11. Inclusion of Lands—Method No. 1 (Procedure Requiring Majority of Landowners Owning More Than One-half of the Land)

SEC. 12. Section 9280 of said code is amended to read:

Proposal by landowners

9280. A proposal pursuant to this article for the inclusion of additional lands in a district, signed by one or more landowners of the proposed area, shall be submitted to the board of directors of the district.

SEC. 13. Section 9294 of said code is amended to read:

Petition

9294. The petition shall describe the boundaries of the tract or tracts proposed to be included.

SEC. 14. Section 9304 of said code is amended to read:

Order

9304. If the petition is granted the directors shall make and enter in their minutes an order changing the boundaries of the district. A copy of the order shall be recorded with the county recorder of each county in which any portion of the district is situated and certified copies of the order shall be transmitted to the chief, to the State Board of Equalization, and to the Secretary of State.

SEC. 15. Section 9306 of said code is repealed. Repeal
SEC. 16. Section 9307 of said code is repealed. Repeal
SEC. 17. Section 9308 of said code is repealed. Repeal
SEC. 18. Section 9309 of said code is repealed. Repeal
SEC. 19. Section 9310 of said code is repealed. Repeal
SEC. 20. Section 9311 of said code is repealed. Repeal
SEC. 21. Section 9312 of said code is repealed. Repeal
SEC. 22. Section 9313 of said code is repealed. Repeal
SEC. 23. Section 9314 of said code is repealed. Repeal
SEC. 24. Section 9315 of said code is repealed. Repeal
SEC. 25. Section 9316 of said code is repealed. Repeal
SEC. 26. Section 9317 of said code is repealed. Repeal

SEC. 27. Article 11.1 (commencing with Section 9306) is added to Chapter 3, Division 9 of said code, to read:

Article 11 1. Inclusion of Lands—Method No. 2 (Procedure Requiring Signatures of 25 Landowners on Petition and Election or a Majority of Landowners if Less Than 50, and Election)

9306. A proposal pursuant to this article for the inclusion of additional lands in a district, signed by one or more landowners of the proposed area, shall be submitted to the board of supervisors of the principal county. Proposal by landowners

9306.1. If the inclusion of additional lands in a district is not completed within two years from the date of the first submission of the proposal to the board of supervisors, no further action may be taken on the proposal and the proposal shall be deemed invalid; except, that where it reasonably appears to him that the proposal will be acted upon, the chief from time to time may either on his own motion or on request of any interested party extend, for periods not to exceed one year in all, the time within which action may be taken on the proposal. Inclusion not completed

9306 2. Upon receipt of a proposal for the inclusion of additional land, the board of supervisors shall first request the chief to investigate the proposal, particularly with reference to the location of boundaries and the practicability and feasibility of effecting the soil and water conservation program of the district in the proposed addition. Investigation of proposal

9306.3 The chief shall make the requested investigation and report thereon to the board of supervisors as soon as practicable Investigation and report

9306.4. Upon the receipt of the report, the board of supervisors shall submit the proposal to the county boundary commission of each county in which any part of the proposed addition is located. Submission to boundary commission

9306 5 The county boundary commission shall consider the proposal and shall hold a public hearing with respect thereto if one is requested and if, in the discretion of the chairman or of a majority of the members of the county boundary commission, a hearing would be in the public interest. Consideration, hearing

Comparison with other district boundaries

9306.6. In considering the proposal the county boundary commission shall compare the boundaries of the area proposed to be included with those of other soil conservation districts within the county, and shall ascertain the extent to which overlapping or conflicting boundaries may result from the proposal, and may consider any factors that it may regard inimical to public interest.

Report and recommendations

9306.7. Within 30 days after the submission of such a proposal, the county boundary commission shall make its report and recommendations with respect thereto. This report shall be filed with the board of supervisors and a copy furnished to the proponents of the proposed inclusion and to the chief.

Supervisors' consideration, etc

9306.8. Within 30 days after receiving the report of the county boundary commission, the board of supervisors shall consider the matter and advise the proponents in writing of any changes of the proposed boundaries believed to be in the public interest. The recommendations of the board of supervisors or its finding that the proposed boundaries are satisfactory shall be accompanied by copies of the report from the county boundary commission. A copy of the board of supervisors determination shall be sent to the county boundary commission and the chief.

Consideration, etc., by proponents

9307. Upon the receipt of the report, the proponents shall consider the recommendations of the county boundary commission and the board of supervisors and may make any modifications recommended.

Reconsideration, etc., by supervisors

9308. If the proponents decline to accept any recommendations for modification specified by the county boundary commission and the board of supervisors and file a statement of reasons therefor, the board of supervisors shall within 10 days, reconsider the boundaries proposed by the proponents as to whether or not the boundaries are or are not acceptable to the board of supervisors A copy of the statement of reasons shall also be sent to the county boundary commission and to the chief by the proponents.

Satisfactory boundaries Petition for inclusion

9308.1. If the county boundary commission and the board of supervisors in their reports find the proposed boundaries are satisfactory, or if the board of supervisors upon reconsideration finds the boundaries acceptable, the proponents of the proposal may circulate and file with the supervisors a petition requesting the supervisors to include the additional land.

Petition Signatures

9308.2. The petition shall be signed by not less than 25 landowners, or a majority if there are less than 50 landowners in the proposed area.

Description

9308.3. The petition shall describe the boundaries of the tract or tracts proposed to be included.

Sufficiency

9308.4. The board of supervisors shall consider and pass upon the sufficiency of the petition. In considering the sufficiency of the petition the board shall determine whether or not the petition is signed by the required number of landowners, and whether or not the proposed boundaries as de-

scribed in the petition are acceptable to it. If the supervisors find that the petition is sufficient, they shall approve the petition and make an order to that effect.

Insufficient petition

9308.5. If the petition is found to be insufficient the board of supervisors shall defer action on the petition and request that the proponents correct the insufficiencies.

Denial

9308.6. If the proponents cannot correct the insufficiencies of the petition within 60 days the board of supervisors shall deny the petition.

Notice of hearing

9308.7. Upon the making of an order approving the petition, the supervisors shall fix a time and place of hearing on the petition, and shall cause notice of the hearing to be published in the manner and for the time provided for publication of notice of hearing on formation of the district.

9308.8. The notice shall state the purpose of the petition, the time and place of hearing, and describe the boundaries of the tract or tracts proposed to be included in the district; or it shall describe the petition and the location of the proposed inclusion in general terms and refer to the petition on file with the clerk of the board for further particulars. The notice shall state that the report of the county boundary commission is favorable and shall notify all interested persons to appear at the hearing and state their objections.

Time, place, of hearing

9309. The time of hearing shall be the time of the next regular meeting of the supervisors following the expiration of the time required for publication of the notice. The place of hearing shall be the place of regular meeting of the supervisors.

Hearing

9309.1. The supervisors shall hear the petition and objections thereto at the time and place specified or at such other time or place to which the supervisors may adjourn the hearing.

Appearances at hearing

9309.2. Any person may request in writing or appear and ask that his lands be excluded from the proposed addition to the district. Any person may request in writing or appear and ask that his lands be included if those lands be outside of but within the general area of the proposed addition to the district.

Exclusions

9309.3. The supervisors shall grant such exclusions from the proposed addition to the district as are so requested.

Inclusions

9309.4. The supervisors may include such additional land in the proposed addition to the district as may be so requested.

Approval of petition

9310. If the board of supervisors determines that the inclusion of the lands sought to be included is for the best interests of the district and will be of benefit to the lands included, the board shall approve the petition and transmit it and a copy of the resolution of approval to the directors.

Election

9311. Upon receipt of the approved petition from the board of supervisors, the board of directors shall call a special election or include their proposal in a general election if such general election is to be held within 60 days in the area proposed to be included on the question of inclusion.

Proposition, election

9312. At the special election, the proposition voted upon shall be "For inclusion of lands" and "Against inclusion of lands" or words equivalent thereto. The election shall otherwise be noticed and held to conform to the provisions relating to the elections on formation.

Notice

9313. The notice of the election shall describe the lands sought to be included.

Voters

9314. Any owner of land in the area proposed to be included may vote at an election on the inclusion thereof after having first executed and submitted an affidavit that at the time of the election he is an owner of land in the area proposed to be included. If a majority of votes cast are against inclusion, the board of directors shall deny the petition. If the majority of the votes cast are in favor of inclusion the board of directors shall grant the petition.

Election results

Order

9315. If the petition is granted the board of directors shall make and enter on their minutes an order changing the boundaries of the district. A copy of the order shall be recorded with the county recorder of each county in which any portion of the district is situated and certified copies of the order shall be transmitted to the chief and to the Secretary of State.

District boundaries

9316. From and after the entry of the order in the minutes of the board of directors the district with its new boundaries constitutes the district for all purposes.

SEC 28 Article 11.2 (commencing with Section 9317) is added to Chapter 3, Division 9 of said code, to read:

Article 11 2. Inclusion of Lands—Method No. 3 (Procedure Requiring Signatures of 100 Percent of Contiguous Landowners)

Inclusion of additional lands Petition

9317. A proposal pursuant to this article petitioning the inclusion of additional lands in a district signed by one or more landowners requesting the inclusion of land owned by them, which tract of land is contiguous to the district, shall be submitted to the board of directors of the district.

Action on petition

9317.1. If the inclusion of additional lands in a district is not completed within two years from the date of the first submission of the proposal to the board of directors, no further action may be taken on the proposal and the proposal shall be deemed invalid; except, that where it reasonably appears to him that the proposal will be acted upon, the chief from time to time may either on his own motion or on request of any interested party extend, for periods not to exceed one year in all, the time within which action may be taken on the proposal.

Public land

9317.2. Any state or federal officer, agency, or other instrumentality in charge of any public land, if authorized to do so, may request the directors to include such land within the district.

Investigation, etc

9317.3. Upon receipt of a petition for the inclusion of additional land, the board of directors shall first request the chief

to investigate the proposal, particularly with reference to the location of boundaries and the practicability and feasibility of effecting the soil and water conservation program of the district in the proposed addition.

9317.4. The chief shall make the requested investigation and report thereon to the board of directors as soon as practicable.

Submission to boundary commission

9317.5. Upon receipt of the report, the board of directors shall submit the proposal to the county boundary commission of each county in which any part of the proposed addition is located.

Consideration, hearing, etc

9317.6. The county boundary commission shall consider the proposal and shall hold a public hearing with respect thereto if one is requested and if, in the discretion of the chairman or of a majority of the members of the county boundary commission, a hearing would be in the public interest.

Comparison with other district boundaries

9317.7. In considering the proposal the county boundary commission shall compare the boundaries of the area proposed to be included with those of other soil conservation districts within the county, and shall ascertain the extent to which overlapping or conflicting boundaries may result from the proposal, and may consider any factors that it may regard inimical to public interest.

Report and recommendations

9317.8. Within 30 days after the submission of such a proposal, the county boundary commission shall make its report and recommendations with respect thereto. This report shall be filed with the board of directors of the district and a copy furnished to the proponents of the proposed inclusion and to the chief.

Consideration, recommendations, etc by directors

9317.9. Within 30 days after receiving the report of the county boundary commission, the board of directors shall consider the matter and advise the proponents in writing of any changes of the proposed boundaries believed to be in the public interest. The recommendations of the board of directors or its finding that the proposed boundaries are satisfactory shall be accompanied by copies of the report from the county boundary commission. A copy of the board of directors' determination shall be sent to the county boundary commission and the chief.

Consideration, modification by proponents

9317.10. Upon the receipt of the report, the proponents shall consider the recommendations of the county boundary commission and the board of directors and may make any modifications recommended.

Reconsideration by directors

9317.11. If the proponents decline to accept any recommendations for modification specified by the county boundary commission and the board of directors and file a statement of reasons therefor, the board of directors shall, within 10 days, reconsider the boundaries proposed by the proponents as to whether or not the boundaries are or are not acceptable to the board of directors. A copy of the statement of reasons shall also be sent to the county boundary commission and to the chief by the proponents.

Satisfactory boundaries

9317.12. If the county boundary commission and the board of directors in their reports find the proposed boundaries are satisfactory, or if the board of directors upon reconsideration finds the boundaries acceptable, the board of directors shall determine if the inclusion of such land is for the best interest of the district, and, if so, accept the petition and include the land.

Inclusion by order

9317.13. If the inclusion is granted the board of directors shall make and enter on their minutes an order changing the boundaries of the district. A copy of the order shall be recorded with the county recorder of each county in which any portion of the district is situated and certified copies of the order shall be transmitted to the chief and to the Secretary of State.

District boundaries

9317.14. From and after the entry of the order in the minutes of the board of directors the district with its new boundaries constitutes the district for all purposes.

SEC. 29. Section 9319 of said code is amended to read:

Consideration, hearing, etc.

9319. The county boundary commission and the chief shall consider the recommended area of expansion and shall hold a public hearing. Notice of such hearing, together with a description of the recommended ultimate boundaries or a description of the area in general terms and reference to the description on file with the secretary of the county boundary commission and with the chief, shall be published pursuant to Section 6061 of the Government Code within the district and the recommended area of expansion, and notice with respect thereto shall be sent to each landowner within the recommended ultimate boundaries by mail at least 10 days prior to the date set for such hearing.

SEC. 30. The article heading of Article 13 (commencing with Section 9330), Chapter 3, Division 9 of said code is amended to read:

Article 13. Exclusion of Subdivisions

SEC. 31. Section 9331 is added to said code, to read:

Obligations, assessments, etc.

9331. If, upon exclusion, there are any outstanding obligations of the district, the board of supervisors of the principal county shall determine the proportionate amount of the assessments required to be levied in the excluded area to pay the proportionate share of such outstanding obligations. The board of supervisors of each county in which any part of the exclusion lies shall levy assessments sufficient to pay the outstanding obligations.

SEC. 32. Section 9402 of said code is amended to read:

Warrants

9402. The treasurer shall pay out money of the district only upon warrants approved by the county auditor, drawn upon order of the board of directors signed by the president and attested by the secretary. In no event shall any expenditures be made for awards or prizes from any money derived from regular assessments of the district or from any money

appropriated to the district from the general fund of the county for the use of the district in accordance with provisions of Section 9371.

SEC. 33. Section 9407 is added to said code, to read:

9407. An annual audit of the books, accounts, records, papers, money, and securities shall be made as required by Section 26909 of the Government Code. Annual audit

SEC. 34. Section 9502.1 is added to said code, to read:

9502.1. The board of supervisors shall request the chief to investigate the proposed consolidation, particularly with reference to the practicability and feasibility for effecting a soil and water conservation program in the consolidated area within the provisions of this division. Proposed consolidation

SEC. 35. Section 9511 of said code is amended to read:

9511. Within 30 days of the filing of the resolution of consolidation with the Secretary of State, the board of directors of each of the districts consolidated shall hold a final meeting to wind up the affairs of their respective districts and all records, documents, property, funds, obligations, and other possessions of the district shall be transferred, delivered, granted, or assigned to the consolidated district. At the adjournment of the final meeting, or at 30 days after filing of the resolution of consolidation with the Secretary of State, whichever occurs the sooner, the district shall cease to exist and all possessions of the district shall become the property of the consolidated district. Final meeting

SEC. 36. Section 9521 of said code is amended to read:

9521. The board of directors of a district may initiate proceedings for the consolidation of the district with another district organized under this division by all the board members unanimously adopting a resolution approving the proposed consolidation. Consolidation proceedings initiated by resolution

SEC. 37. Section 9522 of said code is amended to read:

9522. A certified copy of the resolution shall be forwarded to the board of directors of the district with which it is proposed to consolidate and to the board of supervisors of the county or counties in which the districts proposed to be consolidated are located and to the chief If the board of directors of the district to which the resolution was forwarded unanimously adopts a resolution approving the proposed consolidation, it shall forward a certified copy of such resolution to the board of supervisors of the county or counties in which the districts proposed to be consolidated are located and to the chief. Adoption by directors

SEC 38. Section 9522.1 is added to said code, to read:

9522 1. The board of supervisors shall request the chief to investigate the proposed consolidation, particularly with reference to the practicability and feasibility for effecting a soil and water conservation program in the consolidated area within the provisions of this division. Investigation by chief

SEC. 39. Section 9527 of said code is amended to read:

Board of directors of consolidated district

9527. The board of supervisors adopting the resolution of consolidation shall appoint the initial five members of the board of directors of the consolidated district. Of the initial five members appointed, they shall as nearly as possible represent the districts consolidated unless representation is waived by any of the districts consolidated. The directors so appointed shall each be an owner of land in the district.

SEC. 40. Section 9529 of said code is amended to read:

Winding up, etc., of districts

9529. Within 30 days of the filing of the resolution of consolidation with the Secretary of State, the board of directors of each of the districts consolidated shall hold a final meeting to wind up the affairs of their respective districts and all records, documents, property, funds, obligations, and other possessions of the district shall be transferred, delivered, granted or assigned to the consolidated district. At the adjournment of the final meeting, or at 30 days after filing of the resolution of consolidation with the Secretary of State, whichever occurs the sooner, the district shall cease to exist and all possessions of the district shall become the property of the consolidated district.

SEC. 41. Section 9701 of said code is amended to read:

Proposed land transfer

9701 The proposal for the transfer of land from one district to another signed by one or more landowners of the proposed area shall be submitted to the board of supervisors of the county in which all or the greatest portion of the land proposed to be transferred is situated.

SEC. 42. Section 9713 of said code is amended to read:

Order granting petition

9713. If the petition is granted, the board of supervisors shall make and enter in their minutes an order changing the boundaries of the district. A copy of the order shall be recorded with the county recorder of each county in which any portion of the districts affected is situated, and certified copies of the order shall be transmitted to the chief and to the Secretary of State.

CHAPTER 1708

An act to amend Section 35002 of the Government Code, relating to annexation of territory to cities.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 35002 of the Government Code is amended to read:

35002. No petition seeking the annexation of territory to a city shall be circulated or filed, nor shall any public officer accept any such petition for filing, nor shall any legislative body initiate proceedings to annex on its own motion, until the proposal for the annexation of territory to a city, including

a map and specific legal description of the boundaries of the territory, has been filed with the secretary of the boundary commission of the county and the boundary commission has prepared, or caused to be prepared, a report to the proponents upon the annexation proposal with respect to the definiteness and certainty of the proposed boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory and other similar matters affecting the proposed boundaries.

At the time of filing the proposal for the annexation with the boundary commission, the proponents shall file with the county clerk or registrar of voters, if such latter office has been established, a map of the proposal area.

If at the hearing set by the legislative body of the city the boundaries of the proposal area are changed by such body, the proponents shall within 10 days after the final date set by law for the boundary commission to report its findings on such changes, furnish the county clerk or registrar of voters a revised map showing such changes.

Notice of receipt of a proposal for the annexation of territory to any city shall be given within 10 days after the filing thereof by the clerk of the boundary commission to the legislative bodies of all cities the territorial limits of which lie within three miles of any of the territory proposed to be annexed. Such notice shall be given by mail addressed to the legislative bodies of the cities entitled thereto and shall in general terms indicate the area proposed to be annexed. Failure to give such notice shall not operate to invalidate an annexation proceeding.

If the boundary commission does not report upon the annexation proposal within 20 days after the written description thereof is filed with the secretary of the boundary commission, the annexation proposal shall be deemed correct.

If an annexation proceeding is initiated pursuant to the Annexation Act of 1913, the written description of the proposal for the annexation of territory shall be filed with the secretary of the boundary commission after Section 35106 has been complied with and before the petition for annexation is circulated.

In a county having a population of 4,000,000 or more, for a period of 45 days after the filing by a city with the secretary of the boundary commission of a proposal for the annexation of territory to a city, no other proposal shall be filed hereunder for the annexation of any of the same territory to any city, or for the incorporation of any of such territory.

CHAPTER 1709

An act to amend Section 69903 of the Government Code, relating to superior court employees.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 69903 of the Government Code is amended to read:

69903. In any county with a population of less than 1,000,000 but more than 800,000 as determined by the 1960 federal census, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, his salary shall be not less than six hundred dollars ($600) per month nor more than one thousand five hundred fifty dollars ($1,550) per month, said salary to be fixed within said limits by a majority of the judges of the superior court of such county. In such a county the secretary may have to assist him in the performance of his duties one legal research assistant, who shall be a member of the bar, who shall receive a salary of not less than four hundred dollars ($400) nor more than seven hundred fifty dollars ($750) a month, two administrative assistants, each of whom shall receive a salary of not less than three hundred dollars ($300) nor more than seven hundred dollars ($700) a month, five clerks, who shall receive a salary of not less than three hundred dollars ($300) nor more than five hundred dollars ($500). Such legal research assistant, administrative assistants, and clerks shall be appointed by the secretary with the approval of the presiding judge of the superior court of such county. Each such position shall be exempt from civil service laws. The salaries of such persons shall be fixed by a majority of the judges of the superior court of such county. The salaries of such secretary, legal research assistant, administrative assistants, and such clerks shall be paid by the county in which they serve.

CHAPTER 1710

An act to add Section 27303 of the Vehicle Code, relating to safety equipment.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 27303 is added to the Vehicle Code, to read:

27303. On and after January 1. 1962, no person shall sell any new passenger vehicle, other than a motorcycle, manufactured after January 1, 1962, which is not equipped with anchors or other devices meeting the specifications established by the department, to which safety belts or safety harnesses may be attached and secured for at least two passengers in the front seat.

Such anchors or other devices shall be capable of withstanding a belt assembly load of 5,000 pounds.

CHAPTER 1711

An act to add Chapter 7.6 (commencing with Section 25800) to Division 20 of the Health and Safety Code, relating to radiation control.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Chapter 7.6 (commencing with Section 25800) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 7.6. RADIATION CONTROL LAW

Article 1. General

25800. This chapter shall be known, and may be cited, as the Radiation Control Law. Short title

25801. It is the policy of the State of California, in furtherance of its responsibility to protect the public health and safety, to institute and maintain a regulatory program for sources of ionizing radiation so as to provide for: (a) compatibility with the standards and regulatory programs of the federal government, (b) an integrated effective system of regulation within the State, and (c) a system consonant insofar as possible with those of other states. State policy

25802. It is the purpose of this chapter to effectuate the policies set forth in Section 25801 by providing for programs to: Purpose

(a) Effectively regulate sources of ionizing radiation for the protection of the occupational and public health and safety.

(b) Promote an orderly regulatory pattern within the State, among the states, and between the federal government and the State, and facilitate intergovernmental co-operation with respect to use and regulation of sources of ionizing radiation to the end that duplication of regulation may be minimized.

(c) Establish procedures for assumption and performance of certain regulatory responsibilities with respect to byproduct, source, and special nuclear materials.

(d) Permit maximum utilization of sources of ionizing radiation consistent with the health and safety of the public.

25803. Rules and regulations adopted under this chapter shall be adopted in accordance with the provisions of Chapter 4 (commencing with Section 11370) of Part 1, Division 3, Title 2 of the Government Code, and Sections 25733 and 25734 of this code.

Article 2 Definitions

25805. As used in this chapter:

Definitions

(a) "Co-ordinator" means the Coordinator of Atomic Energy Development and Radiation Protection.

(b) "Ionizing radiation" means gamma rays and X-rays; alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(c) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal government agencies licensed by the United States Atomic Energy Commission or any successor thereto.

(d) "Byproduct material" means any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(e) "Source material" means (1) uranium, thorium, or any other material which the department declares by rule to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (2) ores containing one or more of the foregoing materials, in such concentration as the department declares by rule to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.

(f) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the department declares by rule to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(g) "General license" means a license, pursuant to regulations promulgated by the department, effective without the filing of an application, to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, byproduct.

source, or special nuclear materials or other radioactive material occurring naturally or produced artificially.

(h) "Specific license" means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing, byproduct, source, or special nuclear materials or other radioactive material occurring naturally or produced artificially.

(i) "Registration" means the reporting of possession of a source of radiation and the furnishing of information with respect thereto, in accordance with Section 25780 of this code.

Article 3. Control Agency

Department Licensing agency

25810. The department is designated as the agency responsible for the issuance of licenses. In carrying out its duties under this section, the department, with the approval of the co-ordinator, shall enter into agreement with the Division of Industrial Safety and may enter into agreement with other state and local agencies to conduct technical evaluations of license applications prior to issuance of licenses. Such agreements shall also include provisions for conducting inspections in accordance with Section 25820.

Agreements with agencies

Duties Public health and safety

25811. The department shall, for the protection of public health and safety:

(a) Develop programs for evaluation of hazards associated with use of sources of ionizing radiation.

(b) Develop programs, with due regard for compatibility with federal programs, for licensing and regulation of byproduct, source, and special nuclear materials, and other radioactive materials.

(c) Formulate, adopt, and promulgate rules and regulations relating to control of other sources of ionizing radiation.

(d) Issue such rules and regulations as may be necessary in connection with proceedings under Article 4 (commencing with Section 25815).

(e) Collect and disseminate information relating to control of sources of ionizing radiation, including:

(1) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations.

(2) Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon.

Nothing in this chapter shall be construed as precluding the Division of Industrial Safety from adopting and enforcing rules and regulations relating to matters within its jurisdiction consistent with, in furtherance of, and designed to implement the provisions of this chapter and the rules and regulations adopted thereunder.

Article 4. *Licensing and Registration of Sources of Ionizing Radiation*

Specific licensing by rule or regulation

25815. (a) The department shall provide by rule or regulation for general or specific licensing of persons to receive, possess, or transfer radioactive materials, or devices or equipment utilizing such materials. Such rule or regulation shall provide for amendment, suspension, or revocation of licenses.

Registration and inspection of sources

(b) The department may require registration and inspection of sources of ionizing radiation other than those that require a specific license, and compliance with specific safety standards to be promulgated by the department.

Exemption of sources

(c) The department may exempt certain sources of ionizing radiation or kinds of uses or users from the licensing or registration requirements set forth in this section when the department makes a finding that the exemption of such sources of ionizing radiation or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

Withholding documents

(d) The department may withhold any document or part thereof from public inspection if disclosure of its contents is not required in the public interest and would adversely affect the interest of a person concerned.

Recognition of other licenses

(e) Rules and regulations promulgated pursuant to this chapter may provide for recognition of other state or federal licenses as the department may deem desirable, subject to such registration requirements as the department may prescribe.

Fees

25816. The department shall provide by regulation a schedule of the fees which shall be paid by applicants for the licensing of radioactive materials and of devices and equipment utilizing such materials and for the renewal of such licenses which shall be sufficient to cover the costs incurred by the department in connection with the issuance of such licenses and the inspection and regulation of the licensees. Any agreement made pursuant to Section 25810 shall include provisions for distribution of funds obtained through such fees proportionate to the services performed by each participating agency. Regulations adopted pursuant to this section shall become effective only when the Director of Finance approves them as fixing fees which will return revenues not in excess of anticipated costs Provisions for distribution of funds to participating agencies shall be subject to approval of the Director of Finance for the purpose of insuring equitable allocation proportionate to the services performed.

Same

25817. The department shall provide by regulation a schedule of fees which shall be paid by persons possessing machines which produce ionizing radiation and which are subject to registration in accordance with Section 25780, and regulations adopted pursuant thereto. The revenues derived from such fees shall be used, together with other funds made available therefor, for the purpose of carrying out any inspections of such machines required by this chapter or regulations adopted pursuant thereto. The fees shall not exceed five dollars ($5)

Use of revenues

Fees

annually for each machine. Any agreement made pursuant to Section 25810 shall include provisions for the distribution of the revenue derived from the fees to the participating agencies. The provisions for the distribution of funds to the participating agencies shall be subject to approval by the Director of Finance for the purpose of insuring an equitable allocation proportionate to the services performed.

Article 5. Inspection

Entry onto property

25820. Any officer, employee, or agent of the department or of any state or local agency with which an agreement has been made pursuant to Section 25810 shall have the power to enter at all reasonable times upon any private or public property within the jurisdiction of the agency for the purpose of determining whether or not there is compliance with or violation of the provisions of this chapter, or of the rules and regulations promulgated thereunder, and the owner, occupant, or person in charge of such property shall permit such entry and inspection. Entry into areas under the jurisdiction of the federal government shall be effected only with the concurrence of the federal government or its duly designated representative.

Article 6. Records

Records

25825. The department shall require each person who acquires, possesses or uses a source of ionizing radiation to maintain records relating to its receipt, storage, transfer or disposal, and such other records as the department may require, subject to such exemptions as may be provided by rules or regulations.

25826. The department shall require each person who possesses or uses a source of ionizing radiation to maintain appropriate records showing the radiation exposure of all individuals for whom personnel monitoring is required by rules and regulations of the department. Copies of these records and those required to be kept in accordance with Section 25825 shall be submitted to the department upon request.

The department shall adopt reasonable regulations, compatible with those of the United States Atomic Energy Commission, pertaining to reports of exposure of personnel Such regulations shall require that reports of excessive exposure be made to the individual exposed and to the department, and shall make provision for periodic and terminal reports to individuals for whom personnel monitoring is required

Article 7. Federal-State Agreements

Agreements with federal government

25830. The Governor, on behalf of this State, may enter into agreements with the federal government providing for discontinuance of certain of the federal government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by this State. Such agreements shall become effective only when ratified by law.

Federally issued license

25831. Any person who, on the effective date of an agreement under Section 25830, possesses a license issued by the federal government shall be deemed to possess the same pursuant to a license issued under this chapter, which license shall expire either 90 days after receipt from the department of a notice of expiration of such license, or on the date of expiration specified in the federal license, whichever is the earlier.

Article 8. Inspection Agreements and Training Programs

Agreements with federal government, etc

25835. The department, on behalf of this State, may enter into an agreement or agreements with the federal government, other states, or interstate agencies, whereby this State will perform on a co-operative basis with the federal government, other states, or interstate agencies, inspections or other functions relating to control of sources of ionizing radiation.

Training programs

25836. The department and any other appropriate state agency may institute training programs for the purpose of qualifying personnel to carry out the provisions of this chapter, and may make such personnel available for participation in any program or programs of the federal government, other states, or interstate agencies in furtherance of the purposes of this chapter.

Article 9. Local Participation

Local ordinances, etc

25840. Ordinances, resolutions or regulations, now or hereafter in effect, of the governing body of a city or county relating to radioactive materials or other sources of radiation shall not be superseded by this chapter, provided that such ordinances or regulations are and continue to be consistent with the provisions of this chapter, amendments thereto, and rules and regulations thereunder. No city or county shall require the payment of a fee in connection with the activities governed by Section 25816 when a fee is required by rules or regulations adopted pursuant to that section, and no city or county shall require the payment of a fee in connection with the activities governed by Section 25817 when a fee is required by rules or regulations adopted pursuant to that section.

Article 10. Administrative Procedure

Hearings

25845. (a) In any proceeding under this chapter for granting or amending any license; or for determining compliance with, or granting exceptions from, rules and regulations promulgated in accordance with this chapter, the department shall afford an opportunity for a hearing on the record upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding.

Administrative procedure

(b) Proceedings for the suspension or revocation of licenses under this chapter shall be conducted in accordance with the

provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the department shall have all the powers granted therein.

Rules and regulations

(c) The adoption, repeal, or amendment of rules and regulations pursuant to this chapter shall be accomplished in conformity with the provisions of Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2 of the Government Code.

Emergency

25846. Whenever the department finds that an emergency exists requiring immediate action to protect the public health and safety, the department may, without notice or hearing, issue a regulation or order reciting the existence of such emergency and requiring that such action be taken as is deemed necessary to meet the emergency. Notwithstanding any provision of this chapter, such regulation or order shall be effective immediately. Any person to whom such regulation or order is directed shall comply therewith immediately, but on application to the department shall be afforded a hearing within 15 days. On the basis of such hearing, the emergency regulation or order shall be continued, modified, or revoked within 30 days after such hearing.

Judicial review

25847. Any final order entered in any proceeding under Sections 25845 and 25846 shall be subject to judicial review in the manner prescribed in Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

Article 11. Injunction Proceedings

Injunctions, etc

25850. Whenever, in the judgment of the department, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this chapter, or any rule, regulation or order issued thereunder, and at the request of the department, the Attorney General may make application to the superior court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing by the department that such person has engaged in or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

Article 12. Prohibited Uses

Unlawful acts

25855. It shall be unlawful for any person to use, manufacture, produce, knowingly transport, transfer, receive, acquire, own, or possess, any source of ionizing radiation unless licensed by or registered with the department in accordance with the provisions of this chapter and rules and regulations issued thereunder.

Article 13. Impounding of Materials

Impounding sources of ionizing radiation

25860. The department shall have the authority in the event of an emergency to impound or order the impounding of

sources of ionizing radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of this chapter or any rules or regulations issued thereunder.

Article 14. Penalties

Misdemeanor, punishment

25865. Any person who violates any of the provisions of this chapter or rules, regulations, or orders in effect pursuant thereto is guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed five hundred dollars ($500), or by imprisonment in the county jail for a period not to exceed 180 days, or by both such fine and imprisonment.

Article 15. Effective Date of Licensing Provisions

Effect of specified provisions

Operative date

25870. The provisions of subdivision (a) of Section 25815 and other provisions of this chapter relating to licensing and the enforcement thereof shall become effective only upon execution of an agreement pursuant to Section 25830. The provisions of Section 25817 shall become operative on July 1, 1962.

CHAPTER 1712

An act to add Chapter 4 (commencing with Section 30800) to Division 13 of, and to repeal Chapter 4 (commencing with Section 30800) of Division 13 of, the Vehicle Code, relating to transportation of baled hay.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

Repeal

SECTION 1. Chapter 4 (commencing with Section 30800) of Division 13 of the Vehicle Code is repealed.

SEC. 2. Chapter 4 (commencing with Section 30800) of Division 13 is added to said code, to read:

CHAPTER 4. BALED HAY

Transport, etc., of baled hay

30800. (a) The Department of the California Highway Patrol shall adopt and enforce regulations relating to the safe loading, securement, and transporting of baled hay. In adopting these regulations, the department shall take into consideration the nature of the load to be transported, the type of vehicle to be used, and the different types of binders required to securely fasten loads to prevent their improper release.

(b) No person shall transport or cause to be transported any baled hay in violation of the regulations promulgated hereunder.

Farmers

30801. This chapter does not apply to a farmer transporting his own hay incidental to his farming operations where

such transporting requires that he use the highways, except that this section does not relieve the farmer from loading and securing the hay in a safe manner.

SEC. 3. This act shall not become effective until July 1, 1962. Operative date

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CHAPTER 1713

An act to amend Section 61749 of the Government Code, relating to community services district indebtedness.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 61749 of the Government Code is amended to read:

61749. Notes shall not be issued under this chapter by any district in any one fiscal year in excess of an amount equal to 1 percent of the assessed valuation of the taxable property in the district, or if such assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate.

CHAPTER 1714

An act to add Section 53064 to the Government Code, relating to the powers and duties of boards of supervisors regarding districts.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 53064 is added to the Government Code, to read:

53064. Where two or more districts possess the authority to perform the same or similar functions in a common territory, and such common territory comprises only a portion of each of such districts, the board of supervisors of the county in which such territory is located may, upon request of either district, hold a hearing for the purpose of seeking to resolve the problem as to which of such districts will perform such function in the common territory.

Prior to the hearing the county clerk shall notify each of the districts concerned that a hearing is to be held and such notice shall contain a statement of the purpose of the hearing.

At the hearing the board of supervisors shall receive any evidence and testimony concerning applicable statutes, the existing facilities, the capabilities and the present obligations of

the respective districts, and other relevant factors. Every effort shall be made to secure agreement between the governing bodies of the districts.

If legal issues arise which cannot be resolved at the hearing, the hearing shall be terminated or suspended until such legal issues are resolved.

If there are no unresolved legal issues or if, upon resolution of legal issues, there is still no agreement between the governing boards of the district, the board of supervisors may do any one or more of the following:

a. Resume a hearing which has been suspended.

b. Call a new hearing if the hearing was terminated.

c. Set a time certain by which the governing bodies of the districts shall attempt to reach an agreement.

d. Determine by an election or circulation of a petition, or both, the wishes of the voters and the landowners in the common territory as to the district which they wish to have perform the function in question.

A showing by more than 50 percent of the voters and by owners of more than 50 percent of the land in the common territory that they prefer to have the function in question performed by a certain district shall determine the issue and shall be prima facie evidence of nonbenefit as to that function for purposes of exclusion from any other district in which the common territory is included.

CHAPTER 1715

An act to add Section 12656.6 to the Water Code, relating to authorization of emergency flood control work.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 12656.6 is added to the Water Code, to read:

12656.6. The Reclamation Board is authorized to provide any assurances to the Secretary of the Army which may be required in connection with the accomplishment of emergency repair work under Public Law 99, 84th Congress, 1st Session, approved June 28, 1955, or any acts amending or adding to the same, now or hereafter adopted, for projects which the Reclamation Board is authorized to provide assurances under Section 12657. The Reclamation Board is also authorized to utilize any available appropriation it may have for the purpose of acquiring any lands, easements and rights of way necessary to the execution of any such repair work for which assurances have been required by the Secretary of the Army.

CHAPTER 1716

An act to add Section 24045.1 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 24045.1 is added to the Business and Professions Code, to read:

24045.1. The department may issue a temporary retail package offsale beer and wine license upon the following conditions:

(a) The premises shall have been operated as a licensed premises for the retail package offsale of beer and wine within 30 days of the filing of the application for such temporary license

(b) There is no existing license in effect for the premises.

(c) The temporary license shall be for a period not exceeding 90 days.

(d) The applicant for the temporary license shall have filed with the department an application for the issuance of an original retail package offsale beer and wine license for the premises.

(e) An applicant for such a license shall accompany the application with a temporary license fee of twenty-five dollars ($25).

(f) The temporary license may be revoked at any time if the department finds and determines that cause for such revocation exists.

CHAPTER 1717

An act to amend Sections 14272, 14273, 14275, 14278 and 14279 of the Health and Safety Code, relating to reorganization of fire districts.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 14272 of the Health and Safety Code is amended to read:

14272. Twenty-five percent of the taxpayers or residents of a district, or a majority of the governing body may petition the board of supervisors of the county in which the fire department or district is situated for reorganization.

Petition for reorganization

SEC. 2. Section 14273 of said code is amended to read:

14273. The petition shall be verified by at least one of the petitioners, shall set forth the boundaries and name of the district, shall set forth the reasons for reorganization, and

Same: Contents

pray that the fire department or district be reorganized under this chapter.

SEC. 3. Section 14275 of said code is amended to read:

Hearing

14275. At the time fixed for hearing the board of supervisors shall hear the petition and consider all written and oral objections and statements in support of such reorganization.

SEC. 4. Section 14278 of said code is amended to read:

Action by supervisors

14278. At the conclusion of the hearing, the board of supervisors may abandon the proposed reorganization of the district, or it may decide to reorganize the district to come under this chapter. If the board of supervisors finds that the statements in the petition are correct and that it will be beneficial to the taxpayers for the district to reorganize under this chapter, it

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may make an order describing the exterior boundaries of the territory included within the district as determined by the board and may order that the territory be organized as a district under this chapter. From and after the making of the order for reorganization the fire department or district is organized as a district under this chapter with all the powers and duties conferred in this chapter.

SEC. 5. Section 14279 of said code is amended to read:

Alternative procedure: Election within district

14279. As an alternative procedure, the board of supervisors may order an election within the district on the question of the reorganization of the district. The election shall be conducted as nearly as practicable in accordance with the general laws of the State but no particular form of ballot is required.

The board of supervisors shall on the first Monday succeeding the election, either at its next general or special sessions, canvass the votes. If it appears that a majority of all votes canvassed in the district are in favor of the reorganization of

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the district, the board shall, by an order entered in its minutes, declare the territory reorganized as a district under this chapter.

The board shall cause a copy of the order certified by the clerk of the board to be immediately filed for recording in the office of the county recorder. From and after such filing, the district is organized as a district under this chapter with all the powers and duties conferred in this chapter.

CHAPTER 1718

An act to amend Sections 73433 and 73433.5 of the Government Code, relating to the municipal court in a district embracing the City of Bakersfield.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 73433 of the Government Code is amended to read:

73433. The clerk of the municipal court may appoint the following, each of whom shall receive monthly salaries in accordance with Sections 73433.5 and 73441: Clerk's appointees

(a) One assistant clerk;

(b) Four deputy clerks, to be designated as "department court clerk";

(c) One deputy clerk, to be designated as "clerk II";

(d) Three deputy clerks, to be designated as "municipal legal clerk II";

(e) Five deputy clerks, to be designated as "municipal legal clerk I";

(f) Seven deputy clerks, to be designated as "typist-clerk II"; and

(g) Four deputy clerks to be designated as "typist-clerk I."

SEC. 2. Section 73433.5 of said code is amended to read:

73433.5. The compensation of the clerk of the municipal court and his attachés shall be as follows: Salary schedule

(a) Title of position	No. of positions	Salary range A	B	C	D	E
Clerk of the municipal court	1	$581	$610	$641	$673	$707
Assistant clerk	1	455	478	502	527	553
Department court clerk	4	373	392	412	433	455
Clerk II	1	292	307	322	338	355
Municipal legal clerk II	3	392	412	433	455	478
Municipal legal clerk I	5	355	373	392	412	433
Typist-clerk II	7	292	307	322	338	355
Typist-clerk I	4	252	265	278	292	307

(b) Within the positions set out in subdivision (a), there shall be five step levels which shall be designated as "step A," "step B," "step C," "step D," and "step E," which are defined as follows:

"Step A" shall consist of the minimum rate of compensation for the position to which the salary range applies and shall be the hiring rate for such position;

"Step B" shall be the rate of compensation payable to any person who has occupied his position for one (1) year on the first day of the month following the anniversary of his appointment to the position;

"Step C" shall be the rate of compensation payable to any person who has occupied his position for two (2) years on the first day of the month following the anniversary of his appointment to the position;

"Step D" shall be the rate of compensation payable to any person who has occupied his position for three (3) years on the first day of the month following the anniversary of his appointment to the position; and

"Step E" shall be the rate of compensation payable to any person who has occupied his position for four (4) years on the first day of the month following the anniversary of his appointment to the position.

(c) Notwithstanding any other provision of this article:

(1) The minimum salary for each position shall normally be "step A" for the position. If it is difficult to secure qualified personnel at that step or if a person of unusual qualifications is engaged, the court or the clerk, as the case may be, may hire at any step of the salary range applicable to the position.

(2) A majority of the judges of the court may place the clerk in the step of the salary range to which he would be entitled if he had been placed in "step C" of such salary range on the effective date of his appointment as clerk

(3) If a deputy clerk changes his position to another position of higher salary range, he shall receive the lowest amount provided in the salary range for the new position which is at least equal to the amount he would have received if he had been advanced one step higher in the salary range applicable to his old position. If at the time such deputy clerk changes his position to another of higher salary range he is receiving the salary provided in "step E" of the salary range applicable to his old position, he shall receive the lowest amount provided in the salary range for the newer position which is at least equal to the salary provided in "step E" of such old position plus the difference between the salaries provided in "step D" and in "step E" of such old position.

CHAPTER 1719

An act to amend Sections 3270, 3272, 3274, 3275, 3277, 3278, 3279, 3280, 3282, 3284, and 3286 of, to amend and renumber Section 3276 of, and to repeal Sections 3271 and 3285 of, the Fish and Game Code, relating to pheasant clubs.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 3270 of the Fish and Game Code is amended to read:

Application for license

3270. In order to provide additional hunting by stocking domestically propagated pheasants, and to permit the taking of pheasants under conditions which will not conflict with the public interest, any person who owns or controls the shooting rights on a tract of land may apply to the department for a licensed pheasant club license authorizing the killing by shooting of pheasants upon such land in accordance with the provisions of this article and the regulations of the commission for the administration of this article.

Repeal

SEC. 2. Section 3271 of said code is repealed.

SEC. 3. Section 3272 of said code is amended to read:

Acreage limitations

3272. A licensed pheasant club in Zone A shall not exceed 1,500 acres within the exterior boundaries of the licensed area.

A licensed pheasant club in Zone B shall not exceed 2,500 acres within the exterior boundaries of the licensed area.

SEC. 4. Section 3274 of said code is amended to read:

Application contents

3274. An application for a licensed pheasant club shall show the following:

(a) The name and address of the applicant.

(b) Whether the application is for a Zone A or Zone B license.

(c) The legal description of the tract of land, and a description by exterior boundaries of the tract with reference insofar as possible to roads, rivers, railroads, or natural boundaries.

(d) Whether the applicant proposes to propagate and rear the pheasants to be released, and if so, the location or proposed location where the pheasants are to be propagated and reared.

(e) Whether the applicant proposes to purchase pheasants for release.

(f) Such other information as the commission may require.

SEC. 5. Section 3275 of said code is amended to read:

Hunter's daily permit

3275. A hunter using any licensed Zone A pheasant club shall have a daily permit in his possession when hunting on the premises of such club.

A hunter using any licensed Zone B pheasant club shall have a daily, monthly, or seasonal permit, issued at the option of the operator, in his possession when hunting on the premises of such club.

SEC. 6 Section 3276 of said code is amended and renumbered to read:

Zone A and Zone B

3271. For the proper administration of this article the State is divided into two zones, Zone A and Zone B.

(a) Zone A consists of the following areas: the Imperial Valley (Imperial County); commencing at the California-Mexico international boundary at the common boundary of R. 16 E -R. 17 E.; thence north to the All-American Canal; thence southwesterly along the All-American Canal to the East Highline Canal; thence northerly and westerly along said canal to the boundary of T. 10 S., R. 13 E. and 14 E.; thence north to Coachella Canal; thence northwesterly along said canal to the boundary between Imperial and Riverside Counties; thence west along said boundary to the sea level contour; thence south and southeasterly along said contour to the California-Mexican border; thence easterly along said border to the point of beginning, excepting therefrom those portions of Townships 9 E -9 S.; 10 E -9 S.; 9 E.-10 S.; 10 E.-10 S.; 11 E.-10 S.; 9 E -11 S ; 10 E.-11 S.; 11E.-11 S.; 9 E.-12 S.; 10 E.-12 S.; 11 E.-12 S.; 9 E -13 S ; 10 E.-13 S.; and 11 E.-13 S , S. B. B & M lying within the above boundary, and excepting also that area beginning at the Riverside-Imperial County line on the Coachella Branch of the All-American Canal; thence Northwest along said Canal to the boundary of Township 7 South, Range 9 East and 10 East; thence North to sea level contour; thence Northwest and West along said contour around the town of Indio; thence South and Southeast along said con-

tour to the Riverside-Imperial County line; thence East along said County line to the point of beginning.

Bard-Winterhaven area (Imperial County); commencing at the range line between 21 E and 22 E. (Township 16 S.) northeasterly along the All-American Canal to Imperial Dam; thence across Imperial Dam to the common boundary of California and Arizona; thence southwesterly along said boundary to the range line between 21 E. and 22 E.; thence north following said range line to the point of beginning.

Palo Verde Valley (Riverside and Imperial Counties); those portions of T. 8 S., R. 22 E., and R. 23 E.; T. 7 S., R. 23 E.; T. 6 S., R. 23 E.; and T. 5 S., R. 24 E.; and the SE. ½ of T. 5 S., R. 23 E.; SE. ½ of T 6 S., R. 22 E.; all of T. 7 S., R. 22 E.; E. ½ of T. 7 S., R. 21 E.; and E. ½ of T. 8 S., R. 21 E. in eastern Riverside County; and those portions of the E. ½ of T. 9 S., R. 21 E., and T. 9 S., R. 22 E. in Imperial County.

Prado Basin (San Bernardino and Riverside Counties); all of T. 3 S., R. 7 W.; S. ½ of T. 2 S., R. 7 W.; SE. ¼ of T. 2 S., R. 8 W.

Owens Valley-Round Valley area (Inyo and Mono Counties); all of Township 6 S., R. 31 E.; and all of Owens Valley lying below the 4,500-foot contour northerly of the township line between T. 15 and 16 S.

Antelope Valley (Mono County); that portion of the SE. ¼ T. 10 N., R. 22 E. in Mono County; the E. ½ of T. 9 N., R. 22 E.; the E. ½ of T. 8 N., R. 22 E.; that portion of the W. ½ of T. 9 N., R. 23 E. in Mono County; the W. ½ of T. 8 N., R. 23 E.

Diamond Valley (Alpine County); that portion of the SE. ¼ of T. 12 N., R. 19 E. in Alpine County; the E. ½ of T. 11 N., R. 19 E.; that portion of T. 11 N., R. 20 E. in Alpine County; the N. ½ of T. 10 N., R. 20 E.

San Joaquin-Sacramento Valleys; commencing at the junction of State Highway 41 and the common boundary between Kern and Kings County northerly on Highway 41 to Kettleman City; thence due west approximately two miles to the 500 feet contour; thence northerly and westerly along said contour to range line between 10 E. and 11 E.; thence north along said range line to the Delta-Mendota Canal; thence northerly and westerly along said canal to the crossing of the Southern Pacific Railroad tracks (about five miles south of Byron); thence northwesterly along said railroad to Martinez; thence across the straits to Benicia; thence northerly along State Highway 21 to Cordelia; thence northeasterly along U. S. Highway 40 to the range line between 1 W. and 2 W.; thence north along said range line to the Pacific Gas and Electric Pit Vaca electrical transmission lines approximately six (6) miles north and east of the town of Capay; thence northwesterly along said transmission lines to the township line between 14 N. and 15 N.; thence west along said township line to the SW. corner of the E. ½ of T. 15 N., R. 4 W.; thence north along a line drawn to the NW. corner of the E. ½ of T. 20 N., R. 4 W.; thence east along the township line between 20 N. and 21 N.

to the U S. Bureau of Reclamation Shasta-Tracy westside electrical transmission lines, approximately four (4) miles northwest of the town of Artois; thence north and northwesterly along said transmission lines to the township line between T. 31 N. and T. 32 N.; thence east on said township line to the range line between R. 3 W. and R. 2 W.; thence south on said range line to U. S. Highway 99E (approximately SW. corner T. 27 N., R. 2 W.); thence southeasterly along 99E through Chico to Savona; thence southeasterly along the Oroville-Chico Highway to Oroville; thence southeasterly on the Oroville-Bangor Highway to Bangor on the section line between S. 27 and S. 28, T. 18 N., R. 5 E ; thence south on said section line to the township line between T. 18 N. and T. 17 N.; thence east on said township line to the range line between R. 5 E. and R. 6 E.; thence south on said range line to State Highway 20; thence easterly along said Highway 20 through Smartsville to the common boundary between Nevada and Yuba Counties; thence south along this boundary to Placer County; thence east along the common boundary of Nevada and Placer Counties to the range line between R. 6 E. and R. 7 E.; thence south along said range line to the township line between T. 11 N. and T. 10 N ; thence east along this township line to the common boundary between Placer and El Dorado Counties; thence south along said boundary to the common boundary between Sacramento and El Dorado Counties; thence southeasterly along said boundary between Sacramento and El Dorado Counties, Sacramento and Amador Counties, San Joaquin and Amador Counties, San Joaquin and Calaveras Counties, Stanislaus and Calaveras Counties, Stanislaus and Tuolumne Counties, Merced and Mariposa Counties, to Madera County; thence southwest on the common boundary of Merced and Madera Counties to the Madera Canal; thence southeasterly along said canal to Fresno County; thence southwest on the common boundary of Madera and Fresno Counties to Highway 99; thence southeast along Highway 99 to the common boundary between Tulare and Kern Counties; thence west along the Kern County line to point of beginning.

Humboldt Bay Area (Humboldt County); commencing at False Cape northerly along ocean shore to Trinidad Head; thence southeasterly on a line drawn to the Town of Crannell; thence to Fieldbrook; thence to Korbel; thence to Freshwater; thence to Falk; thence to Fernbridge; thence to Carlotta; thence to Rio Dell; thence to False Cape the point of beginning.

Scott Valley (Siskiyou County); the SE. $\frac{1}{4}$ of T. 44 N., R. 10 W.; the S. $\frac{1}{2}$ of T. 44 N., R. 9 W.; all of T. 43 N., R. 9 W.; the NE. $\frac{1}{4}$ of T. 43 N., R. 10 W.; all of T. 42 N., R. 9 W.; the E. $\frac{1}{2}$ of T. 41 N., R. 9 W. This includes the Towns of Etna, Greenview, and Fort Jones.

Shasta Valley (Siskiyou County); the SW. $\frac{1}{4}$ of T. 46 N., R. 5 W.; the SE. $\frac{1}{4}$ of T. 46 N., R. 6 W.; the NW. $\frac{1}{4}$ of T. 45

N., R. 5 W.; the S. ½ of T. 45 N., R. 5 W.; all of T. 45 N., R 6 W.; the E. ½ of T. 45 N, R. 7 W.; all of T. 44 N., R. 5 W., and all of T. 44 N., R. 6 W.; the NE. ¼ of T. 44 N., R. 7 W.; all of T. 43 N., R. 5 W., and all of T. 43 N., R. 6 W.; all of T. 42 N., R. 5 W.; the N. ½ of T. 42 N., R. 6 W. This includes the Towns of Edgewood, Gazelle, Yreka, and Montague.

Tulelake Area (Siskiyou and Modoc Counties); commencing at the intersection of the Mt. Diablo Meridian with the Oregon-California state line; thence easterly along said state line to the range line between R. 6 E. and R. 7 E.; thence southerly along said range line to the township line between T. 45 N. and T. 46 N.; thence westerly along said township line to the Mt. Diablo Meridian; thence north along the Mt. Diablo Meridian to the point of beginning.

Pit River Valley (Modoc and Lassen Counties); the W. ½ of T. 45 N., R. 14 E.; all of T. 45 N., R. 13 E.; the W. ½ of T. 44 N., R. 14 E.; all of T. 44 N., R. 13 E.; the S. ½ of T. 44 N., R. 12 E.; the E. ½ of T. 44 N., R. 11 E.; all of T. 43 N., R. 13 E.; all of T. 43 N., R. 12 E.; all of T. 42 N., R. 13 E.; all of T. 42 N., R. 12 E., and all of T. 42 N., R. 11 E.; the S. ½ of T. 42 N., R. 10 E.; the SE. ¼ of T. 42 N., R. 9 E.; all of T. 41 N., R. 13 E.; all of T. 41 N, R. 12 E., and of T 41 N., R. 11 E.; the N. ½ of T. 41 N., R. 10 E.; the NE. ¼ of T. 41 N., R. 9 E.; all of T. 40 N., R. 13 E.; the E. ½ of T 40 N., R. 12 E.; all of T. 39 N., R. 13 E.; the E. ½ of T. 39 N., R. 12 E. This includes the Towns of Canby, Alturas, Davis Creek, and Likely.

Surprise Valley (Modoc County); all that portion of Surprise Valley lying in Modoc County below the 5,000 feet contour.

Lookout-Bieber Area (Modoc and Lassen Counties); commencing at the town of Adin (Modoc County) south on Adin-Eagle Lake County Road to the boundary of the Modoc National Forest (approximately 6.5 miles south of Adin); thence westerly and southerly along said forest boundary to the township line between T. 36 N. and T. 37 N.; thence west along said township line to the Great Northern Railroad; thence northerly along said railroad to the township line between T. 37 N. and T. 38 N.; thence westerly along said township line to the range line between R. 6 E. and R. 7 E.; thence north along said range line to the township line between T 39 N. and T. 40 N.; thence east along said township line to the range line between R. 7 E. and R. 8 E.; thence south along said range line to the Lookout-Adin County Road; thence easterly along said county road to Adin, the point of beginning. This includes the Towns of Nubieber, Bieber, Lookout, and Adin.

McArthur Area (Lassen County); all of T. 38 N., R. 5 E. and T. 38 N., R. 4 E.; the E. ½ of T. 38 N., R. 3 E.; all of T. 37 N., R. 5 E.; the E. ½ of T. 37 N., R. 4 E. This includes the Towns of Dana, Pittville, McArthur, and Fall River Mills.

Honey Lake Area (Lassen County); commencing at the point where the Southern Pacific Railroad intersects the California-Nevada state line in T. 27 N., R. 17 E.; thence southerly along said state line to where the township line between T. 24 N. and T. 25 N. intersects said state line; thence westerly along the township line between T. 24 N. and T. 25 N. to the Plumas National Forest boundary; thence northerly and westerly along Plumas National Forest boundary to its intersection with the range line between R. 11 E. and R. 12 E.; thence northerly along said range line to the township line between T. 30 N. and T. 31 N.; thence easterly along said township line to the range line between R. 13 E. and R. 14 E.; thence southerly along said range line to the township line between T. 29 N. and T. 30 N.; thence easterly along said township line to the Southern Pacific Railroad; thence southerly along said railroad through the Town of Wendel; thence southerly and easterly along said railroad to the point of beginning.

Indian Valley (Plumas County); the SW. $\frac{1}{4}$ of T. 27 N., R. 11 E.; the S. $\frac{1}{2}$ of T. 27 N., R. 10 E.; the SE. $\frac{1}{4}$ of T. 27 N., R 9 E.; the W. $\frac{1}{2}$ of T. 26 N., R. 11 E.; T. 26 N., R. 10 E.; the E. $\frac{1}{2}$ of T. 26 N., R. 9 E. This includes the Towns of Greenville, Crescent Mills and Taylorsville.

Sierra Valley (Sierra and Plumas Counties); the S. $\frac{1}{2}$ of T. 23 N., R. 16 E ; the S. $\frac{1}{2}$ of T. 23 N., R. 15 E.; the S. $\frac{1}{2}$ of T. 23 N., R. 14 E.; the S $\frac{1}{2}$ of T. 23 N., R. 13 E ; T. 22 N., R. 16 E.; T. 22 N., R. 15 E.; T. 22 N., R. 14 E.; T. 22 N., R. 13 E.; T. 22 N., R. 12 E.; T. 21 N., R. 14 E.; T. 21 N., R. 15 E.; the W. $\frac{1}{2}$ of T. 21 N., R. 16 E.; T. 20 N., R. 14 E.; the W. $\frac{1}{2}$ of T. 20 N., R. 15 E. This includes the Towns of Blairsden, Portola, Vinton, Loyalton, Sierraville, and Calpine.

Clubs licensed in the above area shall be known as Zone A licensees.

(b) Zone B comprises the remainder of the State, and clubs licensed in this area shall be known as Zone B licensees.

SEC. 7. Section 3277 of said code is amended to read:

3277. The season during which shooting is to be permitted upon any licensed premises in Zone A shall be for a period of 75 consecutive days, beginning on the Saturday nearest the first day of November. Season Zone A

The total number of pheasants which may be taken on the premises shall not exceed 65 percent of the pheasants released from August 1st, to 12 days prior to the licensed pheasant club season, plus 80 percent of the pheasants released during, and within 12 days prior to, the opening of, such season. However, pheasants one year of age or older may be released during the period from July 1st to 12 days prior to the licensed pheasant club season, and a shooting quota of 65 percent shall be allowed for such pheasants. Total number of pheasants

SEC. 8. Section 3278 of said code is amended to read:

3278. The season during which shooting is to be permitted upon any licensed premises in Zone B shall be for a period of Season: Zone B

nine consecutive calendar months beginning on September 1st. The total number of pheasants which may be taken on the premises shall not exceed the number of pheasants released thereon during the license year.

Total number of pheasants

SEC. 9. Section 3279 of said code is amended to read:

Distance between clubs

3279 There shall be at least a one-half mile distance between Zone A licensed pheasant clubs; but any club areas licensed and operated during the 1955-56 license year which continue in operation each year thereafter shall not be subject to the provisions of this section.

Zone B clubs are not subject to this provision.

SEC. 10. Section 3280 of said code is amended to read:

Investigation, issuance of license, etc

3280. If the commission is satisfied, after investigation, that a tract is suitable for the purposes of a licensed pheasant club, and that the establishment of such a club will not conflict with the public interest, it may approve the issuance of a licensed pheasant club license for a club of over 500 acres upon the payment of a license fee of one hundred dollars ($100), or upon the payment of a license fee of seventy-five dollars ($75) for a club of 500 acres or less. The license shall be issued for a term of one year from September 1st or, if issued after the beginning of such period, for the remainder thereof.

Any license issued for the 1961-1962 license year shall be valid until September 1, 1962.

The commission may transfer a license to land owned or controlled by the licensee, other than that land specified in the original application, located in the same county as the original land, without any additional fee, if it is satisfied, after investigation, that the new land is suitable for the purposes of the license and such a transfer is not in conflict with the public interest.

SEC. 11. Section 3282 of said code is amended to read:

Licensees

3282. A Zone A licensee shall propagate and rear, or otherwise acquire, and release upon its premises pheasants at the rate of not less than one pheasant per three acres.

A Zone B licensee may release pheasants in any number and at the times he desires.

At least 50 percent of the total number of pheasants released on the premises of a Zone A club shall be released within the period beginning 12 days prior to the opening and ending the last day of the licensed pheasant season.

Condition of released pheasants

All pheasants released on licensed pheasant clubs at the time of release shall be full winged and otherwise in condition to go wild The commission may authorize the collection of an inspection fee not to exceed five cents ($0.05) per pheasant for inspections necessary to insure the proper condition of the pheasants to be released.

SEC. 12. Section 3284 of said code is amended to read:

Posting of property

3284. The holder of a pheasant club license shall post his property on the exterior boundary at intervals of not more than 500 feet with signs of a size not less than 12 by 18 inches.

The signs shall include the name of the person holding the license and the words: "private licensed pheasant club—authorized under regulations of the Fish and Game Commission —no trespassing." The words "private licensed pheasant club," shall be printed no smaller than 12-line (two-inch-high) gothic type. The phrase "authorized under regulations of the Fish and Game Commission," shall be no smaller than 36-point type and no larger than 48-point type. The words "no trespassing," shall be no smaller than 12-line (two-inch-high) gothic type. These signs shall be visible at least twenty-five (25) feet from the boundaries of such club. The department shall not furnish such signs.

Repeal

SEC. 13. Section 3285 of said code is repealed.

SEC. 14. Section 3286 of said code is amended to read:

Dogs

3286. On Zone A clubs only, each hunter shall be accompanied by a trained bird or retrieving dog, except that one dog may be used for each two or three persons when hunting in a group.

CHAPTER 1720

An act to add Sections 35561.3 and 35561.4 to the Government Code, relating to the exclusion of territory from cities

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 35561.3 is added to the Government Code, to read:

Petition, procedures, etc.

35561.3. Upon the filing with the city clerk of a petition from property owners representing 75 percent of the area and assessed valuation of land of a portion of uninhabited territory annexed to a city which is proposed for exclusion, the city council shall submit the proposal to the county boundary commission for approval of the definiteness and certainty of boundaries. Upon receipt of a report from the county boundary commission, or twenty (20) days after the receipt of the proposal by the county boundary commission, the city council shall set a public hearing to consider the proposed exclusion. If on or before the time set for the public hearing, there has not been filed with the city clerk a protest by property owners representing fifty percent (50%) of the area and assessed value of land of the territory proposed for exclusion, the city council may by ordinance exclude the territory. In such case, no election need or shall be called or held for the purpose of exclusion of such territory. The clerk of the legislative body shall within ten (10) days after the passage of the ordinance file with the Secretary of State and the Board of Supervisors a certified copy of the ordinance in the same manner as herein provided for filing of a copy of a report and statement of election held under the provisions of this article; and, upon such

filing, such exclusion shall be complete and the territory affected no longer a part of the city. If the city, prior to such exclusion, has incurred any expense for the construction or installation of any facilities or improvements on the property so excluded, each owner of said property shall reimburse the city the full amount of such expense, fairly attributable to his property, together with interest thereon at the rate of six percent (6%) per annum from the date of the payment of such expense by the city. All amounts due on account of such reimbursement shall be a lien on the property affected and enforceable in the same manner as liens for city taxes. The property shall also remain liable for its proportion of debts contracted by the city prior to such exclusion as provided in Section 35564 of this code

Reimbursement of expenses incurred

SEC. 2 Section 35561.4 is added to said code, to read:

Proceedings initiated by city legislative body on motion

35561.4. The legislative body of a city may initiate proceedings to exclude a portion of uninhabited territory annexed to the city as uninhabited territory on its own motion without requiring a petition If it does, the resolution giving notice shall declare that proceedings have been initiated by the legislative body and set forth its reasons for desiring exclusion. The resolution shall require the description of the territory proposed for exclusion to be submitted to the county boundary commission for a report as to the definiteness and certainty of its boundaries. After a receipt of a report by the county boundary commission or twenty (20) days after the receipt of the proposal by the county boundary commission, the city council shall set a public hearing to consider the proposed exclusion. If, on or before the time set for the public hearing, there has not been filed with the city clerk a protest by property owners representing fifty percent (50%) of the area and assessed value of land of the territory proposed for exclusion, the city council may by ordinance exclude the territory. In such case, no election need or shall be called or held for the purpose of exclusion of such territory. The clerk of the legislative body shall within ten (10) days after the passage of said ordinance file with the Secretary of State and the board of supervisors a certified copy of said ordinance in the same manner as herein provided for filing of a copy of a report and statement of election held under the provisions of this article; and, upon such filing, such exclusion shall be complete and the territory affected no longer a part of the city. If the city, prior to such exclusion, has incurred any expense for the construction or installation of any facilities or improvements on the property so excluded, each owner of said property shall reimburse the city the full amount of such expense, fairly attributable to his property, together with interest thereon at the rate of six percent (6%) per annum from the date of the payment of such expense by the city. All amounts due on account of such reimbursement shall be a lien on the property affected and enforceable in the same manner as liens for city taxes. Said property shall also remain liable for its proportion

of debts contracted by the city prior to such exclusion as provided in Section 35564 of this code.

SEC. 3. This act shall remain in effect until the 91st day after the final adjournment of the 1963 Regular Session of the Legislature, and shall have no force or effect after that date. Effective period

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CHAPTER 1721

An act to amend Section 204a of the Code of Civil Procedure, relating to jury commissioners.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 204a of the Code of Civil Procedure is amended to read:

204a. In any county or city and county having a population of 60,000 or over, a majority of the judges of the superior court of the State of California in and for such county, to assist the judges thereof in making selections of trial jurors, and grand jurors, and whenever in their opinion the business of the court requires it, may, in their discretion, appoint a jury commissioner for such county or city and county and such deputy jury commissioners as the board of supervisors of the county or city and county determines to be necessary. In any county or city and county having a population of 60,000 or over, but less than 217,000, the jury commissioner shall receive a salary of three hundred dollars ($300) per month, not exceeding, however, one thousand five hundred dollars ($1,500) in any one fiscal year. In any county or city and county having a population of 217,000 or over, but less than 235,000, the jury commissioner shall receive a salary of five hundred dollars ($500) per month, not exceeding, however, three thousand dollars ($3,000) in any one fiscal year. In any county, or city and county having a population of over 235,000 and not over 600,000 the jury commissioner shall receive a salary fixed by the board of supervisors The salaries of the deputy jury commissioners shall be fixed by the board of supervisors of the county or city and county at a rate equivalent to the salary rate of other county employees holding comparable positions but in no event shall the salary of a deputy be less than two hundred seventy-five dollars ($275) per month. The jury commissioner and the deputy jury commissioners shall hold office at the pleasure of the majority of the judges of the superior court in and for their respective counties, and their salaries shall be audited, allowed and paid out of the general fund of such county or city and county. The jury commissioner, in the discretion of the board of supervisors, shall also assist in the selection of juries in justices' courts and municipal courts, and, for performing

this duty, shall receive additional compensation and help, the amount of which, and the numbers thereof, shall be determined by the board of supervisors.

In any county having a population of less than 60,000, the judge of the superior court or a majority of the judges thereof, to assist the judge or judges thereof in making selections of trial jurors, and whenever in their opinion the business of the court requires it, may, in their discretion, with the consent of the board of supervisors of such county, appoint a jury commissioner for such county and such deputy jury commissioners as are determined to be necessary. The salary of the jury commissioners and deputy jury commissioners shall be fixed by the board of supervisors. The jury commissioner and the deputy jury commissioners shall hold office at the pleasure of the judge of the superior court or a majority of the judges thereof, and their salaries shall be audited, allowed, and paid out of the county general fund. The jury commissioner, in the discretion of the board of supervisors, shall also assist in the selection of juries in justice and municipal courts. The jury commissioner, in the discretion of the board of supervisors, shall also be assigned stenographic duties to assist the superior court judge or judges.

CHAPTER 1722

An act to amend Section 10000 of, to add Chapter 6 5 (commencing with Section 10360) to Division 9 of, the Health and Safety Code, to add Sections 89 and 134 to the Civil Code, and to add Section 26859 to the Government Code, relating to divorce and annulment reports.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 10000 of the Health and Safety Code is amended to read:

Registration, filing

10000. Each live birth, fetal death, death, and marriage which occurs in the State shall be registered as provided in this division on the prescribed certificate forms. In addition, a report of every final divorce or annulment decree shall be filed with the State Registrar, as provided in this division.

SEC. 2. Chapter 6.5 (commencing with Section 10360) is added to Division 9 of said code, to read:

CHAPTER 6.5. DIVORCE AND ANNULMENT REPORTS

Reports

10360. The county clerk of each county shall make a report monthly to the State Registrar of every final decree of divorce or annulment which is filed with him after January 1, 1962. The report shall contain the names of the parties and the date the decree was entered

SEC. 3. Section 89 is added to the Civil Code, to read:

89. No final judgment of annulment shall be entered after January 1, 1962, unless or until the party seeking the entry of the judgment has paid to the county clerk a fee of one dollar ($1) for services of the clerk and the State Registrar of Vital Statistics in connection with the reports of annulments pursuant to Section 10360 of the Health and Safety Code. Fee

SEC. 4. Section 134 is added to said code, to read:

134. No final judgment of divorce shall be entered after January 1, 1962 unless and until the party seeking the entry of the judgment has paid to the county clerk a fee of one dollar ($1) for services of the clerk and the State Registrar of Vital Statistics in connection with the reports of divorces pursuant to Section 10360 of the Health and Safety Code. Same

SEC. 5. Section 26859 is added to the Government Code, to read:

26859. Upon the payment of a fee of one dollar ($1) the county clerk shall issue a receipt to any party in an action for divorce or annulment stating that such party has paid to him the fee of one dollar ($1) for his services and the services of the State Registrar of Vital Statistics in connection with the reports of divorce or annulment pursuant to Section 10360 of the Health and Safety Code. Receipt for fee

The county clerk by the 10th day of each month shall pay to the State Registrar of Vital Statistics for deposit in the General Fund, one-half of all such fees collected during the immediately preceding month. Payment to State Registrar

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CHAPTER 1723

An act to amend Sections 12880, 12883, 12884 and 12891 of, to repeal Sections 12881, 12881.5, 12882 and 12889 of, and to add Section 12883.5 to, the Water Code, relating to state financial assistance for local water projects.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 12880 of the Water Code is amended to read:

12880. In furtherance of the development, control and conservation of the water resources of the State and the State Water Resources Development System it is the policy of the State to provide financial assistance to public agencies for the construction of water projects to meet local requirements in which there is a statewide interest by making grants or loans, or both, and by participating in the construction and operation of water projects, and also to provide financial assistance to public agencies for the preparation of certain feasibility State policy

reports on such water projects by making loans, in accordance with this chapter.

"Project" (a) As used in this chapter, "project" means any construction or improvement by a public agency for the diversion, storage, or distribution of water primarily for domestic, municipal, agricultural, industrial, flood control or power production purposes. "Public agency" means any city, county, district or other political subdivision of the State. "Feasibility report" means such report on the feasibility of a public agency's proposed project as the department may require the public agency to file with the department in support of an application by the public agency under this chapter for a loan for the construction of the proposed project.

"Public agency"

"Feasibility report"

Approval of proposed project (b) The proposed project may be approved for assistance only if it is determined that the project substantially conforms to The California Water Plan, is engineeringly feasible, economically justified, and, if a loan is proposed, that there is reasonable assurance, commensurate with the need for the proposed project, that the public agency can repay it. A loan for the preparation of a proposed feasibility report on a proposed project may be approved only if it is determined that there is reasonable assurance that the public agency can repay the loan and only if the agency receives a favorable written reply from the department on a written request for a preliminary determination of eligibility for a loan for the construction of the proposed project filed with the department by the agency under the regulations of the department promulgated pursuant to this chapter.

Grants in furtherance of project (c) Grants in furtherance of a project may be made for the following purposes:

(1) For the part of the construction cost of the proposed project properly allocated to the enhancement of fish and wildlife incidental to the primary functions of the project.

(2) For the part of the construction cost of the dam and reservoir of the proposed project properly allocated to recreational functions of statewide interest that are incidental to the primary functions of the project Such construction costs may include expenditures for lands located above the high waterline of reservoirs which are necessary or desirable for public recreation in connection with the reservoir.

Loans for projects (d) Loans may be made only for projects primarily for domestic, municipal, agricultural, or industrial purposes. Such loans may be made for all or any part of the construction cost of any such project but in no event shall any such loan be in an amount which is greater than the portion of the construction cost of the project which the department finds to be beyond the reasonable ability of the public agency to finance from other sources. Such loans shall be repayable over a period not to exceed 50 years. A period of development of not exceeding 10 years may be allowed within such maximum 50-year repayment period, during which no payments on the principal of such loans shall be required, when in the department's judg-

ment such development period is justified under the circumstances.

Loans for report preparation

(e) Loans may be made for all or any part of the cost of the preparation of proposed feasibility reports on proposed projects, but in no event shall any such loan be in an amount which is greater than the portion of the cost of the preparation of the proposed feasibility report which the department finds to be beyond the reasonable ability of the public agency to finance from other sources. Such loans shall be repayable over a period not to exceed 10 years.

State participation

(f) If in order to accomplish the objectives of this chapter it is necessary to construct a project that is beyond the requirements of the public agency constructing the project, the State may participate in planning, designing, constructing, operating and maintaining the project, and in financing those costs of the project in excess of the costs necessary to meet the requirements of the public agency, on terms agreed upon with the agency, to the end that the project shall accomplish the maximum water development objectives at a minimum total expenditure.

Applications for loans and grants

(g) Applications for loans or grants or financial participation by the State under this chapter shall be made to the department in such form and with such supporting material as may be prescribed by the department. A report on each application shall be prepared by the department and filed with the Legislature. In such reports the department shall make findings as to the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and financial feasibility of the project; provided, that in the case of reports on applications for loans for the preparation of proposed feasibility reports, in lieu of the above findings, the department shall make findings with respect to the public necessity for and urgency of need of the proposed project and the ability of the applicant to repay the requested loan for the preparation of the proposed feasibility report.

Additional powers of authorized public agencies

(h) Notwithstanding any provision of law to the contrary, every public agency empowered by law to construct and operate a project, as defined in subdivision (a) of this section, is hereby granted, in addition to and not in derogation or limitation of the powers conferred upon the public agency by any other law, the power:

(1) To borrow money from and repay the same with interest to the State in accordance with this chapter on behalf of the entire public agency or of any portion or portions thereof for which the law applicable to the agency authorizes an indebtedness or liability to be incurred, including any improvement district, distribution district, or zone within the public agency, notwithstanding any debt limitation or other provision in the law applicable to such agency which might otherwise preclude or limit such borrowing.

(2) To enter into a contract with the department, on behalf of the entire public agency, or of any portion or portions thereof referred to in paragraph (1) of this subdivision (h), for a loan or grant under this chapter or for participation by the State in a local project under subdivision (f) of this section and to use the loan or grant contracted for as an additional or alternative means of financing the project proposed by the public agency.

(3) To comply with the provisions of any contract entered into with the department under this chapter, including any provision which obligates the public agency, or any specified portion or portions thereof, to meet all commitments, financial or otherwise, undertaken by the public agency in such contract notwithstanding any individual default by its constituents or others in the payment to the public agency of taxes, assessments, tolls, or other charges levied by the public agency.

(4) To include recreation and enhancement of fish and wildlife, or either of them, as functions incidental to the primary functions of a project which the public agency is empowered by law to construct and operate, and to construct and operate the project for such incidental recreation and enhancement of fish and wildlife functions, or either of them, in accordance with the provisions of a grant contract entered into with the department, including provisions for public use of the project facilities for fishing and other recreational activities.

(5) To construct and operate such onshore recreational facilities, fish and wildlife enhancement facilities or other facilities as the department or the Legislature may require in connection with a grant to the public agency under this chapter, and to construct and operate such facilities in accordance with the provisions of a grant contract entered into with the department, including provisions for public use of such facilities for fishing and other recreational activities.

(6) To annually levy or cause to be levied upon all property in the public agency, or in any portion or portions thereof, subject to taxation or assessment by the public agency an ad valorem tax or assessment, based upon the assessed valuation of such property, necessary and sufficient to meet all commitments, financial or otherwise, of the public agency that are set forth in any contract which the agency enters into with the department under this chapter, in addition to any other taxes or assessments which the public agency is authorized to levy or cause to be levied on such property and notwithstanding any provision in the law applicable to such agency which might otherwise preclude or limit such taxing or assessing. Where the law applicable to such public agency does not set forth a procedure for levying and collecting taxes or assessments on an ad valorem basis, such public agency shall utilize the procedure for levying and collecting taxes for the payment of principal and interest on general obligation bonds of municipal water districts, set forth in the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), as it

may now or hereafter be amended, for the purpose of levying and collecting taxes or assessments necessary and sufficient to meet commitments in a contract entered into under this chapter.

(7) To make charges for the furnishing of services from the project for which the public agency receives financial assistance under this chapter and to pledge and use any or all revenues received from the collection of such charges for the purpose of meeting the commitments, financial or otherwise, of the public agency that are set forth in any contract which the public agency enters into with the department under this chapter.

(8) To perform all acts and do all things that are necessary or convenient to carry out the above powers.

Election

(i) Before a public agency may enter into a contract with the department for a construction loan or a grant under this chapter, the public agency shall hold an election on the proposition of whether or not the public agency shall enter into the proposed contract and more than 50 percent of the votes cast at such election must be in favor of such proposition; provided, that if a higher percentage of favorable votes is required for the issuance of any bonds by the public agency or is required by the Constitution before the public agency may incur an indebtedness, such higher percentage shall apply in lieu of the percentage set forth in this subdivision. Such election shall be held in accordance with the following provisions:

(1) The procedure for holding an election on the incurring of bonded indebtedness by such public agency shall be utilized for an election on the proposed contract as nearly as the same may be applicable. Where the law applicable to such agency does not contain such bond election procedure, the procedure set forth in the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) Part 1, Division 2, Title 5 of the Government Code), as it may now or hereafter be amended, shall be utilized as nearly as the same may be applicable.

(2) No particular form of ballot is required.

(3) The notice of the election shall include a statement of the time and place of the election, the purpose of the election, the general purpose of the contract, and the maximum amount of money to be borrowed from the State under the contract.

(4) The ballots for the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of the election, shall state the maximum amount of money to be borrowed from the State under the contract, and shall contain the words "Execution of contract—Yes" and "Execution of contract—No."

(5) The election shall be held in the entire public agency except where the public agency proposes to contract with the department on behalf of a specified portion, or of specified portions, of the public agency, in which case the election shall be held in such portion or portions of the public agency only.

Validation action

(j) Every public agency that has obtained authority through an election held pursuant to subdivision (i) of this

section to enter into a contract with the department under this chapter is hereby granted the power to bring an action in the superior court of the county in which the office of such agency is situated to determine the validity of the contract and the authority of the public agency to enter into the contract. The action shall be had as in the case of the judicial determination of the validity of the public agency's bonds, as nearly as the same may be applicable, and with like effect. Where the law applicable to such agency does not set forth a procedure for the judicial determination of the validity of the public agency's bonds, the action shall be had as in the case of the judicial determination of the general obligation bonds of irrigation districts under the Irrigation District Law (Division 11 (commencing with Section 20500) of this code, as it may now or hereafter be amended, as nearly as the same may be applicable, and with like effect.

Repeal

SEC. 2. Section 12881 of said code is repealed.

Repeal

SEC. 3. Section 12881.5 of said code is repealed.

Repeal

SEC. 4. Section 12882 of said code is repealed.

SEC. 5. Section 12883 of said code is amended to read:

State loans for projects

12883. The department is authorized to make state loans to public agencies for the construction of projects, from moneys available for such loans, in amounts not exceeding four million dollars ($4,000,000) for any one project, subject to the provisions of this chapter and to the prior approval of the California Water Commission for each loan that the department proposes to make Loans in excess of four million dollars ($4,000,000) for any one project may be made by the department only upon specific authorization of the Legislature and upon such terms and conditions as the Legislature may prescribe.

SEC. 6. Section 12883.5 is added to said code, to read:

State loans for report preparation

12883.5. The department is authorized to make state loans to public agencies for the preparation of feasibility reports on proposed projects, from any moneys available for such loans, in an amount for any one feasibility report on a proposed project not exceeding 2 percent of the estimated cost of the proposed project or twenty-five thousand dollars ($25,000), whichever is less, subject to the provisions of this chapter; provided, that only one such loan may be made to a public agency in relation to any one proposed project. A loan in excess of said amount for any one feasibility report may be made by the department only upon authorization by the Legislature and upon such terms and conditions as the Legislature may prescribe.

SEC. 7. Section 12884 of said code is amended to read:

Interest on loans

12884. The department shall require the payment of interest on each loan made pursuant to this chapter at a rate equal to the net interest cost to the State on the last sale of general obligation bonds of the State that occurred prior to the time the application for a loan was filed with the department; provided, that when the applicable net interest cost to

the State is not a multiple of one-quarter of 1 percent, the interest rate on the loan shall be at the multiple of one-quarter of 1 percent next above the applicable net interest cost.

SEC. 8. Section 12889 of said code is repealed. Repeal

SEC. 9. Section 12891 of said code is amended to read:

12891. It shall be the duty of the State Controller to make such audit or audits of the books and records of public agencies receiving loans or grants pursuant to this chapter, as he may deem necessary from time to time, for the purposes of determining that the money received by such public agencies as loans or grants hereunder has been expended for the purposes and under the conditions authorized herein. Whenever the State Controller determines that any money paid to such a public agency has been expended by such public agency for purposes not authorized by this chapter, or exceeds the final cost of the project for which a loan or grant was made, or exceeds the final cost of the feasibility report for which a loan was made, the State Controller shall furnish written notice to the department and to the public agency directing the public agency to pay into the State Treasury the amount of such unauthorized expenditures, or the amount in excess of the final authorized cost of the project or the feasibility report. Upon receipt of such notice, such public agency shall, at the time specified therein, pay to the State Treasurer the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the California Water Resources Development Bond Fund to be available for the purposes prescribed in Section 12937 of this code. Audits

It shall be the duty of such public agency to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State. Payment and collection

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CHAPTER 1724

An act to amend Sections 34301 and 34303 of the Government Code, relating to organization of new cities.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 34301 of the Government Code is amended to read:

34301. "Qualified signer," as used in this chapter, means the owner of an interest in fee, whether community or otherwise, of land situated within the limits of the city proposed to be incorporated, except where such land is subject to a written agreement to buy, in which event the purchaser or any one or more of the purchasers under such written agreement shall be "Qualified signer"

deemed the "qualified signer." In the case of a corporate owner of an interest in fee "qualified signer" means an officer thereof authorized to convey an interest in real property.

SEC. 2. Section 34303 of said code is amended to read:

Proceedings initiated by petition

34303. Proceedings are initiated by filing with the board of supervisors at a regular meeting a petition signed by at least 25 percent of the qualified signers, representing at least 25 percent of the assessed value of the land included in the proposed city limits, as such value is shown on the last equalized assessment roll of the county. Where there is more than one qualified signer with respect to a parcel, the signature of any one qualified signer shall be sufficient to include the entire assessed value of the parcel. The petition shall identify the property owned by signer opposite the signer's name by setting forth the street address of the property or the legal description as shown on the most recent tax bill, or other information sufficient to identify the property.

SEC. 3. Section 34303 of said code is amended to read:

Same

34303. Proceedings are initiated by filing with the board of supervisors at a regular meeting a petition signed by at least 25 percent of the qualified signers, representing at least 25 percent of the assessed value of the land included in the proposed city limits, as such value is shown on the last equalized assessment roll of the county. Where there is more than one qualified signer with respect to a parcel, the signature of any one qualified signer shall be sufficient to include the entire assessed value of the parcel. The petition shall identify the property owned by signer opposite the signer's name by setting forth the street address of the property or the legal description as shown on the most recent tax bill, or other information sufficient to identify the property.

The petition may be filed in sections. Each section shall comply with all the requirements for a petition, except that it need not contain all the signatures required for the petition.

Effect Assembly Bill No 2760

SEC. 4. Section 3 of this act shall become operative only if Assembly Bill No. 2760 is enacted by the Legislature at its 1961 Regular Session and amends Section 34303 of the Government Code. In such case Section 3 shall become operative at the same time as Assembly Bill No. 2760 takes effect and shall supersede the amendment of Section 34303 of the Government Code made by Assembly Bill No. 2760; at which time Section 2 of this act shall become inoperative.

CHAPTER 1725

An act to amend Sections 3, 3.2, 6.1, 11, and 18.5 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617, Statutes of 1951), relating to the Contra Costa County Flood Control and Water Conservation District.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 3 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617, Statutes of 1951) is amended to read:

Zones

Sec. 3. The board of supervisors of the district created by this act, by resolution thereof adopted from time to time, may establish zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones. Such zones shall, as far as practicable, include complete watersheds.

Such zones may be established in the manner prescribed in Section 11 of this act, independently of the institution of any project relating to such zone.

Alternately, such zones may be formed concurrently with and as a part of the proceeding for the installation of a project relating to such zones in the manner prescribed in Section 11 of this act.

If prior to taking final action to form any zone, the exterior boundaries of which will include any lands lying within the exterior boundaries of any chartered or incorporated city within the district, the board of supervisors receives the resolution or ordinance adopted by a majority of the members of the governing body of such city requesting exclusion of such city territory from the zone, the board shall exclude such territory.

After a watershed zone has been formed and a project or projects adopted therefor, a subzone or subzones may be formed for areas less than the watershed, and a project or projects adopted therefor. Subzones and projects therefor shall be formed in the manner provided in this section and Section 11 of this act. A subzone or zones and projects therefor may be formed and approved concurrently with the formation of the watershed zone. Any subzone so formed shall be entitled with a watershed zone number and a letter of the alphabet.

SEC. 2. Section 3.2 of said act is amended to read:

Boundaries of complete watersheds, etc

Sec. 3.2. In determining the boundaries of complete watersheds and subzones within such watersheds, the board may consider and include lands immediately adjacent and contiguous

to the watershed which will be benefited by being made a part of such watershed zone or subzone.

In establishing boundary lines for watershed zones and subzones, the board and the county boundary commission may, in the interests of convenience and the certainty of the boundaries, adopt boundary lines established by the county assessor for the purpose of making assessments on real property; provided, however, that if a parcel of land under a single ownership of record consists of more than 10 acres, there shall be a division of such parcel for the purpose of having the boundary of the watershed zone or subzone lie as closely as is practicable to the actual watershed line. Lands excluded from a zone by action of the governing body of a city shall not be construed as a material deviation from including all lands within a watershed.

SEC. 3. Section 6 1 of said act is amended to read:

Commission

Sec. 6.1. The board shall appoint a commission consisting of seven (7) members who shall be residents of the County of Contra Costa. The board may delegate any or all of its powers to the commission. The board may by resolution provide for compensation for services and payment of the actual necessary expenses incurred by said members in the performance of official duties under this act, payable from the funds of the district. Members of the commission shall serve four (4) year terms and may be replaced or reappointed by the board at the completion of their term. Terms shall be staggered so that not less than one nor more than two commissioners are to be regularly appointed in any one year Upon approval of this amendment the board shall determine which members of the present commission shall serve initial terms of one, two, three, and four years. Each member of the board of supervisors shall appoint one member of the commission. Two members shall be appointed by the vote of the board of supervisors.

When the board of supervisors has delegated any or all of its powers to the commission, the terms "board" and "board of supervisors" mean the commission. The commission may, by resolution, certified to by the chairman of the commission, take action with reference to any and all matters which have been delegated to it by the Board of Supervisors of the County of Contra Costa.

SEC. 4. Section 11 of said act is amended to read:

Projects, joint projects, etc

Same Resolution

Sec. 11. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time

and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given for a period of not less than twenty (20) days. If there is a newspaper of general circulation published or circulated in the territory proposed to be formed into a zone, notice shall be given by publication pursuant to Section 6066 of the Government Code. If there is no newspaper published or circulated in the territory, then such publication shall be made in a newspaper of general circulation which the board determines most likely to give notice to residents of the territory. Publication shall be complete at least seven (7) days before said hearing. If the exterior boundaries of such a proposed zone will include lands lying within the exterior boundaries of any chartered or incorporated city within the district, the board of supervisors shall submit to the governing body of such cities, a copy of the resolution specifying its intention to form such a zone and undertake such project. Such resolution shall be forwarded to any affected city at least 20 days before the date set for the public hearing.

Notice of hearing

At the time and place fixed for the hearing, or at any time to which said hearing may be continued; the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed project signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated, be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

Hearing

In all matters in this section referred to, the last equalized assessment roll of the County of Contra Costa next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

Property ownership, etc

Executors, administrators, special administrators, and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

SEC. 5 Section 18.5 of said act is amended to read:

Maximum tax rate

Sec. 18 5. The total amount of taxes and assessments levied on property within any zone shall not exceed twenty cents

($0.20) on each one hundred dollars ($100) of assessed valuation, exclusive of the amounts necessary for interest and redemption of any bonds voted within such zone; except a special tax may be levied in a subzone, zone or participating zone as provided in Section 12.3 of this act to meet contractual obligations with another governmental body, if, at an election held in such subzone, zone or participating zone, in the same manner as a bond election, the proposed imposition of special tax is approved by a majority of the votes cast on such proposition.

CHAPTER 1726

An act to add Section 8950.5 to the Health and Safety Code, relating to public cemetery districts.

[Approved by Governor July 14, 1961 Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 8950.5 is added to the Health and Safety Code, to read:

8950.5. Notwithstanding the provisions of Section 8950, the board of supervisors may, by resolution or order entered upon its minutes, provide that it shall act as the board of trustees of the district. If the district is in more than one county, such resolution or order shall be passed by the board of supervisors of the county in which the largest portion of the district is located. After the adoption of a resolution or making of an order pursuant to this section, the board of supervisors is the governing body of the district and the terms of any trustees appointed pursuant to Section 8950 shall terminate immediately, irrespective of the provisions of Section 8952.

CHAPTER 1727

An act to amend Section 21454 of the Vehicle Code, relating to traffic signals.

[Approved by Governor July 14, 1961 Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 21454 of the Vehicle Code is amended to read:

21454. A green arrow on an official traffic control signal means that vehicular traffic facing the signal may cautiously enter the intersection to make the movement indicated by the green arrow but shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an ad-

jacent crosswalk at the time such green arrow is exhibited. Vehicular traffic may make a semicircular or U-turn only where such turn is permitted by signs erected at such location. A green arrow may be displayed alone or with red, yellow or green.

It is unlawful to operate a traffic signal which is equipped with a green light and a red arrow which are shown simultaneously.

CHAPTER 1728

An act to amend Section 40150 of the Vehicle Code, relating to procedure upon violation of Vehicle Code.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 40150 of the Vehicle Code is amended to read:

40150. Whenever any vehicle or combination of vehicles is found to be in an unsafe mechanical condition or is not equipped as required by this code, and a notice to appear is issued or a complaint filed for such violation, the notice to appear or the complaint may require that the person to whom the notice to appear is issued or against whom the complaint is filed shall produce in court satisfactory evidence that the vehicle or its equipment has been made to conform with the requirements of this code.

CHAPTER 1729

An act to amend Section 3031 of the Fish and Game Code, relating to hunting licenses.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 3031 of the Fish and Game Code is amended to read:

3031. A hunting license, granting the privilege to take game birds and mammals, shall be issued:

(a) To any resident of this State, over the age of 16 years, upon the payment of four dollars ($4).

(b) To any resident of this State, under the age of 16 years, upon the payment of one dollar ($1).

(c) To any person not a resident of this State, upon the payment of twenty-five dollars ($25).

(d) To any person not a resident of this State, valid only for the taking of pheasants while on the premises of a licensed pheasant club, upon the payment of five dollars ($5).

(e) To the wife of any veteran, as defined in Section 980 of the Military and Veterans Code, upon payment of the fee specified in subdivision (a), even though she be an alien.

CHAPTER 1730

An act to amend Section 70050.5 of the Government Code, relating to compensation for superior court reporters of San Francisco.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 70050.5 of the Government Code is amended to read:

70050.5. In each county with a population of 740,000 and under 900,000, as determined by the 1960 federal census, the annual salary of the regular official phonographic reporters shall be ten thousand six hundred sixty-eight dollars ($10,668), and the compensation of official phonographic reporters pro tempore shall be at the rate of forty dollars ($40) a day, or any fractional part thereof.

CHAPTER 1731

An act to amend Section 13651.1 of the Education Code, relating to sick leave for classified school employees.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 13651.1 of the Education Code is amended to read:

13651.1. Every classified employee employed five days a week by a school district shall be entitled to 12 days leave of absence for illness or injury and such additional days, in addition thereto, as the governing board may allow for illness or injury, exclusive of all days he is not required to render service to the district, with full pay for a fiscal year of service.

A classified employee, employed five days a week, who is employed for less than a full fiscal year is entitled to that proportion of 12 days leave of absence for illness or injury as the number of months he is employed bears to 12 and the proportionate amount, consistent with this formula, of such addi-

tional days, in addition thereto, authorized by the governing board for classified employees employed five days a week for a full fiscal year of service.

A classified employee employed less than five days per week shall be entitled, for a fiscal year of service, to that proportion of 12 days leave of absence for illness or injury as the number of days he is employed per week bears to five and is entitled to the proportionate amount, consistent with this formula, of such additional days, in addition thereto, authorized by the governing board for classified employees employed five days a week for a full fiscal year of service. When such persons are employed for less than a full fiscal year of service this and the preceding paragraph shall determine that proportion of leave of absence for illness or injury to which they are entitled.

Pay for any day of such absence shall be the same as the pay which would have been received had the employee served during the day. Credit for leave of absence need not be accrued prior to taking such leave by the employee and such leave of absence may be taken at any time during the year. However, a new employee of a district shall not be eligible to take more than six days, or the proportionate amount to which he may be entitled under this section, until the first day of the calendar month after completion of six months of active service with the district.

If such employee does not take the full amount of leave allowed in any year under this section the amount not taken shall be accumulated from year to year with such additional days as the governing board may allow.

The governing board of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of illness or injury for the purpose of this section. Such rules and regulations shall not discriminate against evidence of treatment and the need therefor by the practice of the religion of any well-recognized religious sect, denomination or organization.

The provisions of this section shall not apply to a school district or districts, governed by the same governing board, in which the combined average daily attendance of all districts is in excess of 400,000, provided such districts maintain sick leave policies not less than those in effect in such districts on January 1, 1961.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

CHAPTER 1732

An act to amend Sections 11561, 11563, 11564, and 11565 of, and to add Sections 11568 and 11569 to, the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to campaign statements.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

NOTE: The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 1733

An act to amend Sections 17564, 17565, and 17568 of the Business and Professions Code, relating to advertising by motels and similar establishments.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 17564 of the Business and Professions Code is amended to read:

17564. It shall be unlawful for any owner or operator of any establishment within the scope of this article, located within the State of California, to post or maintain posted on any outdoor or outside advertising sign pertaining to such establishment, any rates for accommodations in such establishment unless the sign shall have posted thereon the rates charged for all rooms, or other rental units or accommodations offered for rental, the number of rooms or other rental units offered for rental at each rate, and the number of persons accommodated at the rate posted. All posted rates and descriptive data required by this article shall be in type and material of the same size and prominence as the aforesaid data. This section shall not be held to be complied with by signs stating the rate per person or bearing the legend "and up."

Outdoor, outside advertising signs

SEC. 2. Section 17565 of said code is amended to read:

17565. It shall be unlawful for any owner or operator of any establishment within the scope of this article to post or maintain posted on outdoor or outside advertising signs rates for accommodations in any such establishment unless there shall be posted prominently and conspicuously in the area where guests are normally registered, a list of all rooms or other rental units offered for rental by such establishment, and the rates charged for each room when occupied by one person or two persons, and the rate charged for each additional occupant.

Same
Additional posting at place of registering guests

SEC. 3. Section 17568 of said code is amended to read:

Misdemeanor

17568. Any person violating the provisions of this article is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or by imprisonment of not less than 10 days nor more than six months, or by both such fine and imprisonment.

CHAPTER 1734

An act to amend Sections 17151, 17152, 17153, 17154, and 17155 of, and to add Section 17159 to, the Vehicle Code, relating to liability for vehicle accidents.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 17151 of the Vehicle Code is amended to read:

Liability for imputed negligence

17151. The liability of an owner, bailee of an owner, or personal representative of a decedent for imputed negligence imposed by this chapter and not arising through the relationship of principal and agent or master and servant is limited to the amount of five thousand dollars ($5,000) for the death of or injury to one person in any one accident and, subject to the limit as to one person, is limited to the amount of ten thousand dollars ($10,000) for the death of or injury to more than one person in any one accident and is limited to the amount of five thousand dollars ($5,000) for damage to property of others in any one accident.

SEC. 2. Section 17152 of said code is amended to read:

Operator as defendant

17152. In any action against an owner, bailee of an owner, or personal representative of a decedent on account of imputed negligence as imposed by Sections 17150, 17154, or 17159 the operator of the vehicle whose negligence is imputed to the owner, bailee of an owner, or personal representative of a decedent shall be made a party defendant if personal service of process can be had upon the operator within this State. Upon recovery of judgment, recourse shall first be had against the property of the operator so served.

SEC. 3. Section 17153 of said code is amended to read:

Subrogation

17153. If there is recovery under this chapter against an owner, bailee of an owner, or personal representative of a decedent based on imputed negligence, the owner, bailee of an owner, or personal representative of a decedent is subrogated to all the rights of the person injured or whose property has been injured and may recover from the operator the total amount of any judgment and costs recovered against the owner, bailee of an owner, or personal representative of a decedent.

SEC. 4. Section 17154 of said code is amended to read:

17154. If the bailee of an owner with the permission, express or implied, of the owner permits another to operate the motor vehicle of the owner, then the bailee and the driver shall both be deemed operators of the vehicle of the owner within the meaning of Sections 17152 and 17153. Bailee and driver deemed operators

Every bailee of a motor vehicle is liable and responsible for the death of or injury to person or property resulting from negligence in the operation of the motor vehicle, in the business of the bailee or otherwise, by any person using or operating the same with the permission, express or implied, of the bailee, and the negligence of such person shall be imputed to the bailee for all purposes of civil damages. Bailee's liability

SEC. 5. Section 17155 of said code is amended to read:

17155. Where two or more persons are injured or killed in one accident, the owner, bailee of an owner, or personal representative of a decedent may settle and pay any bona fide claims for damages arising out of personal injuries or death, whether reduced to judgment or not, and the payments shall diminish to the extent thereof such person's total liability on account of the accident. Payments aggregating the full sum of ten thousand dollars ($10,000) shall extinguish all liability of the owner, bailee of an owner, or personal representative of a decedent for death or personal injury arising out of the accident which exists by reason of imputed negligence, pursuant to this chapter, and did not arise through the negligence of the owner, bailee of an owner, or personal representative of a decedent nor through the relationship of principal and agent or master and servant. Settlement, etc., of damages claims

Extinguishing of liability

SEC. 6. Section 17159 is added to said code, to read:

17159. Every person who is a personal representative of a decedent who has control or possession of a motor vehicle subject to administration for the purpose of administration of an estate is, during the period of such administration, or until the vehicle has been distributed under order of the court, liable and responsible for the death of or injury to person or property resulting from negligence in the operation of the motor vehicle by any person using or operating the same with the permission, express or implied, of the personal representative, and the negligence of such person shall be imputed to the personal representative for all purposes of civil damages. Liability of personal representative

CHAPTER 1735

An act to amend Section 1203.4 of the Penal Code, relating to the release from penalties and disabilities of a person who has completed probation.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 1203.4 of the Penal Code is amended to read:

1203.4. Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, shall at any time thereafter be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusations or information against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right and privilege in his probation papers. The probationer may make such application and change of plea in person or by attorney, or by the probation officer authorized in writing; provided, that in any subsequent prosecution of such defendant for any other offense, such prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.

Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess or have in his custody or control any firearm capable of being concealed upon the person or prevent his conviction under Section 12021.

CHAPTER 1736

An act to amend Sections 42050 and 42052 of the Vehicle Code, relating to penalty assessments for driver training and to the Creation of the Driver Training Penalty Assessment Fund.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 42050 of the Vehicle Code is amended to read:

Reimbursement of General Fund

42050. To reimburse the General Fund for amounts appropriated therefrom for driver training pursuant to Section

17305 of the Education Code, on and after January 1, 1954, there shall be levied a penalty assessment on all offenses involving a violation of a section of this code or of a city or county ordinance, relating to the operation of motor vehicles, except offenses relating to parking or registration, in the following amounts:

(a) Where a fine is imposed	$2 for each $20 of fine, or fraction thereof.
(b) If sentence is suspended	$2 if jail only, otherwise based on the amount of the fine levied, as in subdivision (a).
(c) If bail is forfeited	$2 for each $20 of bail, or fraction thereof.
(d) Where multiple offenses are involved	The penalty assessment shall be based on the total fine or bail for all offenses, or $2 for each jail sentence.

When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

SEC. 2. Section 42052 of said code is amended to read:

42052. After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Driver Training Penalty Assessment Fund, which fund is hereby created, to be used exclusively to reimburse the General Fund as provided in Section 42050. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the State by a county.

Transmittal to county treasury

Transmittal to State Treasury Driver Training Penalty Assessment Fund

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CHAPTER 1737

An act to amend Section 24210 of the Business and Professions Code, as proposed by Chapter 73 of the Statutes of 1961, relating to alcoholic beverages.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 24210 of the Business and Professions Code, as proposed by Chapter 73 of the Statutes of 1961, is amended to read:

24210. The department may delegate the power to hear and decide in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and may on its own motion at any time before

a penalty assessment is placed into effect and without any further proceedings, reconsider the penalty, but such reconsideration shall be limited to its reduction.

CHAPTER 1738

An act to amend Sections 5351, 5352, and 5354 of the Education Code, relating to elementary schools.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 5351 of the Education Code is amended to read:

5351. The governing board of any school district maintaining an elementary school may provide for the conferring of diplomas of graduation, by examination, and may issue diplomas of graduation from the elementary schools of the district and from special day and evening classes of elementary grade maintained by the district of any type or class.

Diplomas of graduation

SEC. 2. Section 5352 of said code is amended to read:

5352. Nothing in this article (commencing at Section 5351) shall be construed as prohibiting the governing board of any school district from issuing diplomas of graduation without examination to the pupils in any school which has been accredited by the county board of education.

Same: Without examination

SEC. 3. Section 5354 of said code is amended to read:

5354. All diplomas granted by the governing board of a school district shall be on blanks furnished by the Superintendent of Public Instruction, and shall be signed by a majority of the members of the board.

Form of diploma, etc.

CHAPTER 1739

An act to add Section 3700.5 to the Penal Code, relating to investigation of sanity of persons sentenced to death.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 3700.5 is added to the Penal Code, to read:

3700.5. Whenever a court makes and causes to be entered an order appointing a day upon which a judgment of death shall be executed upon a defendant, the warden of the state prison to whom such defendant has been delivered for execution or, if the defendant is a female, the superintendent of the

California Institution for Women, shall notify the Director of Corrections who shall thereupon select and appoint three alienists, all of whom must be from the medical staffs of the Department of Corrections, to examine the defendant, under such judgment of death, and investigate his sanity. It is the duty of the alienists so selected and appointed to examine such defendant and investigate his sanity, and to report their opinions and conclusions thereon, in writing, to the Governor, to the warden of the prison at which the execution is to take place at least 20 days prior to the day appointed for the execution of the judgment of death upon the defendant. The warden shall furnish a copy of the report to counsel for the defendant upon his request.

CHAPTER 1740

An act to amend Section 11611 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 11611 of the Business and Professions Code is amended to read:

11611. The governing body shall at its next meeting or within a period of not more than 10 days after the filing approve the map if it conforms to all the requirements of this chapter and of any local ordinance applicable at the time of approval of the tentative map, or any rulings made thereunder.

The time limit for the approval of such map may be extended by mutual consent of the subdivider and the governing body. If no action is taken within such time limit or within the time to which it has been extended by such mutual consent, the map, if it conforms to all the requirements above set forth, shall be deemed to be approved, and it shall be the duty of the clerk of the governing body thereupon to certify the approval.

The governing body shall at that time also accept or reject any or all offers of dedication and shall, as a condition precedent to the acceptance of any streets or easements, require that the subdivider, at his option, either improve or agree to improve the streets or easements in accordance with standards established by such governing body by local ordinance applicable at the time of approval of the tentative map.

The standards may be adopted by reference, without posting or publishing them, if they have been printed in book or pamphlet form and three copies thereof have been filed for use and examination by the public in the office of the clerk of the local agency prior to the adoption.

CHAPTER 1741

An act to amend Section 35009 of the Government Code, relating to the annexation of territory to cities.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 35009 of the Government Code is amended to read:

35009. Any land which is by consent of the owners zoned and restricted for agricultural purposes exclusively pursuant to a master plan for land use in any county shall not, while it is so zoned, be annexed to a city pursuant to Article 2 or 5, without the consent of the owners of the land which is proposed to be annexed.

Land so zoned shall not be considered unincorporated territory for purposes of Sections 35158 and 35326.

This section shall apply only to counties which have, on or before December 31, 1954, adopted a master plan for land use which includes provision for the zoning and restricting of land for exclusively agricultural purposes, and this section shall apply to any land which is so zoned and restricted pursuant to such plan before or after such date.

This section shall not be construed and is not intended to prevent the annexation of roads, and land so zoned shall not be included in computing the one-half mile limitation under Government Code Sections 35105.5 or 35304.5 as to any territory situated outside of the land so zoned.

CHAPTER 1742

An act to amend Section 61 of, to amend and renumber Section 169 of, and to add Sections 169, 170, 171, 172, 173, 174, 175, 176 and 177 to, the Shasta County Water Agency Act (Ch. 1512, Statutes of 1957), relating to the Shasta County Water Agency.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 61 of the Shasta County Water Agency Act (Ch. 1512, Statutes of 1957) is amended to read:

Powers of agency

Sec. 61. All powers of the agency may be exercised on behalf of any one or more zones by the board of directors of the agency, except that in any zone for which there is a board of trustees as provided in this act, the powers of the agency shall be exercised by the zone board of trustees as provided in Sections 168 and 172.

SEC. 1.5. Section 169 of said act is renumbered and amended to read:

Sec. 178. Land may be annexed to, or excluded from, a zone in the manner provided in Article 8 (commencing with Section 58230) of Chapter 1, Division 1, Title 6 of the Government Code. Land inclusion, exclusion

As used therein "governing body" means the board of directors of the agency as to all zones except a zone in which there is a board of trustees, in which case "governing body" means such board of trustees. "Governing body"

SEC. 2. Section 169 is added to said act, to read:

Sec. 169. A petition, which may consist of any number of separate instruments, may be filed with the board of directors of the agency requesting that a board of trustees, consisting of five members, be elected for any zone in the agency other than the zone created pursuant to Section 167. The petition shall be signed by voters residing within the zone equal in number to at least 10 percent of the number of voters residing in the zone, and voting at the gubernatorial election next preceding the filing of the petition. Petition

SEC. 3. Section 170 is added to said act, to read:

Sec. 170. Upon receiving the petition the board of directors of the agency shall by resolution call a special election in the zone and publish notice thereof within the zone pursuant to Section 6066 of the Government Code. The date of the election shall be not less than 90 days nor more than 120 days from the date of adoption of the resolution calling the election. Notice of the election shall state the date of the election, that the proposition of whether the zone should be governed by an elective board of trustees, consisting of five members, will be submitted to the voters at the election, and that the first trustees will be elected at the election and will take office if the proposition is adopted. Special election

SEC. 4. Section 171 is added to said act, to read:

Sec. 171. At the election the first trustees shall be elected and the following measures shall be submitted: "Shall (insert name of zone) be governed by an elective board of trustees consisting of five members?" Trustee election, etc

SEC. 5 Section 172 is added to said act, to read:

Sec. 172. Within seven days after the election the vote shall be canvassed by the board of directors of the agency and if a majority of the votes cast at the election are in favor of having an elective board of trustees: Canvassing vote

(a) The five nominees receiving the highest number of votes for trustee are elected as trustees of the zone.

(b) The board of trustees of the zone shall succeed to all of the powers of the board of directors of the agency with respect to the supply of water within the zone, including but not limited to the power to contract with the United States and others for a water supply, to construct works and acquire property within or without the zone and sell water outside the zone; to issue bonds and levy taxes therefor; and to utilize the

services of county officers and employees, when approved by the board of directors of the agency, and to employ additional officers and employees. This transfer shall not affect the power of the board of directors of the agency to levy a tax within the zone for administrative purposes or otherwise conduct the affairs of the agency as a whole.

SEC. 6. Section 173 is added to said act, to read:

Failure of proposition

Sec. 173. If less than a majority of the votes cast are in favor of the proposition it fails, without prejudice to renewing proceedings at any time after six months from the date of the election.

SEC. 7. Section 174 is added to said act, to read:

Staggered terms of trustees

Sec. 174. The first trustees elected shall classify themselves by lot so that two of them shall hold office until the qualification and taking of office by their successors elected at an election held in the next succeeding even-numbered years and so that three shall hold office until the qualification and taking of office by their successors elected at an election held in the second succeeding even-numbered year.

SEC. 8. Section 175 is added to said act, to read:

Applicability of Elections Code

Sec. 175. The provisions of the Elections Code relating to the qualifications of electors, the nomination of candidates, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections, so far as they may be applicable, shall govern all elections for trustees except that the provisions of this act shall control over any inconsistent provisions of the Elections Code.

SEC. 9. Section 176 is added to said act, to read:

Subsequent trustees elections

Sec. 176. Trustees, other than the first trustees, shall be elected at the time of, and the election shall be consolidated with, the direct primary election.

Each candidate who receives the highest number of votes cast for the office he seeks shall be elected to the office.

Trustees' terms of office

Each trustee, other than the first trustees, shall hold office for a term of four years and until the qualification and taking of office by his successor. Trustees shall take office upon the receipt of their certificate of election.

Vacancies occurring on the board of trustees shall be filled by the remaining members of the board of trustees.

SEC. 10. Section 177 is added to said act, to read:

When no election to be held

Sec. 177. If on the 35th day prior to an election for trustees only one person has been nominated for each office of trustee to be filled at the election, or no person has been nominated for any such office, and a petition signed by 5 percent of the voters requesting that the election be held has not been presented to the board of trustees, an election shall not be held.

Appointment of trustees

If an election for trustees is not to be held, the publication calling the election shall, instead of calling an election, state that no election is to be held but that the board of directors of the agency will appoint those nominated for the positions of trustee, or, if no person has been nominated, the board of di-

rectors of the agency will appoint any qualified person to the position.

If an election for trustees is not held, the board of directors of the agency at any meeting held prior to the day fixed for the election shall appoint to the positions of trustee those persons nominated, or, if no person is nominated, any qualified persons, who shall qualify, take office, and serve exactly as if elected.

CHAPTER 1743

An act to add Section 9126.5 to the Public Resources Code, relating to public officers.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 9126.5 is added to the Public Resources Code, to read:

9126.5. Members of county boards of supervisors shall not be eligible to simultaneously hold office as a director provided that any such members who hold such offices on the effective date of this section shall be allowed to serve out their full term as director.

CHAPTER 1744

An act to amend Section 439.40 of the Agricultural Code, relating to fees for licensing, impounding and keeping dogs.

[Approved by Governor July 14, 1961 Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 439.40 of the Agricultural Code is amended to read:

439.40. The board of supervisors shall fix the compensation of the county clerk for issuing dog license tags and shall also fix the fee for impounding any dog and the amount to be paid for keeping the dog.

CHAPTER 1745

An act to add Sections 4730.1 and 4730.2 to the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 4730.1 is added to the Health and Safety Code, to read:

Constitution of governing body

4730.1. Notwithstanding the provisions of Section 4730, the resolution of intention to form the district and the order of formation of the district may provide that the governing body of the sanitation district shall be constituted in accordance with this section.

The governing body of a sanitation district is a board of directors composed of an odd number of not less than three (3) members.

If the district includes no territory which is within a city, other sanitation district or public agency, the county board of supervisors is the board of directors.

If the district includes territory which is within a city or other sanitation district or public agency, the board of directors shall be composed of the presiding officer of the governing body of each such city, other sanitation district and public agency and the chairman of the county board of supervisors. If the chairman of the county board of supervisors and the presiding officer of the governing body of each such city, sanitation district and public agency constitute an even number, a member of the county board of supervisors appointed by said board of supervisors shall be a member of the board of directors of the district.

The governing body of each county, city, sanitation district and public agency having a representative on said board of directors may designate one of its members to act in the place of its regular member in his absence, inability or refusal to act.

The governing body of any such city, sanitation district or other public agency may designate a member of the county board of supervisors to serve as its representative member on the board of directors of the district in the place of the presiding officer of its governing body, in which case such supervisor shall have one vote for each such city, sanitation district and public agency represented by him

"Public agency" as used in this section means any sanitary district, public utility district, resort district, county water district, municipal water district, sewer maintenance district or county maintenance district, engaged in the collection, transportation, treatment or disposal of sewage or any other public agency empowered to and engaged in the collection, transportation, treatment or disposal of sewage.

SEC. 2. Section 4730.2 is added to said code, to read:

Government by board of directors

4730.2. A sanitation district heretofore or hereafter established may elect to be governed by a board of directors constituted as set forth in Section 4730.1 by complying with the provisions of this section.

Resolution of intention

The board of directors of the district may adopt a resolution of intention to establish a governing body in accordance with Section 4730.1. The resolution shall contain:

1. A statement of intention to establish a board of directors composed of representatives as set forth in Section 4730.1 of the Health and Safety Code.

2. The time and place where objections to the proposal will be heard.

Publication, hearing, etc.

The time fixed for hearing said objections shall be not less than 30 days after the adoption of the resolution. The resolution of intention shall be published at length twice in at least one newspaper of general circulation in the district. At the time provided in the resolution of intention for the hearing, or at any time to which the hearing is continued, the district board shall hear any objections to the proposal. At the conclusion of the hearing, the board of directors may order that the governing body of the district be constituted as set forth in Section 4730 1. A copy of said order shall be furnished to the board of supervisors and to the governing body of each city, sanitation district and public district to be represented on the new board of directors.

CHAPTER 1746

An act to amend Section 28115 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor July 14, 1961 Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 28115 of the Government Code is amended to read:

28115. In a county of the 15th class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, twelve thousand dollars ($12,000) a year. The auditor shall devote his full working time to the duties of his office.

(b) The district attorney, eighteen thousand dollars ($18,000) a year and actual traveling expenses while away from his office on county business, and shall be furnished an automobile for use in the performance of his duties. When traveling in his own car he shall receive nine cents ($0.09) for each mile actually traveled. He shall not personally engage in private law practice.

(c) Each supervisor, five thousand four hundred dollars ($5,400) a year and his necessary expenses when attending to the business of the county. When traveling in his own car on county business he shall receive nine cents ($0.09) for each mile actually traveled.

(d) For acting as a grand juror for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5). For every mile actually traveled as a grand juror in attending court,

grand jury meetings, regularly called committee meetings, or when properly appointed by the foreman of the grand jury to make individual investigations, nine cents ($0.09) for each mile actually traveled.

CHAPTER 1747

An act to amend Sections 74692 and 74693 of the Government Code, relating to municipal courts.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 74692 of the Government Code is amended to read:

Clerk

74692. There shall be one clerk of the municipal court who shall receive a minimum salary of three hundred ninety-two dollars ($392) monthly with annual increments of twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22) and twenty-three dollars ($23) to a maximum of four hundred seventy-eight dollars ($478) monthly.

SEC. 2. Section 74693 of said code is amended to read:

74693. The clerk may appoint:

Clerk's appointees

(a) One assistant clerk who shall receive a minimum salary of three hundred seventy-three dollars ($373) monthly, with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21) and twenty-two dollars ($22) to a maximum of four hundred fifty-five dollars ($455) monthly.

(b) Three typist-clerks, grade III, each of whom shall receive a minimum salary of three hundred twenty-two dollars ($322) monthly, with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and nineteen dollars ($19) to a maximum of three hundred ninety-two dollars ($392) monthly.

(c) Seven typist-clerks, grade II, each of whom shall receive a minimum salary of two hundred seventy-eight dollars ($278) monthly, with annual increments of fourteen dollars ($14), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred thirty-eight dollars ($338) monthly.

(d) One typist-clerk, grade I, who shall receive a minimum salary of two hundred fifty-two dollars ($252) monthly, with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of three hundred seven dollars ($307) monthly.

CHAPTER 1748

An act to add Section 13007.1 to the Education Code, relating to actions and proceedings against school district officers and employees.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 13007.1 is added to the Education Code, to read:

13007.1. As used in this section the term "action or proceeding" does not include an action or proceeding to remove an officer or employee from his employment or a criminal action or proceeding brought against an officer or employee. The term includes all other civil actions or proceedings brought against a school district officer or employee for an act committed during his assigned hours of duty and within the apparent course and scope of his employment.

The attorney for a school district, upon the request of the officer or employee, shall act as counsel in the defense of any action or proceeding brought against an officer or employee of the school district in his official or individual capacity, or both, on account of any alleged tortious or criminal conduct arising out of the performance of any official duty, upon, and following, the determination of the governing board of said school district that the officer or employee performed his official duty in good faith in the apparent interests of the school district and without malice and that such defense would otherwise be in the best interests of the school district.

The fees, costs and expenses of defending the action or proceeding pursuant to this section are a lawful charge against the funds of the school district. The school district may recover from the officer or employee any fees, costs or expenses paid or incurred by it under the provisions of this section if it is established that the officer or employee acted or failed to act because of bad faith or malice.

CHAPTER 1749

An act to amend Section 4850 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 4850 of the Labor Code is amended to read:

4850. Whenever any city policeman, city fireman, fireman

of a county fire district, sheriff or any officer or employee of a sheriff's office, or any inspector, investigator, detective or personnel with comparable title in any district attorney's office, who is a member of the State Employees' Retirement System is disabled, whether temporarily or permanently, by injury or illness arising out of and in the course of his duties, he shall become entitled, regardless of his period of service with the city or county, to leave of absence while so disabled without loss of salary, in lieu of temporary disability payments, if any, which would be payable under this chapter, for the period of such disability but not exceeding one year, or until such earlier date as he is retired on permanent disability pension. This section shall apply only to city policemen, sheriffs or any officer or employee of a sheriff's office, and any inspector, investigator, detective or personnel with comparable title in any district attorney's office, who are members of the State Employees' Retirement System and excludes such employees of a police department whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active law enforcement service, and excludes such employees of a county sheriff's office whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly come within the scope of active law enforcement service. It shall also apply to city firemen and firemen of a county fire district who are members of the State Employees' Retirement System and excludes such employees of the city fire department and county fire district whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active firefighting and prevention service. If the employer is insured, the payments which, except for the provisions of this section, the insurer would be obligated to make as disability indemnity to the injured, the insurer may pay to the insured.

CHAPTER 1750

An act to add Sections 23804 and 23805 to the Education Code, relating to student body centers.

In effect September 15, 1961

[Approved by Governor July 14, 1961 Filed with Secretary of State July 18, 1961]

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

SECTION 1. Section 23804 is added to the Education Code, to read:

Construction financed by student fees

23804. The trustees may provide for the construction of a building to serve as a student body center to be financed entirely or in part by fees required of students as authorized in Section 23805:

(1) Pursuant to the provisions of the State College Revenue Bond Act of 1947; or

(2) The Trustees may authorize any student body organization established under the provisions of this article to finance, by means of borrowing in whole or in part, and construct a building to serve as a student body center if all of the following conditions are met:

(a) The student body organization has liquid assets on deposit subject to withdrawal and available for use in the construction of a student body center equal to at least one-tenth of the total estimated cost, including financing charges, of the construction of the proposed student body center;

(b) The construction of a student body center, the proposed method of financing, and the additional fee under Section 23805, are approved by two-thirds of all the students voting at an election held for this purpose;

(c) The trustees determine that the proposed construction of the student body center is within the economic ability of the student body organization, taking into consideration the additional student fees under Section 23805 if the proposed construction is authorized.

If construction of a student body center is authorized under subdivision (2) of this section, the proposed method of financing may, if authorized by the trustees, be by the issuance of bonds which shall be the sole responsibility of the student body organization and which shall be issued pursuant to such requirements and conditions of the type authorized in the State College Revenue Bond Act of 1947 as the trustees determine to be appropriate for the protection of the college, the student body organization and the bondholders; provided that such construction and the financing thereof shall be the sole responsibility of the student body organization and neither the State nor the trustees nor any state college shall be held liable or responsible in any way for any debt or liability arising out of the financing and construction of the student body center.

SEC. 2. Section 23805 is added to said code, to read:

Building and operating fee

23805. If a student body organization is authorized to finance and construct a study body center pursuant to Section 23804, the trustees shall fix, in addition to any other student fee the trustees are authorized to fix, a building and operating fee not to exceed twenty dollars ($20) per student annually which shall be required of all students attending the college. All money collected by a state college on behalf of a student body organization under this section shall be available for financing, operating and constructing the student body center These funds may be drawn against by the appropriate officers of the student body organization for expenditures necessary to carry out the financing, operating and construction of the student body center.

Disposition of funds

CHAPTER 1751

An act to amend Section 3081 of the Penal Code, relating to county parole boards.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 3081 of the Penal Code is amended to read:

3081. Each county board may release any prisoner on parole for a term not to exceed two years upon such conditions and under such rules and regulations as may seem fit and proper for his rehabilitation, and should the prisoner so paroled violate any of the conditions of his parole or any of the rules and regulations governing his parole, he shall, upon order of the parole commission, be returned to the jail from which he was paroled and be confined therein for the unserved portion of his sentence

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CHAPTER 1752

An act to add Article 3 (commencing with Section 58990) to Chapter 4, Division 1, Title 6 of the Government Code, relating to the dissolution of districts.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Article 3 (commencing with Section 58990) is added to Chapter 4, Division 1, Title 6 of the Government Code, to read:

Article 3 Dissolution by Supervisors

Alternative method

58990. The method of dissolution set forth in this article is alternative to other provisions for dissolution established by law.

Petition by resolution: Prerequisite facts

58991. The board of directors of a district, by resolution unanimously passed, may petition the board of supervisors of the county in which such district is located, or, if located in more than one county, the board of supervisors of the county in which is located the greatest valuation of land and improvements as shown by the last equalized assessment rolls, for dissolution of said district whenever the following factual situation exists:

a. The district has no indebtedness, bonded, contractual, or otherwise;

b. The district is not serving consumers or rendering services;

c. The district has no property, works, or assets except unexpended cash reserves;

d. The board of directors determines that no useful purpose would be served by continuing the existence of the district; and

e. The district has not submitted nor will submit a budget for the tax year in which such dissolution is requested.

The resolution shall state all of the above facts. For the purposes of this section, a resolution is unanimously passed if it is passed by all the directors other than those who have died and those who are not residents of the county in which the district or any part of it is located.

Time of hearing

58992. Upon receipt of such resolution, the board of supervisors shall set the time and place for a public hearing on such resolution, which shall not be more than 45 days after receipt thereof.

Publication of notice

58993. Notice of the time and place of such hearing shall be published in the district pursuant to Section 6066.

Hearing

58994. At the hearing or any adjournment thereof, the board of supervisors shall hear all persons appearing either for or against the dissolution of said district. The board may adjourn the hearing from time to time, but not to exceed 60 days from the date the hearing first began.

Resolution of dissolution

58995. If at the conclusion of said hearing the board of supervisors of the county determines that all of the allegations of the petition and resolution of the board of directors of the district are true and that there is no useful purpose in continuing the existence of the district, the board of supervisors of the county shall pass a resolution declaring the district to be dissolved; provided, however, that the district shall not be dissolved pursuant to this article if, at the conclusion of said hearing, the written protest of 10 percent of the registered voters of the district has been received.

Protest bar to dissolution

Filing of resolution

58996. The board of supervisors shall cause a certified copy of the resolution to be filed with the Secretary of State and with the county assessor of each of the counties in which any part of the district is located. Thereupon the district is dissolved for all purposes.

Disposition of cash reserves

58997. Upon dissolution of the district pursuant to this article, any unexpended cash reserves standing to the credit of the district shall be deposited in the general fund of the county hearing the petition; if the district lies in more than one county, unexpended cash reserves shall be divided pro rata among the counties on the basis of the assessed valuation of the property within the district in each county.

CHAPTER 1753

An act to amend Section 3152 of the Education Code, relating to school district reorganization.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 3152 of the Education Code is amended to read:

3152. When a county committee submits a proposal providing for a reorganization of districts other than the formation of a new district, the approval of the proposal by the State Board of Education shall be deemed to be the filing of a verified petition with the county superintendent, as required by other chapters of this division, and the proposed reorganization of districts shall then be acted upon in accordance with the applicable provisions of other chapters of this division, except that not less than 30 days prior to action by the State Board of Education the county committee shall conduct a public hearing as provided in Section 3113(e). After approval by the State Board of Education, the County Board of Supervisors shall set the matter for hearing or for an election to decide the adoption or rejection of the proposal.

CHAPTER 1754

An act to add Sections 431.5, 431.6, 431.7, and 431.8 to, the Health and Safety Code, relating to hospitals.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

Regional planning

SECTION 1. This act establishes a basis for regional planning to guide communities in developing hospitals of desirable size, location and community service purpose. Through coordinated development of hospitals, the people of California can obtain more effective service and can save hundreds of millions of dollars in capital investment during the next decade.

Regional planning for hospitals is complex and involves sensitive relationships between professional groups, institutions and government. State action on planning under this act will be based on advice from regional planning groups which represent consumer and professional viewpoints.

Purpose

The purpose of this act is to encourage regional plans for hospitals where this planning is needed most urgently and where there is substantial local interest and support. In 1961-62, the legislative intent is to provide appropriations to cover limited regional planning activity for not to exceed two regions

which can be reviewed by the Legislature before extension of the planning program is authorized.

SEC. 2. Section 431.5 is added to the Health and Safety Code, to read:

Hospital planning regions

431.5. The Advisory Hospital Council may establish a hospital planning region in the San Francisco Bay area and a hospital planning region in Los Angeles Metropolitan Area. The hospital planning regions shall be determined on the basis of appropriate service areas and population factors.

SEC. 3. Section 431.6 is added to said code, to read:

Local hospital committee

431.6. The Advisory Hospital Council shall appoint a local hospital committee, consisting of not more than 10 members, for each hospital planning region which it establishes. A local hospital committee shall not include more than one health officer, one licensed physician, one hospital administrator, or one representative of prepayment plans or insurance carriers. The remaining members of a local hospital committee shall represent the public as consumers of hospital services.

Same: Compensation, expenses

The members of a local hospital committee, while serving on the business of the committee, shall receive no compensation, but shall be entitled to receive actual and necessary travel and sustenance expenses while so serving away from their places of residence.

SEC. 4. Section 431.7 is added to said code, to read:

Development of regional hospital plans

431.7. Each local hospital committee shall, upon the request of a local governmental agency or local hospital group, aid local groups in developing regional hospital plans. In carrying out this function a local hospital committee shall:

(a) Review information on utilization of hospitals, related community health facilities and health services.

(b) Develop principles and standards of community need to guide hospitals, related community health facilities and health services in meeting needs of the public.

(c) Conduct public meetings in which professional groups and consumer groups will be encouraged to participate.

SEC. 5. Section 431.8 is added to said code, to read:

Reports

431.8. Each local hospital committee shall make a report of its activities to the Advisory Hospital Council and to the Legislature not later than the fifth legislative day of the 1963 Regular Session.

Effective period

SEC. 6. This act shall remain in effect until the 91st day after the 1963 Regular Session and shall thereafter be of no further effect.

CHAPTER 1755

An act to amend Section 576 of the Agricultural Code, relating to imitation ice milk.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 576 of the Agricultural Code is amended to read:

576. Imitation ice cream and imitation ice milk are substances, mixtures or compounds made in imitation of, or having the appearance of ice cream, or ice milk, and which contain any edible oil or fat, other than milk fat or which contain solids other than milk solids not fat except stabilizer, fruits, nuts, chocolate syrup or sweetening. Imitation ice cream shall contain not less than 10 percent of edible oil or fat, imitation ice milk shall contain not less than 2 percent of edible oil or fat, nor more than six tenths of 1 percent of pure and harmless edible stabilizer approved by the director. Imitation ice cream, or imitation ice milk, when sold by the manufacturer or retailer shall not contain more than 75,000 bacteria per gram. Imitation ice cream, and imitation ice milk, shall otherwise conform to the composition and weight requirements specified in regulations of the director.

CHAPTER 1756

An act to amend Sections 19035.1 and 19035.3 of the Business and Professions Code, relating to furniture and bedding.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 19035.1 of the Business and Professions Code is amended to read:

Composition of board membership

19035.1. One member of the board shall be a bedding manufacturer, one member shall be an upholstered-furniture manufacturer, two members shall be retailers, one member shall be a supply dealer, one member shall be a sterilizer, and one member shall represent the public at large. All of the members, except the member representing the public at large, shall have been actively engaged and licensed as a manufacturer, retailer, supply dealer, or sterilizer, as the case may be, for a period of not less than five years immediately preceding the date of their appointment and shall continue to be so engaged and licensed during the term of their office.

SEC. 2. Section 19035.3 of said code is amended to read:

19035.3. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors. Terms

The terms of the members first appointed to the board shall expire as follows: the sterilizer, June 30, 1956; the supply dealer and the member representing the public at large, June 30, 1957; one manufacturer and one retailer, June 30, 1958; and one manufacturer and one retailer, June 30, 1959.

The Governor shall appoint the upholstered-furniture manufacturer authorized by the amendment made to Section 19035.1 at the 1961 Regular Session of the Legislature to the vacancy occurring on the board on June 30, 1962 in the membership of a manufacturer.

Vacancies occurring in the membership of the board for any cause shall be filled by appointment for the balance of the unexpired term.

Each member appointed to the board, except the member appointed to represent the public at large, shall be from the same branch of the furniture and bedding industry as his predecessor.

No member shall serve more than two consecutive terms of office.

CHAPTER 1757

An act to amend Sections 572 and 581 of the Agricultural Code, relating to imitation milk products.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 572 of the Agricultural Code is amended to read:

572. All containers of ice milk shall be conspicuously so labeled, and places where ice milk is sold at retail shall display a conspicuous, legible sign containing the words "Ice milk sold here," in plain, block letters, not less than six inches high. The sign display requirements of this section shall not apply to places where ice milk is sold in properly labeled consumer packages or containers for off-premise consumption. Ice milk containers

SEC. 2. Section 581 of said code is amended to read:

581. All containers of imitation ice cream and imitation ice milk shall be conspicuously so labeled, and places where imitation ice cream or imitation ice milk are sold, shall display a conspicuous, legible sign containing the words "imitation ice cream sold here" or "imitation ice milk sold here," as the case may be, in plain, block letters not less than six inches high. The sign display requirements of this section shall Imitation products

not apply to places, except vending machines whether mobile or otherwise, where imitation ice cream or imitation ice milk is sold in properly labeled consumer packages or containers for off-premise consumption.

CHAPTER 1758

An act to amend Section 427.4 of the Health and Safety Code, relating to alcoholic rehabilitation.

In effect September 15, 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 427.4 of the Health and Safety Code is amended to read:

427.4. The Director of Public Health may appoint an advisory committee consisting of not more than 15 members serving at his pleasure to advise him and the department in the performance of the duties imposed by this article. He shall also designate the chairman thereof from time to time. The committee shall be solely advisory in character and shall not be delegated any administrative authority or responsibility. Committee members shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in connection with the performance of their duties.

CHAPTER 1759

An act to add Section 3084 to the Penal Code, relating to parole.

In effect September 15 1961

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 3084 is added to the Penal Code, to read:

3084. Each county board may release to the State Department of Corrections for return to a state prison or correctional institution any county or city jail inmate who is a state parole violator, when notified by the Adult Authority.

CHAPTER 1760

An act to amend Section 2707.3 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 2707.3 of the Unemployment Insurance Code is amended to read:

2707.3. (a) Except as provided in subdivision (b) of this section, upon the filing of a claim for unemployment compensation disability benefits, a computation on the claim shall promptly be made which shall set forth the maximum amount of benefits potentially payable during the disability benefit period and the weekly benefit amount. The claimant shall be promptly notified of the computation.

(b) No computation shall be made on a claim of an employee for disability benefits under an approved self-insured plan if the uninterrupted period of disability for such claim does not exceed the waiting period prescribed for benefits from the Disability Fund under subdivision (b) of Section 2627 and Section 2802.

CHAPTER 1761

An act to amend Sections 5181, 5185.1 and 5186 of the Welfare and Institutions Code, relating to public guardians.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961]

In effect September 15 1961

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

SECTION 1. Section 5181 of the Welfare and Institutions Code is amended to read:

5181. In proper cases any such public guardian may apply to a court of competent jurisdiction for appointment as guardian of the person and estate or person or estate of any person in the county who is a patient under the provisions hereof or who is a recipient of aid under any of the provisions of this code where it appears that such person requires a guardian.

Application for appointment

SEC. 2. Section 5185.1 of said code is amended to read:

5185.1. The public guardian upon the death of his ward may pay in full or in part from any assets of such ward which are under his control the unpaid expenses of his ward's burial and last illness. After the payment of such expenses the public guardian may transfer any remaining assets in accordance with and subject to the provisions of Section 630 Probate Code. The value of the deceased ward's property for

Payment of burial expenses, etc

the purpose of ascertaining the right to transfer under said section shall be determined after deduction for said expenses paid.

SEC. 3. Section 5186 of said code is amended to read:

Claim for guardianship fee

5186. Upon death of the ward, the public guardian shall have a claim against the ward's estate for reasonable guardianship fee, as determined by the court.

CHAPTER 1762

An act to amend Section 262 of, and to add Section 271 to, the Revenue and Taxation Code, relating to the church and welfare exemptions, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

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

Refunds

262. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, or 1961 on property as to which the church exemption was available for such fiscal year shall be cancelled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 2. Section 271 is added to said code, to read:

Cancellation of tax penalty, etc

271. Any tax or penalty, or interest thereon for any fiscal year commencing during the calendar year 1957 on property owned by any organization qualified for the welfare exemption pursuant to Section 214 which was acquired by it during that calendar year after the lien date in that year but prior to the commencement of such fiscal year, and of a kind that presently qualifies for the welfare exemption and that would have so qualified for such fiscal year had it been owned by such organization on such lien date, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected. Any cancellation or refund made pursuant to this section shall be made notwithstanding any limitation upon the time within which such cancellation or refund could otherwise be made.

Urgency

SEC. 3. This act is an urgency measure, necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

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

(b) Some organizations qualified for the welfare exemption pursuant to Section 214 purchased property during the 1957 calendar year, after the lien date for that year, which property was taxed for the fiscal year 1957-58, although it would have been exempt from taxation for that year by reason of the welfare exemption had it been acquired prior to such lien date. If required to meet such tax obligation, the ability of such organizations to function effectively will be seriously impaired to the great detriment of our State. This act will remedy that situation, and in so doing, the public policy of the State for the exemption of property owned by welfare organizations, as expressed in Section 1c of Article XIII of the Constitution, will be subserved and the State as a whole will benefit.

CHAPTER 1763

An act to amend Section 1 of Chapter 211 of the Statutes of 1919, relating to tidelands and submerged lands in the City of Albany, County of Alameda.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 1 of Chapter 211 of the Statutes of 1919 is amended to read:

Section 1. There is hereby granted to the city of Albany, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said State by virtue of its sovereignty in and to all tidelands and submerged lands, whether filled or unfilled, which are included within the present boundaries of the City of Albany, to be forever held by said city and by its successors in trust for the use and purposes, and upon the express conditions following, to wit:

(a) That said lands shall be used by said city and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, building, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(3) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this Section 1.

(4) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(5) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafés, restaurants, motels, hotels, apartments, residences, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(b) Said city, or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon

which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation.

Nothing contained in this paragraph (a) shall be deemed to affect the validity or term of any franchise previously granted by said city under the Franchise Act of 1937 (Chapter 2 (commencing at Section 6101), of Division 3 of the Public Utilities Code), and any such franchise shall be effective with respect to said land when title thereto passes to said city hereunder.

(c) Said lands shall be improved without expense to the State; provided, however, that nothing contained in this act shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fishery, by the State, or any board, agency or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the State or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on said lands with the right of convenient access to said water over said lands for said purpose.

(g) There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(h) Said lands are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest

(i) The State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Alameda County.

(g) That within 10 years from the effective date of the amendment of this section made at the 1961 Regular Session of the Legislature said lands shall be substantially improved by said city without expense to the State, and if the State Lands Commission determines that the city has failed to improve said lands as herein required, the authorization to use said lands for such additional purposes shall automatically terminate and lapse.

CHAPTER 1764

An act to amend Sections 5260, 6727.5 and 7009 of, and to add Section 6726.6 to the Welfare and Institutions Code, relating to state hospitals.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 5260 of the Welfare and Institutions Code is amended to read:

Payment of expenses

5260. The court shall inquire into the financial condition of the parent, guardian, or other person charged with the support of any person committed, and if it finds him able to do so, in whole or in part, it shall make a further order, requiring him to pay, to the extent the court considers him able to pay, the expenses of the proceedings in connection with the investigation, detention, and commitment of the person committed, and the expenses of his delivery to the institution, and to pay to the county, at stated periods, such sums as the court deems proper, during such time as the person remains in the institution or on leave of absence to a licensed hospital, facility or home for the care of such persons. This order may be enforced by such further orders as the court deems necessary, and may be varied, altered, or revoked in its discretion.

The court shall designate some county officer to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such persons to make such payments.

SEC. 2. Section 6727.5 of the Welfare and Institutions Code is amended to read:

Liability of person, etc.

6727.5. The charges for the care and keeping of persons on leave of absence from a state hospital where the department pays for such care shall be a liability of such person, his estate,

and relatives, to the same extent that such liability exists for patients in state hospitals.

SEC. 3. Section 7009 of the Welfare and Institutions Code is amended to read:

7009. The county from which each mentally deficient person is committed shall pay the State the cost of the care of such person, for the time the person committed remains an inmate of a state hospital for the mentally deficient or mentally ill or on leave of absence to a licensed hospital, facility or boarding home for the care of such persons, at the monthly rate therefor fixed as provided in Section 7010. County's payment of cost

SEC. 4. Section 6726.6 is added to the Welfare and Institutions Code, to read:

6726.6. Any patient may be placed on leave of absence for care in a licensed hospital or other suitable licensed facility. The department may pay for such care at a rate not exceeding the average cost of care of patients in the state hospitals as determined by the director. Such payments shall be made from funds available to the department for that purpose or for the support of patients in the state hospitals. Patient on leave of absence

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CHAPTER 1765

An act to add Part 6 (commencing with Section 35800) to Division 24 of the Health and Safety Code, relating to housing for elderly persons of low income, and making an appropriation therefor.

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

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

SECTION 1. Part 6 (commencing with Section 35800) is added to Division 24 of the Health and Safety Code, to read:

PART 6. HOUSING FOR ELDERLY PERSONS OF LOW INCOME

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

35800. This part may be cited and shall be known as the Housing for the Elderly Law. Short title

35801. It is hereby declared: Legislature's declaration

(a) That there exist in the State insanitary or unsafe dwelling accommodations and that elderly persons of low income are forced to reside in such accommodations; that within the State there is a shortage of safe or sanitary dwelling accommodations available at rents which elderly persons of low income can afford and that such persons are forced to occupy overcrowded and congested dwelling accommodations; that these conditions cause an increase in and spread of disease and crime

and constitute a menace to the health, safety, morals, and welfare of the residents of the State and impair economic values; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities.

(b) That these slum areas cannot be cleared, nor can the shortage of safe and sanitary dwellings for elderly persons of low income be relieved, entirely through the operation of private enterprise, and that the construction, acquisition, and development of housing projects for elderly persons of low income should therefore be on a co-operative basis between private enterprise and public agencies.

(c) That the clearance, replanning, and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for elderly persons of low income are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern; that it is in the public interest that work on such projects be commenced as soon as possible; and the necessity in the public interest for the provisions of this chapter is declared as a matter of legislative determination.

Definitions

35802. Unless the context otherwise requires, the definitions contained in this chapter govern the construction of this part.

"Elderly person of low income"

35803. "Elderly person of low income" means a person 60 years of age or older who has resided continuously in the State for five years or more and who lacks the amount of income, including income from public aid to the aged, which is necessary to enable him, without financial assistance, to live in a decent, safe, and sanitary dwelling, without overcrowding.

"Housing authority"

35804. "Housing authority" means any authority created pursuant to the Housing Authority Law (Ch. 1, commencing with Sec. 34200, Pt. 2, Div. 24, H. & S. C.).

"Limited dividend housing corporation"

35805. "Limited dividend housing corporation" means any corporation formed pursuant to the Limited Dividend Housing Corporations Law (Ch. 1, commencing with Sec. 34800, Pt. 3, Div. 24, H. & S. C.).

"Land chest corporation"

35806. "Land chest corporation" means any corporation formed pursuant to the Community Land Chest Law (Ch. 2, commencing with Sec. 35100, Pt. 3, Div. 24, H. & S. C.).

"Nonprofit corporation"

35807. "Nonprofit corporation" means any corporation formed under the General Nonprofit Corporation Law (Pt. 1, commencing with Sec. 9000, Div. 2, Tit. 1, Corp. C.).

"Department"

35808. "Department" means the Department of Finance.

"Division"

35809. "Division" means the Division of Housing for the Elderly in the department.

Division of Housing for the Elderly

35810. There is in the Department of Finance a Division of Housing for the Elderly which shall be administered through a chief appointed by the Governor with the consent

of the Senate to serve at the pleasure of the Governor at a salary to be fixed by the Governor.

CHAPTER 2. LOANS FOR CONSTRUCTION OF LOW RENT HOUSING FOR ELDERLY PERSONS OF LOW INCOME

Article 1. Definition

Definitions

35920. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

"Area"

35921. "Area" means a section of a city, county, or city and county wherein the chief of the division finds that insanitary, substandard, inadequate, or insufficient low rent housing for elderly persons of low income exists. An area may include land whether improved or unimproved, and buildings or improvements thereon, the inclusion of which are deemed necessary by the chief of the division for inclusion in a project pursuant to this chapter.

"Low rent housing"

35922. "Low rent housing" means dwellings within the financial reach of elderly persons of low income and includes recreational and other facilities incidental and appurtenant thereto.

"Project"

35923. "Project" means a specific low rent housing work or improvement to effectuate all or any part of a plan. A project includes the lands, buildings and improvements acquired, owned, constructed, developed, managed, or operated under this chapter, to provide low rent housing for elderly persons of low income, and such offices and other nonhousing facilities as well as social, recreational, or communal facilities, as may be deemed by the chief of the division to be necessarily incidental or appurtenant to a project. A project may be provided for in any section of a city, county or city and county, whether or not that particular section has insanitary, substandard, inadequate, or insufficient low rent housing for elderly persons of low income.

"Plan"

35924. "Plan" means a proposal or undertaking for the development of projects within one or more areas as adopted or approved by the chief of the division.

"Project cost"

35925. "Project cost" means the cost of any or all undertakings necessary for planning, financing, land acquisition, demolition, construction, and development, and the cost of tenant placement service in connection with a project.

Article 2. State Aid

Contracts for loans

35940. The chief of the division may, in the name of the State, enter into contracts for loans to any housing authority, limited dividend housing corporation, land chest corporation, or nonprofit corporation for one or more projects, whether or not such project or projects have received or will receive aid from another source. All such contracts shall be subject to the approval of the Attorney General as to form. Any such loan

shall be in such amount as the Director of Finance may deem necessary to insure the completion of the project. No loan shall be made in an amount greater than the total project cost, including working capital, which shall not exceed 2 percent of the total project cost.

Prerequisites for loans

35941. No loan shall be made pursuant to this article unless the chief of the division finds that:

(a) The project is in conformity with a plan.

(b) The city, county, or city and county in which the project is to be located has enacted zoning regulations, or other restrictions adequately protecting the area or areas in which the project is to be undertaken, against future uses likely to depreciate unduly the value of such project.

(c) The estimated revenues, including any grants from the United States, of the project or part thereof for which such loan is to be made will be sufficient to cover all probable costs of operation and maintenance, or fixed charges and operating and depreciation reserves.

(d) The plans and specifications conform or will conform to all requirements of law and of the plan assuring adequate light, air, sanitation and fire protection.

(e) Adequate open spaces for recreation are provided within the project or provision therefor has been made conveniently near the project.

Contract rental provision

35941.5. All contracts for loans shall include a requirement that the entity to which the loan is made shall rent the dwellings in the project for which the loan is made exclusively to elderly persons of low income whose probable aggregate annual income, including income from public aid to the aged, during the period of occupancy does not exceed six times the rental, including the value or cost to them of heat, light, water, and cooking fuel, of the dwellings furnished to such persons.

"Probable aggregate income"

"Probable aggregate income," as used in this section, means the annual income, including income from public aid to the aged, of the elderly person and, if he has a spouse and they are living together, his spouse.

Contract provision Required financial statement

35941.6. All contracts for loans shall include a provision that the entity to which the loan is made shall, prior to renting any dwelling in the project for which the loan is made, to any elderly person of low income, require such person to file a financial statement of his total capital assets with the entity to which the loan is made and with the division upon forms to be approved and furnished by the division.

Interest on loans, etc

35942. Loans shall be made at the rate of interest paid or to be paid by the State for the funds loaned, plus a proportionate share of the actual direct cost of the borrowing and the costs of administration of this chapter. Loans shall be repaid in equal annual installments over or within a period of 50 years, but in no case to exceed the probable life of the buildings and improvements of the project or part thereof to which the proceeds thereof are to be applied.

Exemption from tax, etc

35943. The property of projects receiving aid pursuant to this chapter, except the property of projects of limited dividend housing corporations and land chest corporations, is exempt from all taxes and special assessments of the State or any city, county, city and county, or political subdivision of the State.

Article 3. Funds

Elderly Persons Low Rent Housing Fund

35970. There is in the State Treasury a revolving fund known as the Elderly Persons Low Rent Housing Fund. All moneys deposited in such fund shall be subject to the provisions of this article. Money may be withdrawn from such fund in accordance with law upon requisition of the division.

Same Deposits

35971 The money paid by borrowers under Article 2 (commencing with Sec 35940) of this chapter shall be deposited in the Elderly Persons Low Rent Housing Fund and be available for the purpose of carrying out the provisions of this article.

Advances for contingent expenses

35972. The division is hereby authorized to provide for advances of money to meet contingent expenses, to such an amount not exceeding eighty-five thousand dollars ($85,000), as the said division shall deem necessary, and to provide for advances of money needed to carry out the provisions of this chapter, to such an amount not exceeding eighty-five thousand dollars ($85,000), as the division may deem necessary, such advances to be administered as revolving funds. The State Controller is hereby authorized and directed to draw his warrants upon the Elderly Persons Low Rent Housing Fund for such advances, and the State Treasurer is hereby authorized and directed to pay the same.

Article 4. Elderly Persons Low Rent Housing Bond Act of 1961

Short title

35990. This article may be cited as the Elderly Persons Low Rent Housing Bond Act of 1961.

Creation of debts, liabilities

35991. For the purpose of creating a fund to provide aid for projects in accordance with the provisions of this chapter, the Elderly Persons Low Rent Housing Finance Committee created by this article shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof.

Resolution, bonds, etc.

35992. After the adoption of any resolution by the Elderly Persons Low Rent Housing Finance Committee hereby created, provided for in Section 36000, the State Treasurer shall prepare the requisite number of suitable bonds of the denomination of one thousand dollars ($1,000) in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this article shall not exceed the sum of one hundred million dollars ($100,000,000), and

Aggregate par value of bonds

Interest

the bonds issued under any such resolution shall bear interest from the date of issuance of said bonds to the date of maturity thereof, at a rate to be determined by the said committee and specified in such resolution, but in no case exceeding 5 percent per annum. Both principal and interest shall be payable in lawful money of the United States, at the office of the State Treasurer, or at the office of any duly authorized agent of the State Treasurer, and shall be so payable at the times specified in said resolution or resolutions.

Form of bonds

All bonds issued under this article shall bear the facsimile signature of the Governor and the facsimile countersignature of the Controller and shall be endorsed by the State Treasurer either by original signature or by a signature stamp adopted for each particular bond issued under this article and the bonds shall be signed, countersigned and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the Great Seal of the State of California. The bonds so signed, countersigned, endorsed and sealed, when sold, shall be and constitute a valid and binding obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned and endorsed said bonds, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds. Each bond issued under this article shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof and referring to this article and to the resolution of the Elderly Persons Low Rent Housing Finance Committee by virtue of which said bond is issued.

Interest coupons

35993. The requisite number of suitable interest coupons, appropriately numbered, shall be attached to each bond issued under this article Said interest coupons shall bear the facsimile signature of the State Treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain.

Call, cancellation, of bonds

35994. All bonds issued under this article and sold shall be deemed to have been called in at their respective dates of maturity and the State Treasurer shall, on the respective dates of maturity of said bonds, or as soon thereafter as said matured bonds are surrendered to him, pay the same out of the proceeds of the Controller's warrants drawn in his favor as provided in Section 35995 and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. He shall also, on the said respective dates of maturity, cancel all bonds bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds authorized by this article to be issued, and shall be applicable, as far as practicable, to any duly authorized agent of the State Treasurer.

Appropriation for principal, interest

35995. There is hereby appropriated from the General Fund in the State Treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this article, as said principal and interest become due and payable.

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

Returns to General Fund

On the several dates of maturity of said principal and interest in each fiscal year, there shall be returned into the General Fund in the State Treasury, all of the moneys in the Elderly Persons Low Rent Housing Fund, not in excess of the principal of and interest on the said bonds then due and payable and, in the event of such moneys so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of said fund as soon thereafter as it shall become available, together with interest thereon, from such dates of maturity until so returned, at the rate of 5 percent per annum, compounded semiannually.

Payment

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the General Fund by the Controller of the State in favor of the State Treasurer or in favor of any duly authorized agent of the State Treasurer, upon demand audited by the State Department of Finance, and the moneys to be returned into the General Fund in the State Treasury pursuant to the provisions of this section shall likewise be paid as herein provided upon warrants duly drawn by the Controller of the State upon demands duly audited by the division.

Appropriation for bond preparation, etc.

35996. The sum of seventy-five thousand dollars ($75,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the expenses that may be incurred by the State Treasurer in having said bonds prepared and in advertising their sale. Said amount shall be refunded to the General Fund in the State Treasury out of the Elderly Persons Low Rent Housing Fund on Controller's warrant duly drawn for that purpose.

Sale of bonds

35997. When the bonds authorized to be issued under this article shall be duly executed, they shall be by the State Treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as the said Treasurer shall be directed by the Governor of the State, under seal thereof, after a resolution requesting such sale shall have been adopted by the Elderly Persons Low Rent Housing Finance Committee and approved by the Governor of the State, but the Treasurer

must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and with the approval of the Governor, he may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said Treasurer shall detach therefrom all coupons which have matured or will mature before the day fixed for such sale.

Publication of notice of sale

35998. Due notice of the time and place of sale of all bonds shall be given by said Treasurer by publication in one newspaper published in the City and County of San Francisco and also by publication in one newspaper published in the City of Sacramento and by publication in one newspaper published in the City of Los Angeles once a week during four weeks prior to such sale. In addition to the notice last above provided for, the State Treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of one thousand dollars ($1,000) for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said Treasurer into the Elderly Persons Low Rent Housing Fund which is hereby appropriated for, and shall be used exclusively in, aiding elderly persons of low income in accordance with the provisions of this chapter; provided, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof.

Investment of surplus moneys

35999. The division is authorized to invest any surplus moneys in the Elderly Persons Low Rent Housing Fund in bonds of the United States, or of the State of California, or of the several counties or municipalities or other political subdivisions of the State of California, and to sell such bonds, or any of them, at the governing market rates; or the division may invest moneys in such fund, in interest-bearing certificates of deposit of state banks having a paid-up capital of five hundred thousand dollars ($500,000) or more; provided, that the total amount of money so deposited with any one bank shall not exceed a sum equal to 50 percent of the paid-up capital of such bank; provided, however, that nothing herein contained shall inhibit or be construed to inhibit the depositing in banks in accordance with the provisions of an act entitled "An act to authorize and control the depositing in banks of moneys belonging to or in the custody of the State and to repeal all acts or parts of acts conflicting with this act," approved April 12, 1923, and of any and all acts amendatory thereof or supplemental thereto, of moneys of any of the funds provided for in this chapter.

Interest accruing upon the deposit of moneys of the Elderly Persons Low Rent Housing Fund shall be paid into and credited to said fund.

Committee

36000. There is hereby created the Elderly Persons Low Rent Housing Finance Committee composed of the Governor, State Controller, State Treasurer, Director of Finance, Chief of the Division of Housing for the Elderly, and Director of Public Health, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said committee. The Attorney General of the State shall be the legal adviser of the committee.

Upon request of the chief of the division, supported by a statement of the plans and projects with respect thereto, the committee shall determine whether or not a bond issue under this article is necessary or desirable to carry such plans and projects into execution.

Resolution of necessity for bond issue

36001. Whenever the said Elderly Persons Low Rent Housing Finance Committee shall have determined that a bond issue under this article is necessary or desirable to carry such plans and projects into execution, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the State Treasurer to prepare the requisite number of suitable bonds and shall specify:

1. The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued.

2. The date or dates of maturity of the bonds to be issued and the number and numerical sequence of the bonds maturing at each date of maturity

3. The annual rate of interest which the bonds to be issued shall bear.

4. The number, numerical sequence, amount or amounts and the dates of maturity of the interest coupons to be attached to the said bonds.

5. The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the committee shall be guided by the amounts and dates of maturity of the revenues estimated to accrue to the department from the transactions to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, with the dates and amounts of such estimated revenue; provided, that the bonds first to mature in each issue, shall mature not later than five years from the date of issuance thereof; provided further, that specified numbers of bonds of specified numerical sequence shall thereafter mature at annual intervals; and provided further, that the bonds last to mature in each issue shall mature not later than 45 years from the date of issuance thereof.

The rate of interest to be borne by the bonds shall be uniform for all the bonds of the same issue and shall be determined and fixed by the committee according to the then prevailing market conditions, but shall in no case exceed 5 percent per annum, and the determination of said committee as to the rate of interest shall be conclusive as to the then prevailing market conditions. The interest coupons to be attached to the said bonds shall be payable at semiannual intervals from the date of issuance of said bonds; provided, that the interest coupon first payable may, if the committee shall so determine and specify, be payable one year after the date of issuance of said bonds.

Committee expenses

36002. All actual and necessary expenses of the Elderly Persons Low Rent Housing Finance Committee and of the members thereof incurred in the performance of their duties arising out of the provisions of this article shall be paid out of the Elderly Persons Low Rent Housing Fund, upon approval of the State Board of Control and on Controller's warrant duly drawn for that purpose.

Accounts and records

36003. The State Controller, the State Treasurer and the Elderly Persons Low Rent Housing Finance Committee shall keep full and particular account and record of all their proceedings under this article, and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially; and all books and papers pertaining to the matter provided for in this article shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney General, or a committee of either branch of the Legislature, or a joint committee of both, or any citizen of the State.

Effect: S C A No. 10, 1961 Reg Sess

SEC. 2. This act shall not become operative unless and until Senate Constitutional Amendment No. 10 of the 1961 Regular Session of the Legislature is approved by the electors.

SEC. 3. Notwithstanding any provisions of this act to the contrary, no money shall be available for expenditure under this act until such money is appropriated for the purposes of this act by the adoption by the electors of Senate Constitutional Amendment No 10 of the 1961 Regular Session of the Legislature.

CHAPTER 1766

An act to amend Section 56078 of the Water Code, relating to county drainage districts.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961]

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

SECTION 1. Section 56078 of the Water Code is amended to read:

56078. The district board shall prescribe by resolution the form of the bonds, and interest coupons. The bonds shall be payable at such times and at a place to be fixed by the board, and designated in the bonds, together with interest on all sums unpaid on that date until the whole of the indebtedness has been paid. The term of bonds issued shall not exceed 40 years

The district board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The term of bonds of each issue or series shall not exceed 40 years from the date of the bonds.

CHAPTER 1767

An act to amend Section 15457 of the Education Code, relating to fees for the approval of plans for the construction of school buildings.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 15457 of the Education Code is amended to read:

15457. The application shall be accompanied by a filing fee in amounts as determined by the Division of Architecture based on the estimated cost and according to the following schedule:

(a) For the first seven hundred fifty thousand dollars ($750,000), a fee of not more than one-half of 1 percent of the estimated cost.

(b) For all costs in excess of seven hundred fifty thousand dollars ($750,000), a fee of not more than one-fourth of 1 percent.

The minimum fee in any case shall be fifty dollars ($50). If the actual cost exceeds the estimated cost by more than 10 percent, a further fee shall be paid to the Division of Architecture, based on the above schedule and computed on the amount by which the actual cost exceeds the amount of the estimated cost.

CHAPTER 1768

An act to add Section 518 to the Streets and Highways Code, relating to state highway routes.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 518 is added to the Streets and Highways Code, to read:

518. Route 218 is from Route 187 near Yucca Valley to Utah Trail Road in the town of Twentynine Palms.

CHAPTER 1769

An act to add Article 6 (commencing with Section 31751) to Chapter 5, Division 22 of the Education Code, and to amend Section 10494 of the Insurance Code, relating to the death or injury of students of public educational institutions.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Article 6 (commencing with Section 31751) is added to Chapter 5, Division 22 of the Education Code, to read:

Article 6. Insurance for Athletic Teams

Definitions

31751. As used in this chapter:

(a) "Educational institution" means a school district of any kind or class, a state college, and the University of California.

(b) "Governing board" means the governing board of a school district, the Trustees of the California State Colleges, and the Regents of the University of California.

(c) "Member of an athletic team" means member of any extramural athletic team usually engaged in athletic events outside the school grounds, maintained or sponsored by the educational institution or a student body organization thereof, and any student who travels to an athletic event of such team because he performs duties in connection with the team or the athletic event in which the team participates.

(d) "Student body organization" means any student organization under supervision of the educational institution or its officers.

Accidental death insurance

31752. The governing board of any educational institution, except a school district of any kind or class, shall provide accidental death insurance in an amount of at least five thousand dollars ($5,000) for each member of an athletic team and

shall in addition provide insurance protection for medical and hospital expenses resulting from accidental bodily injuries in an amount of at least five thousand dollars ($5,000) for all such services for each member of an athletic team, through group, blanket or individual policies of accident insurance from authorized insurers, or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code, for the death or injury to members of athletic teams arising while such members are being transported by or under the sponsorship or arrangements of the educational institution or a student body organization thereof to or from school or other place of instruction and the place of the athletic event. Medical and hospital insurance

The governing board of each school district of any kind or class shall provide accidental death insurance in an amount of at least one thousand five hundred dollars ($1,500) for each member of an athletic team and shall in addition provide insurance protection for medical and hospital expenses resulting from accidental bodily injuries in an amount of at least one thousand five hundred dollars ($1,500) for all such services for each member of an athletic team, through group, blanket or individual policies of accident insurance from authorized insurers or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code, for the death or injury to members of athletic teams arising while such members are being transported by or under the sponsorship or arrangements of the school districts or a student body organization thereof to or from school or other place of instruction and the place of the athletic event.

The Trustees of the California State Colleges and the Board of Regents of the University of California shall designate such student body organizations as they deem appropriate to bear the entire cost of the insurance under this article, in such proportions as they deem equitable, and shall make appropriate deductions from any such student body organization funds held by such institutions, or otherwise take such measures, as will assure the payment thereof. College and university student body organizations

The governing boards of the various school districts shall pay the costs of the insurance under this article and may do so out of the funds of the district, the funds of the student body, or may require the individual team members or students covered by such insurance to pay the costs thereof.

The insurance required by this article shall be issued by an admitted insurer, or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code.

31753. Any claim for accidental bodily injuries or accidental death described in this article which is subject to, and for which benefits have been paid under, the provisions of Division 4 (commencing with Section 3201) of the Labor Code is excluded from the required coverage and benefits under this article. Claims

Coverage

31754. The coverage provided under this article shall not exclude additional or broader coverage by an educational institution or its student body organization.

SEC. 2. Section 10494 of the Insurance Code is amended to read:

Benefit limitations

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

CHAPTER 1770

An act to amend Section 484 of the Streets and Highways Code, relating to state highway routes.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 484 of the Streets and Highways Code is amended to read:

484. Route 184 is from:

(a) Route 60 near Corona del Mar to Route 158.

(b) Route 158 to Route 2 in Santa Ana, via Main Street.

CHAPTER 1771

An act to add Section 12944 to the Water Code, relating to the State Water Resources Development System.

In effect September 15 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 12944 is added to the Water Code, to read:

12944. (a) In the operation of reservoirs, other than terminal reservoirs from which water is supplied for domestic use without purification treatment after withdrawal from such reservoirs, constructed under this chapter, the department, to the extent that it is compatible with public health and safety requirements, shall permit the use of the water for body contact sports.

CHAPTER 1772

An act to amend Sections 943, 951, 1753 and 1755 of the Streets and Highways Code, relating to road funds.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 943 of the Streets and Highways Code is amended to read:

Board powers

943. Such board may:

Acquisition of real property

(a) Acquire any real property or interest therein for the uses and purposes of county highways. When eminent domain proceedings are necessary, the board shall require the district attorney to institute such proceedings. The expense of and award in such proceedings may be paid from the road fund or the general fund of the county, or the road fund of any district benefited.

County highways

(b) Lay out, construct, improve, and maintain county highways.

Bonded indebtedness

(c) Incur a bonded indebtedness for any of such purposes, subject to the provisions of Section 944.

Stock trails

(d) Construct and maintain stock trails approximately paralleling any county highway, retain and maintain for stock trails the right-of-way of any county highway which is superseded by relocation. The county shall not be liable in any way for any damages resulting from the use of such stock trail by any vehicle. Such stock trails shall not be included in the term "maintained mileage of county roads" as that term is used in Chapter 3 of Division 3 of this code.

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

Side paths

951. (a) Such board may set apart on any county highway a strip of land for a side path, and make an order designating the width of such path, and cause the lines separating the path from the highway to be located and marked by stakes or posts, placed at such distances apart as the board considers proper

(b) After a path is set apart, and the lines separating it from the highway are located and marked, as provided in subdivision (a) of this section, the use of such path is restricted to pedestrians, riders of horses, and riders of vehicles propelled solely by the power of the rider.

(c) The board may charge the expense of erecting and maintaining such path to the county general fund, the road fund, or the district fund of any district benefited.

SEC. 3. Section 1753 of said code is amended to read:

Landing places

1753. Such board may acquire landing places for any such ferry and may pay the expenses of purchasing, establishing or operating such ferry out of the road fund of the county. A supervisor or his bondsmen shall not be responsible for the

payment of damages incurred by any person while traveling on such ferry.

Expense payment

SEC. 4. Section 1755 of said code is amended to read:

1755. Each of the counties shall pay such proportion of the expenses of establishing and operating any such ferry as is agreed upon by the respective boards. Each board may pay its county's proportion of such expenses out of the county general fund or the road fund of the county.

CHAPTER 1773

An act to amend Sections 75075, and 68543.5 of, and to add Section 75030.6 to, the Government Code, relating to the retirement of judges.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 75030.6 is added to the Government Code, to read:

Right of election

75030.6. On and after October 1, 1961, the right to elect to receive credit for service pursuant to Section 75030.5 shall apply only to a judge who has served as a judge as defined by Section 75002 for at least six years or who is elected to the office of judge as defined by Section 75002. This section shall not apply to any judge who is a member of this system on September 30, 1961.

SEC. 2. Section 75075 of said code is amended to read:

Election to receive benefits

75075. Any judge hereafter retiring pursuant to the provisions of Section 75025 or Section 75060 may elect to receive the benefits accorded by this article (a) if he retires prior to attaining the age of 70 years, or (b) regardless of age at retirement, if he is a judge on the effective date of this article and (1) retires within five years after said effective date or (2) if not eligible to retire within said five-year period, he retires within two years after he attains eligibility.

Every judge who qualifies under this section shall be deemed to elect to receive the benefits accorded by this article, unless he makes an election to the contrary by filing written notice thereof with the Secretary of State at or prior to retirement.

SEC. 3. Section 68543.5 of the Government Code is amended to read:

Retired judges sitting in court Compensation, etc

68543.5. Whenever a justice or judge retired as such under the Constitution or any law of this State is assigned to sit in a court, he shall be paid while so sitting the full compensation of a judge of the court to which he is assigned. Such compensation shall be chargeable for the period specified in Section 68547 the same as provided by law with respect to the compensation of a judge of the court to which he is assigned except that when chargeable to the State, such compensation is pay-

able out of any appropriation for extra compensation of judges assigned by the Chairman of the Judicial Council.

If such compensation is greater than his retirement allowance, his retirement allowance shall be suspended so long as he receives such compensation. If such compensation is less than his retirement allowance, his retirement allowance shall continue to be paid while he receives such compensation but only in an amount equal to the difference between such compensation and the retirement allowance to which he would otherwise be entitled.

If a retired judge, other than a retired judge of a justice court, is assigned to sit in a court the transfers and deductions required by Sections 75102 and 75103 shall be made with respect to the compensation paid the judge while he is so assigned.

When assigned to sit in a county other than that in which he resides, he shall also be allowed his necessary expenses for travel, board, and lodging incurred in the discharge of the assignment. Such expenses, if any, shall be chargeable as follows:

(a) When the assignment is to the Supreme Court or a district court of appeal, to the State.

(b) When the assignment is to a superior, municipal, or justice court, to the county.

CHAPTER 1774

An act to add Section 2418 to the Vehicle Code, relating to operation and equipment of ambulances.

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 2418 is added to the Vehicle Code, to read:

2418. The department, after consultation with and pursuant to the recommendations of the State Department of Public Health, shall adopt, in accordance with the provisions of Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2 of the Government Code, and enforce such reasonable regulations as it determines are necessary for the public health and safety regarding the operation and equipment of all ambulances used for emergency services

This section shall not preclude the adoption of more restrictive regulations by local authorities.

SEC. 2. It is the intent of the Legislature that the regulations adopted by the Department of the California Highway Patrol pursuant to Section 2418 of the Vehicle Code shall be the minimum necessary to protect public health and safety, and shall not be so restrictive as to preclude compliance by ambulances operated in sparsely populated areas.

CHAPTER 1775

An act to add Sections 14983 and 14984 to the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to the examination of voting machines and vote tabulating devices.

In effect September 15 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

NOTE: The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 1776

An act to amend Section 26516.7 of the Health and Safety Code, relating to foods.

In effect September 15 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 26516.7 of the Health and Safety Code is amended to read:

26516.7. It shall be unlawful to keep or display at a temperature exceeding 50 degrees Fahrenheit any perishable canned meats, canned meat products, and packaged processed fresh foods which will support the growth of pathogenic micro-organisms. All such packaged foods shall be conspicuously labeled, "Perishable keep refrigerated."

This section shall not apply to any foods in an establishment, vehicle, or place regulated under Chapter 11 (commencing with Section 28520) of this division.

CHAPTER 1777

An act to amend Section 7068.1 of the Business and Professions Code, relating to the practice of contracting.

In effect September 15 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 7068.1 of the Business and Professions Code is amended to read:

7068.1. The person qualifying on behalf of an individual or firm under subdivision (a), (b), or (c) of Section 7068 shall be responsible for exercising such direct supervision and

control of his employer's or principal's construction operations as is necessary to secure full compliance with the provisions of this chapter and the rules and regulations of the board relating to such construction operations and such person shall not act in the capacity of the qualifying person for an additional individual or firm unless one of the following conditions exists:

(a) There is common ownership of at least 10 percent of the equity of each individual or firm for which the person acts in a qualifying capacity.

(b) With respect to a firm under subdivision (b) or (c) of Section 7068, the individual has a financial interest therein amounting to at least one thousand dollars ($1,000) or 10 percent of the ownership, whichever is the lesser.

(c) The additional firm is a subsidiary of or a joint venture with the first. "Subsidiary," as used in this subdivision, means any firm at least 10 percent of the equity of which is owned by the other firm.

(d) With respect to a firm under subdivision (b) or (c) of Section 7068, the majority of the partners or officers are the same.

Nothing contained in the amendments made to this section at the 1961 Regular Session of the Legislature shall apply to a person who on the effective date of such amendments is acting in the capacity of a qualifying individual for an additional firm.

"Firm," as used in this section, means a copartnership, a limited partnership, a corporation, or any other combination or organization described in Section 7068.

CHAPTER 1778

An act to amend Sections 13303, 13304, 13305, 13307, 13308, 13315, 13320, and 13322 of the Education Code, relating to certificated employees of school districts.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 13303 of the Education Code is amended to read:

Permanent employees of school district

13303. Every employee of a joint union or union high school district, having an average daily attendance of 250 or more, maintaining eight or more schools lying not less than six miles apart, who, after having been employed by the district has served for three complete consecutive school years in a position or positions requiring certification qualifications, in a school having an average daily attendance of 250 or more, is re-elected for the next succeeding school year to a position requiring certification qualifications shall, at the com-

mencement of the succeeding school year, be classified as and become a permanent employee of the district.

SEC. 2. Section 13304 of said code is amended to read:

13304. Every employee of a school district of any type or class having an average daily attendance of 250 or more, except a joint union or union high school district maintaining eight or more schools lying not less than six miles apart, who, after having been employed by the district for three complete consecutive school years in a position or positions requiring certification qualifications, is re-elected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year be classified as and become a permanent employee of the district.

SEC. 3. Section 13305 of said code is amended to read:

13305. Every certificated employee of a school district of any type or class having an average daily attendance of less than 250 may be offered a continuing contract to cover a period longer than one year but not to exceed four years.

SEC. 4. Section 13307 of said code is amended to read:

13307. Every employee of a school district of any type or class having an average daily attendance of less than 250 pupils, who, after having been employed by the district for three complete consecutive school years in a position or positions requiring certification qualifications, is re-elected for the next succeeding school year to a position requiring certification qualifications, may be classified by the governing board of the district as a permanent employee of the district. If the classification is not made the employee shall not attain permanent status and may be re-elected from year to year thereafter without becoming a permanent employee until the classification is made.

SEC. 5. Section 13308 of said code is amended to read:

13308. Every employee of a joint union or union high school district having an average daily attendance of 250 or more, maintaining eight or more high schools lying not less than six miles apart, who, after having been employed by the district has served for three complete consecutive school years in a position or positions requiring certification qualifications in a school having an average daily attendance of less than 250, and is re-elected to a position requiring certification qualifications, may be classified by the governing board of the district as a permanent employee of the district. If the classification is not made the employee shall not attain permanent status and may be re-elected from year to year thereafter without becoming a permanent employee until the classification is made. If the classification is not made the employee may be dismissed from the service of the district only by an unanimous vote of all the members of the governing board of the district, on the recommendation of the superintendent of schools, if there is one, of the district.

SEC. 6. Section 13315 of said code is amended to read:

13315. A person employed in an administrative or supervisory position requiring certification qualifications upon completing a probationary period, including any time served as a classroom teacher, in the same district, shall, in a district having an average daily attendance of 250 or more pupils, be classified as and become a permanent employee as a classroom teacher. In a district having an average daily attendance of less than 250 pupils, he may be so classified.

SEC. 7. Section 13320 of said code is amended to read:

13320. A certificated employee who has served in a position or positions requiring certification qualifications in two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, for a total of three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the fourth consecutive school year be classified as a permanent employee of the last district in which he was employed prior to his election for the fourth consecutive school year.

Where there are two or more districts, each having an average daily attendance of 250 or more and governed by governing boards of identical personnel, a certificated employee who has served in one of the districts for three complete consecutive school years, upon being elected for the fourth consecutive school year to a position or positions requiring certification qualifications in any of the districts, shall at the commencement of the fourth consecutive school year be classified as and become a permanent employee of the last district in which he was employed prior to his election for the fourth consecutive school year.

SEC. 8. Section 13322 of said code is amended to read:

Unionization, etc., of small districts Probationary period

13322. On the unionization, unification, uniting, or consolidation of one or more school districts in which the average daily attendance for the preceding school year was less than 250 pupils, with a district or districts in which the average daily attendance was or, as a result of the unionization, uniting, consolidation, or unification, becomes 250 or more pupils, the regular three-year probationary period shall be served after the effective date of the unionization, unification, uniting, or consolidation, by any probationary employee who has been serving in a district of less than 250 average daily attendance. The elected governing board of any such union, unified, or consolidated district, or of the school district formed by uniting two or more school districts, at its option, may classify as a permanent employee of the district, any probationary employee of the districts making up the union, unified, or consolidated district, or of the school district formed by uniting two or more school districts, who, prior to the unionization, unification, uniting, or consolidation of the

districts, had been employed by any of the districts for three complete, consecutive school years in a position or positions requiring certification qualifications.

CHAPTER 1779

An act to amend Section 69606 of the Government Code, relating to superior courts.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 69606 of the Government Code is amended to read:

69606. In the County of Ventura there shall be three judges of the superior court. On and after July 1, 1962, there shall be four judges.

CHAPTER 1780

An act to amend Sections 119 and 300 of the Welfare and Institutions Code, relating to the training of and leaves of absence of county welfare department employees for educational purposes.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 300 of the Welfare and Institutions Code is amended to read:

Leave of absence for education

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

In order to be eligible to an educational leave the employee must have a satisfactory service record with the county and must execute an agreement to return to the county welfare department to render one year of service. The employee shall furnish a suitable bond indemnifying the county against possible loss in the event the employee fails to return to the county and render the required period of service stipulated in the agreement. Such bond shall be exonerated in the event the failure of the employee to render the stipulated period of service is caused by death, physical or mental disability of the employee. If the board of supervisors finds and by resolution declares that the interests of the county will be protected by

Employee's bond

Waiver of bond

written agreement of the employee to return to the service of the county and render at least one years' service therein following his return from leave, the board of supervisors may waive the furnishing of the bond.

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

Notwithstanding any other provisions in this section to the contrary, the board of supervisors may provide educational leaves to employees under such conditions as may be prescribed in an agreement or plan entered into by this State with the federal government.

SEC. 2. Section 119 of said code is amended to read:

Training courses, etc

119. The department shall, within the limits of funds made available, provide welfare personnel training courses and services, including inservice training, educational leaves or stipends, traineeships, internships, and the expansion of field-work training facilities within county welfare departments for the use of colleges and universities, in preparing students for employment in the administration of public assistance programs. The training courses and services provided pursuant to this section shall be designed to promote welfare personnel training in every county in this State which will provide the quality and quantity of trained personnel required to eliminate or reduce the circumstances or conditions which impede or prevent an individual or a family from making progress toward proper social adjustment, self-support, and self-direction.

CHAPTER 1781

An act to add Sections 1509.6 and 1513 to the Welfare and Institutions Code, relating to aid to needy children.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1509.6 is added to the Welfare and Institutions Code, to read:

Needy child's income

1509.6. For the purposes of this chapter, 50 percent of the earnings of a needy child under the age of 18 years shall not be considered as income to the family unit in determining the amount of assistance to be granted to the family unit.

Effect Federal law etc

This section shall take effect if and when amendments to the federal statutes or rules and regulations of the United States Department of Health, Education, and Welfare take effect permitting this State to give effect to this section without thereby rendering this State ineligible to receive federal grants-in-aid for dependent children in this State.

Regulations to qualify for federal funds

SEC. 2. Section 1513 is added to said code, to read:

1513 If, when and during such times as the federal statutes provide federal funds for any child who is granted aid pursuant to subsection (b) of Section 1511 of this chapter, the State Social Welfare Board shall establish such regulations as are necessary for this State to qualify for any federal funds as are available.

CHAPTER 1782

An act to amend Section 1512 of the Welfare and Institutions Code, relating to aid to needy children.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 1512 of the Welfare and Institutions Code is amended to read:

1512. Every county shall grant aid to any child eligible therefor, in any amount needed, not to exceed the amount specified in Section 1511, and shall administer this chapter in such a manner as to achieve the greatest possible reduction of dependency and to promote the rehabilitation of recipients. At the time of application the county welfare department shall discuss parental responsibility with the applicant.

Nothing in this section shall prevent any county from paying from its own funds in its discretion, additional sums for the care of any child.

CHAPTER 1783

An act to add Section 1552.45 to the Welfare and Institutions Code, relating to aid to needy children.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 1552.45 is added to the Welfare and Institutions Code, to read:

1552.45. The State Social Welfare Board shall establish a scale of suggested minimum contributions to assist counties and courts in determining the amount that a parent should be expected to pay toward the support of his child under this chapter. The scale shall include consideration of gross income, shall authorize an expense deduction for determining net income, shall designate other available resources to be considered, and shall specify the circumstances which should be considered in reducing liability on the basis of hardship.

The State Social Welfare Board shall accept and compile information from the counties in order to establish such minimum scale of suggested contributions, and copies of the scale shall be made available to courts, county welfare departments, district attorneys, and, upon request, to any other county officer or agency engaged in the administration or enforcement of this chapter in any manner.

It is intended that the use of the scale formulated pursuant to this section be optional, and that no county, court, officer, or agency be required to use that scale unless they so desire.

CHAPTER 1784

An act to add Article 5 (commencing with Section 1570) to Chapter 1 of Part 2 of Division 2 of, and to repeal Sections 1523, 1552.4, and 1552.6 of, the Welfare and Institutions Code, relating to aid to needy children.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 5 (commencing with Section 1570) is added to Chapter 1 of Part 2 of Division 2 of the Welfare and Institutions Code, to read:

Article 5. Enforcement

District attorney to enforce

1570. It is the duty of the district attorney to take such action as may be prescribed in this article, and in Section 270 of the Penal Code, to enforce the support liability of persons responsible for the support of children receiving aid under this chapter.

Same Limitations

However, it is not intended that the district attorney shall initiate any support proceedings under this article against caretaker parents except on the request of the county welfare department. The filing of an application for aid under this chapter shall not constitute and shall not be construed as a failure or refusal of any parent signing said application to carry out his parental responsibilities as provided in Section 270 of the Penal Code.

Supervisor's to notify district attorney

1571. The board of supervisors shall immediately notify the district attorney of the county whenever aid is granted to a child who is not being supported by a parent unless it is definitely established that the parent is financially incapable of providing such support.

Referral to district attorney

In all cases in which the whereabouts of the parent is unknown, the county welfare department shall refer the applicant to the district attorney at the time the application for assistance is signed, irrespective of whether or not it is definitely established that the parent is financially incapable of supporting the child in whose behalf the application is being made. Upon the advice of the county welfare department that a child

is being considered for adoption, the district attorney shall delay his investigation and other action with respect to the case until advised that the adoption is no longer under consideration.

Co-operation with district attorney

The county welfare department shall co-operate with the district attorney and shall report to him all information contained in the case record which concerns the question of nonsupport and the suitability of prosecution as a method of obtaining support for the child in each case.

Investigation

The district attorney shall immediately investigate the question of nonsupport and shall take all steps necessary to obtain support for the needy child. The granting of aid to the applicant shall not be delayed or contingent upon such investigation by the district attorney. The district attorney shall report regularly to the board of supervisors on the progress of his efforts.

Parent's refusal of reasonable assistance

1572. Any child, who is otherwise qualified to receive a grant or payments for aid under this chapter by reason of the continued absence of one of such child's parents from the home and who is residing with, or is in the custody or control of the other parent, shall be disqualified from receiving such grant or payments for so long as the parent, who has such custody and control or with whom such child resides, refuses law enforcement officers charged with the duty or right of enforcing the obligation of such absent parent for the care, support and maintenance of such child under and by virtue of the penal laws of the State of California, reasonable assistance in the enforcement of such obligation.

Any one or more of the following acts by the parent having custody of the child shall be deemed to be a refusal to offer reasonable assistance to law enforcement officers:

(a) A refusal to be interviewed by the district attorney.

(b) A refusal to sign a complaint against the absent parent.

(c) A request to dismiss the complaint.

(d) The concealment of the identity or whereabouts of the absent parent.

Co-operation of state, local, agencies

1573. All state, county, and local agencies shall co-operate in the location of parents who have abandoned or deserted children irrespective of whether such children are or are not receiving public assistance under Division 2 of Part 2 of the code, and shall on request supply the county welfare department, any county probation officer, or the district attorney of any county in this State with all information on hand relative to the location, income, and property of such absent parents, notwithstanding any other provision of law making such information confidential, and with all information on hand relative to the location and prosecution of any person who has, by means of false statement or representation or by impersonation or other fraudulent device, obtained aid for a child under this chapter. The county welfare department shall use such information only for the purposes of administration of aid to needy children, and the district attorney or county probation officer

shall use it only for the purpose of enforcing the support liability of such absent parents or for the prosecution of other persons mentioned in this section, and neither shall use the information, or disclose it, for any other purpose.

Nothing in this section shall be construed to compel the disclosure of information relating to a deserting parent who is a recipient of aid under a public assistance program for which federal aid is paid to this State, if such information is required to be kept confidential by the federal law or regulations relating to such program.

Paternity referral, investigation, etc

1574. In all cases in which the paternity of the child has not been established to the satisfaction of the county welfare department, the county welfare department shall refer the applicant to the district attorney at the time the application is signed. Upon the advice of a county welfare department that a child is being considered for adoption, and regardless of whether or not the whereabouts of the parent is known, the district attorney shall delay his investigation and other action with respect to the case until advised that the adoption is no longer under consideration. The district attorney shall conduct such investigation as he considers necessary, and where he deems it appropriate he may bring an action under Section 231 of the Civil Code. When the cause is at issue, it shall be set for trial at the earliest possible date and shall take precedence of all other cases except older matters of the same character and matters to which precedence may be given by law.

Misdemeanor

1575. Any person other than a needy child, as defined in Section 1500, who willfully and knowingly receives or uses any part of an aid grant paid pursuant to this chapter for a purpose other than support of the needy children and the caretaker involved is guilty of a misdemeanor.

Prosecution

1576. If the district attorney, during the course of any investigation made by him pursuant to this article, determines that any person has committed any act or has omitted the performance of any duty, which act or omission causes or tends to cause or encourage any child receiving aid under this chapter to come within the provisions of any of the subdivisions of Section 700 of this code, the district attorney shall prosecute such person under the provisions of Section 702 of this code

Misdemeanor

1577. Any person other than a needy child, as defined in Section 1500, who willfully and knowingly, with the intent to deceive, makes a false statement or representation or knowingly fails to disclose a material fact to obtain aid, or who, knowing he is not entitled thereto, attempts to obtain aid or to continue to receive aid to which he is not entitled, or a larger amount than that to which he is legally entitled, is guilty of a misdemeanor.

Orders in divorce, etc., cases

1578 If aid has been applied for or granted to a child of parents who are divorced or legally separated, or who are engaged in divorce or separate maintenance action which is pending, the district attorney may apply to the superior court

in such action for an order directing either parent or both to show cause:

(1) Why an order of support for the child should not be entered, or

(2) Why the amount of support previously ordered should not be increased, or

(3) Why the parent should not be held in contempt for his failure to comply with any order of support previously entered.

Exclusive remedies

1579. The enforcement remedies provided the district attorney under this article shall not preclude any other remedy which he has under the law to enforce this article.

Repeal

SEC. 2. Section 1523 of said code is repealed.

Repeal

SEC. 3. Section 1552.4 of said code is repealed.

Repeal

SEC. 4. Section 1552.6 of said code is repealed.

CHAPTER 1785

An act to add Chapter 7 (commencing with Section 8600) to Division 1 of Title 2 of the Government Code, relating to agricultural labor-management relations, creating an Agricultural Labor Commission, prescribing its functions, powers and duties, providing for the appointment of its members, and making an appropriation therefor.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Chapter 7 (commencing with Section 8600) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 7. AGRICULTURAL LABOR COMMISSION

Agricultural Labor Commission

8600. There is in the state government an Agricultural Labor Commission, which is referred to in this chapter as the "commission."

Same Members

8601. The commission consists of five members who shall be appointed by the Governor.

8602. It is the function of the commission to act as a fact-finding body to ascertain, study and analyze the problems of labor-management relations in California agriculture. The commission shall on January 31, 1963, file a written report to the Governor and to the Legislature embodying the findings and recommendations of the commission. A copy of such reports shall be filed in the office of the Secretary of State for the purposes of public examination.

Powers

8603. The commission and its duly authorized representative in the performance of its duties under this chapter shall have the powers of the head of a department as set forth in Sections 11180 to 11191, inclusive.

8604. The commission shall meet at such times and places as the chairman shall prescribe. Members of the commission shall serve without compensation but shall be reimbursed for any necessary expenses incurred in carrying out their obligations under this chapter. Meetings

8605. The Departments of Agriculture, Employment, and Industrial Relations, and upon request other governmental departments and agencies, shall co-operate with the commission and furnish it with such assistance and facilities as it may require in carrying out the purposes of this chapter. Co-operation between departments

SEC. 2. The sum of five thousand dollars ($5,000) is hereby appropriated from the General Fund to the commission to be used in carrying out the purposes of this chapter. Appropriation

SEC. 3. This act shall have no force or effect after January 31, 1963. All records, files and other materials of the commission shall be turned over to the Department of Finance on or before that date. Effective period

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CHAPTER 1786

An act to repeal Chapter 3 (commencing with Section 7030) of, and to add Chapter 3 (commencing with Section 7030) to, Division 4 of the Water Code, relating to bridges and conduits on or near highways.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Chapter 3 (commencing with Section 7030) of Division 4 of the Water Code is repealed. Repeal

SEC. 2. Chapter 3 (commencing with Section 7030) is added to Division 4 of said code, to read: Repeal

CHAPTER 3. BRIDGES AND CONDUITS ON OR NEAR HIGHWAYS

7030. As used in this chapter, "conduit" includes canal, ditch, culvert, pipeline, flume, or other appliance for conducting water. "Conduit"

7031. As used in this chapter, except in Section 7034, "highway" includes both state and county highways as defined by or identified in the Streets and Highways Code. "Highway"

7032. No conduit shall be laid, constructed, or maintained so as to obstruct any highway. Obstruction of highway

7033. Every person or public district or agency who or which initially constructs, or improves for his or its own benefit, any conduit crossing or running along any pre-existing highway, shall construct or improve such conduit in accordance with standards established by the county or State as the case may be, and at the expense of the person so constructing or improving such conduit. Conduit standards

County responsibility for bridges, etc

7034. Bridges or conduits heretofore or hereafter constructed in a permanent manner, whether by encroachment permit or otherwise, which cross county highways and which have been constructed or brought up to county standards, and have been accepted, either formally or informally by appropriate action, shall, after such acceptance, and regardless of who constructed them, be the sole responsibility of the county, so far as maintenance, repair, improvement for the benefit of the county reconstruction or replacement of such bridges and conduits are concerned. If any such county highways become state highways, the State shall succeed to the foregoing obligations of the county.

Presumption

7035. Whenever any conduit for conducting water across a highway has been in place for over 30 years, and no written records exist of a permit showing that the conduit was placed on the highway under such permit from the public agency having jurisdiction over such highway, it shall be conclusively presumed that the conduit was in place and lawfully maintained prior to the highway and such conduit shall be repaired, improved for the benefit of the public agency having jurisdiction over such highway, and replaced, if necessary, by the public agency having jurisdiction over such highway, provided that usual acts of maintenance of the conduit, such as cleaning the conduit of dirt or silt, shall be performed by and at the expense of the person using the conduit.

This section shall not apply to any conduit as to which Section 7034 is applicable.

CHAPTER 1787

An act to add Sections 5723, 13188, 13193, 13194, and 13968 to, and to repeal Section 13133 of, the Education Code, relating to junior college personnel.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 5723 is added to the Education Code, to read:

Non-credentialed teacher

5723. The governing board of a district maintaining a junior college may employ as a junior college teacher of an academic subject matter area or areas a person who does not hold a credential issued by the State Board of Education authorizing such service if the person has been granted a master's degree or a doctor's degree in the academic subject matter area for which he is employed to teach. No such person shall teach classes in grades below grades 13 and 14 in any junior college. No such person shall be employed for an aggregate period which is greater than three school years unless he fulfills the requirements of Section 13132 and of subdivision (c) of Section 13193.

Limitations on employment

No person shall be employed pursuant to this section until he has complied with the prerequisites to issuance of a certification document prescribed by Sections 13121, 13123, 13124, 13126, and 13127, and no person shall be so employed who has been determined to come within any of the provisions of Section 13129 or Section 13130. The State Board of Education shall make necessary provision for enforcing compliance with the preceding sentence.

Reports

The governing board of each school district maintaining a junior college shall, in the manner and form prescribed by the State Board of Education, promptly after the close of each school year file with the Department of Education a report identifying each person employed pursuant to this section during the preceding school year and certifying that all applicable laws, rules, and regulations were complied with in his employment. The Department of Education shall compile and maintain a roster of the individuals employed under this section, to be utilized in administering the provisions of this section.

Any person employed pursuant to this section shall be deemed to be a certificated employee in a position requiring certification qualifications for all purposes.

"Academic subject matter area"

For the purposes of this section "academic subject matter area" shall have the meaning set forth in Section 13188.

SEC. 2. Section 13188 is added to said code, to read:

13188. As used in this article:

Same

(a) "Academic subject matter area" refers exclusively to the natural sciences, the social sciences (other than education and educational methodology), the humanities, mathematics, the fine arts. The State Board of Education may consider a given subject matter major, whatever its title, to be an academic subject matter major if it finds that at the specific institution the required courses and the content of such courses within the major are equivalent to those of an academic subject matter major.

"Specialized preparation"

(b) "Specialized preparation" means training and education designed to prepare a person to serve as a librarian and to teach librarianship or to serve as a teacher of exceptional children, as designated on the credential.

SEC. 3. Section 13193 is added to said code, to read:

Standard teaching credential. Specialization in junior college teaching

13193. The minimum requirements for the standard teaching credential with a specialization in junior college teaching shall be five years, or its equivalent, of college or university education in an institution approved by the State Board of Education, including each of the following:

(a) A major and a minor, one of which shall be in an academic subject matter area and one of which may be in a nonacademic subject matter area, normally taught in the public schools. Specialized preparation may be substituted for the minor.

(b) A master's degree, a doctor's degree, or other postgraduate degree approved by the State Board of Education

requiring not less than five years of college or university education secured in an institution approved by the State Board of Education.

(c) Such additional requirements as may be prescribed by the State Board of Education. In promulgating any additional requirements, the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent. Additional requirements shall be prescribed by the board on or before July 1, 1963.

A holder of such credential shall not be authorized to teach below grade 13 any courses except as specified in subdivision (d) of Section 13194 unless he has completed a course of practice teaching or its equivalent as prescribed by the State Board of Education.

SEC. 4. Section 13194 is added to said code, to read:

Same Teaching authorized

13194. The standard teaching credential with a specialization in junior college teaching shall authorize the holder to:

(a) Teach, in grades 11 to 14, inclusive, any courses in which the holder has completed a subject matter major.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in grades 13 and 14, courses in which the holder has completed a subject matter minor if the governing board of the district specifically authorizes the holder to teach such courses by resolution adopted by the governing board. The authorization may be renewed annually by resolution of the governing board.

(d) Teach, in grades 7 to 14, inclusive, courses in which the holder has completed a specialized area of preparation in special education.

(e) Serve as a librarian in an elementary school, junior high school, high school, or junior college if the holder has completed the specialized preparation area of librarianship.

Repeal

SEC. 5. Section 13133 of said code is repealed.

SEC. 6. Section 13968 is added to said code, to read:

Membership in system

13968. All teachers employed in the junior colleges of this State pursuant to Section 5723, whether or not they hold credentials issued by the State Board of Education, are members of the system to the same extent as are other persons employed in the public schools of the State in positions requiring certification qualifications.

CHAPTER 1788

An act to amend Section 903 of, and to repeal Section 905 of, the Streets and Highways Code, and to provide for the limitation of actions based thereon, relating to title to land acquired for highway purposes.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 903 of the Streets and Highways Code is amended to read:

903. After one year from the making of an order by a board of supervisors, pursuant to this division, opening a highway over any land, the county acquires title to the land in accordance with the terms of the order.

Acquisition by county

SEC. 2. Section 905 of said code is repealed.

Repeal

SEC. 3. Any proceeding, action or defense based solely on any alleged effect of Section 905 of Streets and Higways Code prior to its repeal by Section 2 of this act as preventing a county or city and county from acquiring fee title by deed or condemnation to land for highway purposes shall not be commenced or maintained after the expiration of one year from the effective date of this act.

Actions under Section 905

CHAPTER 1789

An act to amend Sections 1326, 1327 and 1332 of the Streets and Highways Code, relating to county bridges.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1326 of the Streets and Highways Code is amended to read:

1326. The board of supervisors shall adopt plans, specifications, and working details for such construction or repair and shall cause a notice, calling for bids therefor, to be published in a newspaper of general circulation published in the county. Such notice shall be published for at least 10 consecutive times in a daily newspaper of general circulation published in the county or for at least two consecutive times in a weekly newspaper published in the county. If there is no newspaper published in the county, such notice shall be given by posting in three public places in the county for at least two weeks.

Plans, specifications, etc
Notice calling for bids

SEC. 2. Section 1327 of said code is amended to read:

Examination of plans, specifications, etc

1327. The board shall afford all bidders an opportunity to examine such plans, specifications, and working details, and shall award the contract to the lowest responsible bidder.

Bond

The person to whom the contract is awarded shall execute a bond, approved by the board for the faithful performance of the contract. Such person shall perform the work in accordance with the plans, specifications, and working details,

Modifications

unless all or any of them are modified by a four-fifths vote of the members of the board. In every such case if the cost of the work is reduced by reason of the modification, the person to whom the contract is awarded shall make an allowance on the contract price to the extent of such reduction.

SEC. 3. Section 1332 of said code is amended to read:

Employment, materials, etc

1332. The board of supervisors may authorize such road commissioner to employ such workmen and purchase such materials, equipment, tools, and appliances and cause such work to be done as is necessary to construct or maintain such bridges and to keep them in repair without adopting plans and specifications, or working details and without advertising for bids as required in Sections 1325, 1326, and 1327. The cost of such construction, maintenance or repair shall be paid out of the county road funds or out of the county general fund.

CHAPTER 1790

An act to amend Sections 25210.10, 25210.31, and 25210.81 of the Government Code, relating to county service areas.

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 25210.10 of the Government Code is amended to read:

Establishment in unincorporated areas

25210.10. A county service area consisting of all or any part or parts of the unincorporated area of a county may be established pursuant to this chapter.

SEC. 2. Section 25210 31 of said code is amended to read:

Other types of services

25210 31. If the board of supervisors is of the opinion that public convenience and necessity require that any of the other types of extended services referred to in Section 25210.4 be provided within an established county service area, it may adopt a resolution of intention to provide such other types of extended services within the area. Such proceedings may be commenced at any time.

SEC. 3. Section 25210.81 of said code is amended to read:

Annexation of territory

25210 81. Proceedings for the annexation of territory to a county service area may be commenced by the board of supervisors by the adoption of a resolution which shall:

(a) State the name of the county service area to which the territory is proposed to be annexed.

(b) State the types of services provided within the area.

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

(d) Fix a time and place for a hearing upon the question of the annexation of the territory to the area.

Proceedings for the annexation of territory to a county service area may be commenced at any time.

CHAPTER 1791

An act to amend Sections 1074 and 1075 of the Streets and Highways Code, relating to work upon county highways.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1074 of the Streets and Highways Code is amended to read:

1074. Whenever the board finds that the estimated expense of any work to be done upon any county highway is three thousand dollars ($3,000) or less, the board may let a contract covering both work and material, or purchase the material and let a contract for doing the work, or purchase the materials and do the work by day labor, without calling for bids.

Bid requirements excused

SEC. 2. Section 1075 of said code is amended to read:

1075. The board may have any work upon county highways done under the supervision and direction of the county road commissioner. Such work may be done:

Highway work under county road commissioner

(a) By letting a contract covering both work and material. In such event the contract shall be let to the lowest responsible bidder as provided in this article.

(b) By purchasing the material and letting a contract for the doing of the work. In such event the material shall be bought from and the contract let to the lowest responsible bidder as provided in this article.

(c) By purchasing the material and having the work done by day labor, in which case advertising for bids is not required.

CHAPTER 1792

An act to amend Section 103.3 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 103.3 of the Welfare and Institutions Code is amended to read:

103.3. The provisions of this code relative to public assistance for which state grants-in-aid are made to the counties shall be administered fairly to the end that all persons who are eligible and apply for such public assistance shall receive the assistance to which they are entitled promptly, with due consideration for the needs of applicants and the safeguarding of public funds.

(a) Any applicant for, or recipient or payee of, such public assistance shall be informed as to the provisions of eligibility and his responsibility for reporting facts material to a correct determination of eligibility and grant.

(b) Any applicant for, or recipient or payee of, such public assistance shall be responsible for reporting accurately and completely within his competence those facts required of him pursuant to subdivision (a) and to report promptly any changes in those facts.

(c) Any person who makes full and complete disclosure of those facts as explained to him pursuant to subdivision (a) is entitled to rely upon the award of the board of supervisors as being accurate, and that the warrant he receives correctly reflects the award made by the board, except that the county paying the aid shall be allowed a period of two months following the month of payment within which to adjust any errors or changes in amount of grant resulting from changes in income or need which occur too late to be reflected in the grant for the current month.

(d) If any overpayment which results because of the failure to report facts in accordance with subdivision (b) is not adjusted within a period of two months following the month of the discovery of the overpayment, the person receiving the aid shall make restitution and all actions necessary to secure restitution may be brought against him.

If the recipient or family is currently eligible in accordance with law and the rules of the State Social Welfare Board, collection of overpayments shall not be made through discontinuance or reduction of aid beyond the grant adjustment period permitted by subsection (c) except where the recipient or family at the time of determination of the overpayment possessed liquid assets sufficient to support himself or his family at the rate of the grant during the period of reduction or discontinuance thereof.

(e) If it is found that a recipient or a family was possessed of property in excess of the amount permitted by law, and it cannot be established that the recipient or family received such aid in bad faith, without honestly believing eligibility was properly established, the amount collectible shall be limited to an amount equal to the market value of the excess property or the amount of aid granted during the period the excess property was held, whichever is the lesser.

(f) When an underpayment or denial of aid occurs because of an admistrative error or inadvertence on the part of a county and as a result the applicant or recipient does not re-

ceive the amount to which he is entitled, the county shall pay aid equal to the full amount of the underpayment which occurred during the period of four years immediately preceding the date the error or inadvertence is discovered.

CHAPTER 1793

An act to amend Sections 73642, 73643, 73644, 73645, 73649, 73952, 73953, 73954, 73955, 73959, 73960, 74342, 74343, 74344, 74345, 74346, 74350, 74351, 74742, 74743, 74744, 74745, 74749, 74750 and 74751 of, and to add Sections 73643.1, 73645.1, 73953.1, 73960 1, 74343.1, 74343.2, 74345.1, 74350.1, 74743 1, 74743.2 and 74750.1 to, and to repeal Sections 73650, 74346.5 as added by Chapter 354 of the Statutes of 1959, 74346.5 as added by Chapter 2176 of the Statutes of 1959, and 74355 of, the Government Code, relating to municipal courts.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 73642 of the Government Code is amended to read:

73642. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 36 of the salary schedule provided in Section 74343.1. Clerk

SEC. 2. Section 73643 of said code is amended to read:

73643. The clerk may appoint with the approval of the judges: Clerk's appointees

(a) Two chief deputy clerks each of whom shall receive a monthly salary at a rate specified in Schedule No. 27.

(b) Fourteen deputy clerks. In the discretion of the appointing power not to exceed four of these positions may be filled by the appointment of junior deputy clerks; a junior deputy clerk may be advanced to the position of deputy clerk in the manner in which an original appointment to the position of deputy clerk may be made. Each deputy clerk shall receive a monthly salary at a rate specified in Schedule No. 23. Each junior deputy clerk shall receive a monthly salary at a rate specified in Schedule No. 19.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1, and the provisions of subdivisions (a), (b), and (c) of that section are applicable to the attachés appointed pursuant to this section.

SEC. 3. Section 73643.1 is added to said code, to read:

Same: Additional appointees

73643.1. In the event that there is an increase in the number of judges as provided in Section 73641, the clerk of the court may appoint one chief deputy clerk for each respective additional judge so appointed, who shall receive a monthly salary at a rate specified in Schedule 27 of Section 74343.1; one deputy clerk for each respective additional judge so appointed, who shall receive a monthly salary at a rate specified in Schedule 23 of Section 74343.1; one junior deputy clerk for each respective additional judge so appointed, who shall receive a monthly salary at a rate specified in Schedule 19 of Section 74343.1. In the event there has been a salary increase under Section 74743.2 prior to the addition of the above positions, each respective salary schedule number attached to the above named positions shall be increased as specified in Section 73643.1.

SEC. 5. Section 73644 of said code is amended to read:

Marshal

73644. There shall be one marshal, who shall receive a monthly salary as provided in Schedule No. 36 of Section 74343.1.

SEC. 6. Section 73645 of said code is amended to read.

Marshal's appointees

73645. The marshal may appoint with the approval of the judge:

(a) One deputy marshal (sergeant), who shall receive a monthly salary as provided in Schedule No 31. The position of senior deputy marshal shall succeed to that of deputy marshal (sergeant).

(b) Seven deputy marshals each of whom shall receive a monthly salary as provided in Schedule No. 27. The positions of deputy marshal II shall succeed each to one of these positions as deputy marshal.

(c) Four deputy marshals, clerical, each of whom shall receive a monthly salary as provided in Schedule No. 22. The positions of deputy marshal I, clerical, shall succeed each to one of these positions as deputy marshal, clerical.

The value in dollars of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1, and the provisions of subdivisions (a), (b) and (c) of that section shall be applicable to the attachés appointed pursuant to this section.

SEC. 7. Section 73645.1 is added to said code, to read:

Holdover employees

73645.1. All persons holding positions on the 91st day after the 1961 Regular Session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service. In no event will the salary of the marshal or any deputy marshal who occupied his position on the day prior

to the effective date of this section be less than the amount of his salary on such day.

SEC. 7.5. Section 73649 of said code is amended to read:

Official reporters: Salaries, fees, etc

73649. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attachés of the court and in lieu of any other compensation provided by law for their services in reporting testimony in felony criminal proceedings in the court, shall receive a monthly salary of three hundred dollars ($300). The salary shall be a charge against the general fund of the county. For transcribing and for reporting proceedings other than felony criminal proceedings, the official reporters shall receive the fees provided by Section 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county. Pursuant to Section 72194, the judge of the court may appoint as many additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore and they shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county. An official reporter or an official reporter pro tempore may be appointed to serve as such reporter in more than one municipal court in the County of San Diego.

Repeal

SEC. 8. Section 73650 of said code is repealed.

SEC. 10. Section 73952 of said code is amended to read:

Clerk

73952. There shall be one clerk, who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule No 35 of Section 74343.1.

SEC. 11. Section 73953 of said code is amended to read:

Clerk's appointees

73953 The clerk may appoint with the approval of the judges:

(a) One chief deputy clerk, who shall receive a monthly salary at a rate specified in Schedule No. 27.

(b) Twelve deputy clerks. In the discretion of the appointing power not to exceed four of these positions may be filled by the appointment of junior deputy clerks; a junior deputy clerk may be advanced to the position of deputy clerk in the manner in which an original appointment to the position of deputy clerk may be made Each deputy clerk shall receive a monthly salary at a rate specified in Schedule No. 23. Each junior deputy clerk shall receive a monthly salary at a rate specified in Schedule No. 19.

The value, in dollars of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1, and the provisions of subdivisions (a), (b) and (c) of that section are applicable to the attaches appointed pursuant to this section.

SEC. 12. Section 73953.1 is added to said code, to read:

Same. Additional appointees

73953.1. In the event that there shall be an increase in the number of judges as provided in Section 73951, the clerk may appoint one chief deputy clerk for each respective addi-

tional judge so appointed, who shall receive a monthly salary at a rate specified in Section 73953(a); and the clerk may appoint two deputy clerks for each respective additional judge so appointed; each of whom shall receive a monthly salary at a rate specified for deputy clerks in Section 73953(b). In the event there has been a salary increase under Section 74743.2 prior to the addition of the above positions, each respective salary schedule number attached to the positions provided for in this section shall be increased as provided in Section 73953.2.

SEC. 14. Section 73954 of said code is amended to read:

Marshal

73954. There shall be one marshal, who shall receive a monthly salary as provided in Schedule No. 35 of Section 74343.1.

Marshal's appointees

SEC. 15. Section 73955 of said code is amended to read:

73955. The marshal may appoint:

(a) One deputy marshal (sergeant) who shall receive a monthly salary as provided in Schedule No 31. The position of senior deputy marshal shall succeed to that of deputy marshal (sergeant).

(b) Four deputy marshals, each of whom shall receive a monthly salary as provided in Schedule No. 27. The position of deputy marshal II shall succeed each to one of these positions as deputy marshal.

(c) Three deputy marshals, clerical, each of whom shall receive a monthly salary as provided in Schedule No. 22. The positions of deputy marshal I, clerical, shall succeed each to one of these positions as deputy marshal, clerical.

(d) The value in dollars of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1, and the provisions of subdivisions (a), (b) and (c) of that section are applicable to attachés appointed pursuant to this section.

In no event shall the salary of the marshal or any deputy marshal who occupied his position on the day prior to the effective date of the 1961 amendments to this section be less than his salary on such day.

SEC. 16. Section 73959 of said code is amended to read:

Official reporters: Salaries, fees, etc

73959. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attachés of the court and in lieu of any other compensation provided by law for their services in reporting testimony in felony criminal proceedings in the court, shall receive a monthly salary of three hundred dollars ($300). The salary shall be a charge against the general fund of the county. For transcribing and for reporting proceedings other than felony criminal proceedings, the official reporter shall receive the fees provided by Sections 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county. Pursuant to Section 72194, the judge of the court may appoint as many additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore and they shall serve without salary but shall re-

ceive the fees provided by Sections 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county. An official reporter or an official reporter pro tempore may be appointed to serve as such reporter in more than one municipal court in the County of San Diego.

SEC. 17. Section 73960 of said code is amended to read:

Increases in compensation

73960. Should Section 73951 be amended, or any other statute enacted, to increase the number of judges in the municipal court to more than one, the compensation provided in Section 73952 and Section 73954 for the clerk of the municipal court shall on the effective date of such amendment or statute be increased by one salary schedule number and the basic compensation of such position shall become that specified for such higher schedule number in the salary schedule set forth in Section 74343.1 of this code. The increase shall be in addition to the increase provided in Section 73953.2.

SEC. 18. Section 73960.1 is added to said code, to read:

Same

73960.1. Should Section 73951 be amended, or any other statute be enacted, to increase the number of judges in the municipal court to more than one, the compensation provided in Section 73954 for the marshal of the municipal court shall on the effective date of such amendment or statute be increased by one schedule number. The increase shall be in addition to the increase that is provided in Section 73955 (e).

SEC. 19. Section 74342 of said code is amended to read:

Clerk

74342. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 39 of the salary schedule provided in Section 74343.1.

SEC. 20. Section 74343 of said code is amended to read:

74343. The clerk may appoint:

Clerk's appointees

(a) Five deputy clerks who shall be chief clerks in the administrative, civil, criminal, traffic, and accounting divisions of the court, and who shall receive a monthly salary at the rate specified in Schedule 33.

(b) Five deputy clerks who shall be assistant chief clerks of division and who shall receive a monthly salary at a rate specified in Schedule 30.

(c) Twenty-two deputy clerks IV, each of whom shall receive a monthly salary at a rate specified in Schedule 27.

(d) Twenty-two deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule 23.

(e) Twenty-one deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule 19.

(f) Thirty deputy clerks I, each of whom shall receive a monthly salary at a rate specified in Schedule 17.

(g) One deputy clerk who shall be chief tab operator and who shall receive a monthly salary at a rate specified in Schedule 28.

(h) One deputy clerk who shall be assistant tab operator and who shall receive a monthly salary at a rate specified in Schedule 24.

(i) Five deputy clerks who shall be key punch operators and who shall receive a monthly salary at a rate specified in Schedule 19.

(j) Three deputy clerks who shall be stenographers and who shall receive a monthly salary at a rate specified in Schedule 20.

The eight deputy clerks assigned by the clerk of the court as clerks in the presiding department, calendar department, criminal arraignment, traffic arraignment departments (two deputies), and in the accounting and civil divisions, while serving in those capacities, shall receive a monthly salary at a rate one schedule higher than that which such deputy clerks were receiving prior to such assignment.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1.

SEC. 21. Section 74343.1 is added to said code, to read:

Salary schedule

74343.1. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply:

Schedule number	A	B	C	D	E
15	$269	$282	$296	$311	$327
16	282	296	311	327	343
17	296	311	327	343	360
18	311	327	343	360	378
19	327	343	360	378	397
20	343	360	378	397	417
21	360	378	397	417	438
22	378	397	417	438	460
23	397	417	438	460	483
24	417	438	460	483	507
25	438	460	483	507	532
26	460	483	507	532	559
27	483	507	532	559	587
28	507	532	559	587	616
29	532	559	587	616	647
30	559	587	616	647	679
31	587	616	647	679	713
32	616	647	679	713	749
33	647	679	713	749	786
34	679	713	749	786	825
35	713	749	786	825	866
36	749	786	825	866	909
37	786	825	866	909	954
38	825	866	909	954	1,002
39	866	909	954	1,002	1,052
40	909	954	1,002	1,052	1,105

Schedule number	A	B	C	D	E
41	$954	$1,002	$1,052	$1,105	$1,160
42	1,002	1,052	1,105	1,160	1,218
43	1,052	1,105	1,160	1,218	1,279
44	1,105	1,160	1,218	1,279	1,343
45	1,160	1,218	1,279	1,343	1,410
46	1,218	1,279	1,343	1,410	1,481
47	1,279	1,343	1,410	1,481	1,555

(a) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first six months of service, receive monthly the rate of compensation specified in step A of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months continuous service in step A, the initial rate of compensation of such person shall be increased to step B of the salary schedule for the position occupied. Upon the first day of the month following six months continuous service in step B, the initial rate of compensation of such person shall be increased to step C of the salary schedule for the position occupied. On and after the first day of the month following six months of continuous service at step C, such compensation shall be increased to step D of the salary schedule. On and after the first day of the month following 12 months of continuous service at step D, such compensation shall be increased to step E of the salary schedule.

(b) When any person in the service of the court is appointed or promoted to another position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the position relinquished; but if not, he shall receive initially that step schedule pertaining to such position which will provide a one step increase in his compensation. In no event shall he receive a salary less than one step higher than that of a subordinate position.

(c) When any person in the service of the court is demoted to another position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

SEC. 22. Section 74343.2 is added to said code, to read:

74343.2. There shall be one court interpreter who shall be a deputy clerk to be appointed by a majority of the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 21 of the salary schedule provided in Section 74343.1. Court interpreter

Marshal

SEC. 24. Section 74344 of said code is amended to read:

74344. There shall be one marshal to be appointed by the judges of the court who shall receive the monthly compensation specified in Schedule 39 set forth in Section 74345.1.

Marshal's appointees

SEC. 25. Section 74345 of said code is amended to read:

74345. The marshal may appoint:

(a) One assistant marshal who shall receive the monthly compensation specified in Schedule 35.

(b) Two deputy marshals (lieutenant), each of whom shall receive the monthly compensation specified in Schedule 33.

(c) Five deputy marshals (sergeant), each of whom shall receive the monthly compensation specified in Schedule 31.

(d) One deputy marshal (female), who shall receive the monthly compensation specified in Schedule 27.

(e) Forty senior deputy marshals, each of whom shall receive the monthly compensation specified in Schedule 27.

(f) Twelve deputy marshals (stenographers), each of whom shall receive the monthly compensation specified in Schedule 20.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1.

In no event shall the salary of the marshal or any deputy marshal who occupied his position on the day prior to the effective date of the 1961 amendments to this section be less than his salary on such day.

SEC. 26. Section 74345.1 is added to said code, to read:

Probationary period

74345.1. The first 12 months served in any position shall be considered probationary and the appointing power shall have the authority to dismiss without cause, in the case of a new employee, or demote without cause in the case of a promoted employee during said 12-month period

SEC. 27. Section 74346 of said code is amended to read:

Court matron

74346. There shall be one court matron, who shall also serve as court probation officer, to be appointed by the judges of the court, who shall receive the monthly compensation specified in Schedule 23 set forth in Section 74345.1.

Repeal

SEC. 28. Section 74346.5 of said code as added by Chapter 354 of the Statutes of 1959 is repealed.

Repeal

SEC. 29. Section 74346.5 of said code as added by Chapter 2176 of the Statutes of 1959 is repealed.

SEC. 31. Section 74350 of said code is amended to read:

Holdover employees

74350. (a) All persons holding positions on the 91st day after the 1961 Regular Session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this act shall receive credit for continued service to which he would be entitled under his previous position and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by

additional service in grade shall take effect upon the first day of the month following completion of such required service.

(b) In addition to the compensation provided in this article, the attachés of the municipal court shall receive, and they shall be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in a retirement plan, and in any group health, accident or life insurance plan adopted by the Board of Supervisors of San Diego County. Such privileges and benefits shall be retroactively applied. The majority of all the municipal court judges may adopt rules for the conduct of and personnel privileges to be afforded the attachés of the court.

(c) All attachés may be appointed, promoted, removed, suspended or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension or discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché must serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk to a like permanent position in such clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in the clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

SEC. 32. Section 74350.1 is added to said code, to read:

Additional appointees

74350.1. In the event that there shall be an increase in the number of judges as provided in Section 74341 of this code, the clerk of the court may appoint one deputy clerk IV, one deputy clerk III, one deputy clerk II, and one deputy clerk I for each respective additional judge so appointed. Such additional deputy clerks shall receive a monthly salary at a rate specified in the appropriate schedule provided in Section 74343.1 of this code.

SEC. 33. Section 74351 of said code is amended to read:

Official reporters

74351. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attachés of the court to perform the duties set forth in Section 274c of the Code of Civil Procedure, and in lieu of any other compensation provided by law for their services in reporting testimony in felony criminal proceedings in the court, shall receive a monthly salary of five hundred fifty dollars ($550). The salary shall be

a charge against the general fund of the county For transcribing and for reporting proceedings other than felony criminal proceedings, the official reporter shall receive the fees provided by Sections 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county.

Repeal

SEC. 34. Section 74355 of said code is repealed.

Clerk

SEC. 36. Section 74742 of said code is amended to read:

74742. There shall be one clerk, who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule No. 35 of Section 74343 1.

Clerk's appointees

SEC. 37. Section 74743 of said code is amended to read:

74743. The clerk may appoint with approval of the judge:

(a) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule No. 27.

(b) Eight deputy clerks In the discretion of the appointing power not to exceed two of these positions may be filled by the appointment of junior deputy clerks; a junior deputy clerk may be advanced to the position of deputy clerk in the manner in which an original appointment to the position of deputy clerk may be made Each deputy clerk shall receive a monthly salary at a rate specified in Schedule No. 23. Each junior deputy clerk shall receive a monthly salary at a rate specified in Schedule No. 19.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1, and the provisions of subdivisions (a), (b), and (c) of that section are applicable to the attachés appointed pursuant to this section.

Same Additional appointees

SEC. 38. Section 74743 1 is added to said code, to read:

74743.1. In the event that there shall be an increase in the number of judges as provided in Section 74741, the clerk of the court may appoint two deputy clerks for each respective additional judge so appointed, who shall receive a monthly salary at a rate specified in Schedule No. 23 of Section 74343.1.

In the event there has been a salary increase under Section 74743 2 prior to the addition of the above named positions, each respective salary schedule number attached to the above named positions shall be increased as specified in Section 74743 2.

Salary increases

SEC. 39. Section 74743.2 is added to said code, to read:

74743.2. In the event there is a general increase in the compensation of the employees of the San Diego County Superior Court clerk's office between the effective date of this section and July 1, 1963, then on the effective date of the general increase each respective salary schedule number attached to a position mentioned in Sections 73642, 73643, 73643.1, 73952, 73953, 73953.1, 73960, 74342, 74343, 74343 2, 74742, 74743, 74743 1 and 74750 shall be increased by one salary schedule number, and the basic compensation of each such position shall become that specified for such higher schedule number in the salary schedule set forth in Section 74343.1.

SEC. 40. Section 74744 of said code is amended to read:

74744. There shall be one marshal, who shall receive a monthly salary as provided in Schedule No. 35 of Section 74343.1. Marshal

SEC. 41. Section 74745 of said code is amended to read:

74745. The marshal may appoint:

(a) One senior deputy marshal (sergeant), who shall receive a monthly salary as provided in Schedule No. 31. The position of senior deputy marshal shall succeed to that of deputy marshal (sergeant). Marshal's appointees

(b) Four deputy marshals, each of whom shall receive a monthly salary as provided in Schedule No. 27. The positions of deputy marshal II shall succeed each to one of these positions as deputy marshal.

(c) Three deputy marshals, clerical, each of whom shall receive a monthly salary as provided in Schedule No. 22. The positions of deputy marshal I, clerical, shall succeed each to one of these positions as deputy marshal, clerical.

The value in dollars of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1, and the provisions of subdivisions (a), (b) and (c) of that section are applicable to the attachés appointed pursuant to this section.

In no event shall the salary of the marshal or any deputy marshal who occupied his position on the day prior to the effective date of the 1961 amendments to this section be less than his salary on such day.

SEC. 41.5. Section 74749 of said code is amended to read:

74749. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attachés of the court and in lieu of any other compensation provided by law for their services in reporting testimony in felony criminal proceedings in the court, shall receive a monthly salary of three hundred dollars ($300). The salary shall be a charge against the general fund of the county. For transcribing and for reporting proceedings other than felony criminal proceedings, the official reporters shall receive the fees provided by Section 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county. Pursuant to Section 72194, the judge of the court may appoint as many additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore and they shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county. An official reporter or an official reporter pro tempore may be appointed to serve as such reporter in more than one municipal court in the County of San Diego. Official reporters

SEC. 42. Section 74750 of said code is amended to read:

Compensation increase

74750. Should Section 74741 be amended, or any other statute be enacted, to increase the number of judges in the municipal court to more than one, the compensation provided in Section 74742 for the clerk of the municipal court shall on the effective date of such amendment or statute be increased by one salary schedule number and the basic compensation of such position shall become that specified for such higher schedule number in the salary schedule set forth in Section 74343 1. Such increase shall be in addition to the increase provided in Section 74743.2.

SEC. 43. Section 74750.1 is added to said code, to read:

Same: Marshal

74750.1. Should Section 74741 be amended or any other statute be enacted to increase the number of judges in the municipal court to more than one, the compensation provided in Section 74744 for the marshal of the municipal court shall on the effective date of such amendment or statute be increased by one salary schedule number. Such increase shall be in addition to the increase that is provided in Section 74751

SEC. 44. Section 74751 of said code is amended to read:

Compensation increase

74751 In the event there is a general increase in the compensation of the employees of the San Diego County Sheriff's department between the effective date of this section and July 1, 1963, then on the effective date of the general increase each respective salary schedule number attached to a position mentioned in Sections 73644, 73645, 73954, 73955, 73960.1, 74344, 74345, 74346, 74744 and 74745 shall be increased by one number and the basic compensation of each such position shall become that specified for such higher schedule number in the salary schedule set forth in Section 74343.1.

CHAPTER 1794

An act to add Chapter 3 (commencing with Section 880) to Division 3 of, to add Section 975 to, and to amend Section 8502 of, the Education Code, relating to local administration of the public school system.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Chapter 3 (commencing with Section 880) is added to Division 3 of the Education Code, to read:

CHAPTER 3. EXPENSES OF COUNTY BOARD OF EDUCATION, COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION AND COUNTY SUPERINTENDENT OF SCHOOLS

Article 1. Expenses Payable from County School Service Fund

Payments from county school service fund

880. All expenses shall be paid out of the county school service fund necessary for the county board of education and the county superintendent of schools to perform the duties, render the services and comply with the provisions of Education Code Sections 811, 812, 857, 1131, 6815, 6932, 7103, 8004, 8055, 8158, 8806, 8854, 8855, 8904, 8951, 8953, 9003, 9153, 11755, 13512, 13528, 16858, 16860, 16902, 17206, 20102, 20105, 20106, 21052, and 21053.

The provisions of this section shall not be construed to prohibit support from the county general fund from being provided for duties and services performed pursuant to the sections enumerated above.

Article 2. Expenses Payable From County General Fund

Payments from county general fund

881. Except as provided in Section 880, all expenses necessary for the county board of education, the county committee on school district organization and the county superintendent of schools to comply with the following provisions of this code are payable from the county general fund: 701, 702, 703, 704, 705, 706, 707, 751, 752, 753, 754, 801, 802, 803, 804, 805, 806, 851, 1343, 1651, 1833, 1853, 1854, 1855, 2042, 2044, 2384, 2403, 2404, 2431, 2451, 2564, 2782, 2884, 2887, 3103, 3104, 3126, 3127, 3128, 3153, 3154, 3158, 3159, 3160, 5606, 6102, 6103, 6509, 6510, 6511, 9254, 10601, 12153, 12268, 12408, 13158, 14021, 14022, 14116, 14117, 14119, 14125, 14202, 14212, 15052, 15053, 15054, 15055, 15412, 16501, 19592, 19667, 20604, 20701, 20702, 20803, 21107, 21108, 21113, 21153, 21201, 21202, 21203, 21204, 21205, 21206, 21207, 21208, 21209, 21251, 21252, 21253, 21254, 21255, 21301, and 26301.

SEC. 2. Section 975 is added to said code, to read:

Payments from county school service fund

975. The expenses incurred by the county superintendent of schools in carrying out the duties prescribed by Sections 812, 942, 958, 962, 964, 966, 971, and 973, shall be charged to and paid from the county school service fund, but the county school service fund shall be reimbursed for such expenses incurred from the general funds of the school districts on whose behalf the expenditures are incurred.

SEC. 3. Section 8502 of said code is amended to read:

Same

8502. The county school service fund shall be used to pay for those services provided by the county superintendent of schools that are authorized by this chapter (commencing at Section 8501), and for such other purposes as are specifically authorized in Section 880 of this code.

CHAPTER 1795

An act to amend Section 15 of Chapter 1759 of the Statutes of 1959, relating to school district governing boards.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 15 of Chapter 1759 of the Statutes of 1959 is amended to read:

Sec. 15. Notwithstanding any provision of law to the contrary, the term of office of any school district governing board member elected to office in May, 1959, and the term of office of any member whose term expires in 1962, shall expire on June 30, 1963. The term of office of any member of a school district governing board who was elected in 1961 for a term to expire on June 30, 1964, shall expire on June 30, 1963. The county superintendent of schools having jurisdiction over the district shall determine by lot, with respect to the members who are the successors of such members whose terms expire in 1963, the number of members who shall hold for two-year terms and the number who shall hold for four-year terms in order to achieve the staggering of terms prescribed by the provisions of the Education Code applicable to the particular governing board to which the members are elected. The members elected in 1963 who are the successors to members whose terms expire in 1963 shall determine by lot the term of office of each member so elected in 1963.

CHAPTER 1796

An act to repeal Chapter 1 (commencing with Section 23600), Chapter 1.5 (commencing with Section 23603), as added by Chapter 12 of the Statutes of 1961, Chapter 3 (commencing with Section 23701), Chapter 4 (commencing with Section 23851), Chapter 5 (commencing with Section 23901), Chapter 7 (commencing with Section 24000), Chapter 8 (commencing with Section 24101), and Chapter 10 (commencing with Section 24351), and Article 3 (commencing with Section 24581) and Article 4 (commencing with Section 24601) of Chapter 11 of Division 18 of, to repeal Sections 8003, 9602, 23951, 23952, 24454, 24455, and 24456 of, and to add Chapter 1 (commencing with Section 23600), Chapter 1.5 (commencing with Section 23604), Chapter 3 (commencing with Section 23751), and Chapter 4 (commencing with Section 24101) to Division 18 of, and to amend Sections 24452 and 24453 of, and to amend the heading of Chapter 6 (com-

mencing with Section 23951) of Division 18 of, the Education Code, relating to state colleges, and making an appropriation.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Chapter 1 (commencing with Section 23600), Chapter 15 (commencing with Section 23603), as added by Chapter 12 of the Statutes of 1961, Chapter 3 (commencing with Section 23701), Chapter 4 (commencing with Section 23851), Chapter 5 (commencing with Section 23901), Chapter 7 (commencing with Section 24000), Chapter 8 (commencing with Section 24101), and Chapter 10 (commencing with Section 24351) and Article 3 (commencing with Section 24581) and Article 4 (commencing with Section 24601) of Chapter 11, of Division 18 of the Education Code are repealed. Repeal

SEC. 2. Section 8003 of said code is repealed. Repeal

SEC. 3. Section 9602 of said code is repealed. Repeal

SEC. 4. Chapter 1 (commencing with Section 23600) is added to Division 18 of said code, to read:

CHAPTER 1. GENERAL PROVISIONS

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

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

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

SEC. 5. Chapter 1.5 (commencing with Section 23603) is added to Division 18 of said code, to read:

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

Rules and regulations

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

(a) The government of the trustees

(b) The government of their appointees and employees

(c) The government of the state colleges

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

This section shall be liberally construed in order that the purposes of the Donahoe Higher Education Act (commencing with Section 22500) may be effectuated.

Delegation of power

23605. Wherever in this code a power is vested in the trustees, the trustees by majority vote may adopt a rule delegating such power to any officer, employee, or committee as the trustees may designate The rule shall prescribe the limits of such delegation.

Open public meetings

23606. All meetings of the trustees shall be open and public. Nothing contained in this section shall be construed to prevent the trustees from holding executive sessions to consider the employment or dismissal of an officer or employee of the trustees, nor to hear complaints or charges brought against such officer or employee by another officer, person, or employee unless such officer or employee requests a public hearing. The trustees may also exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the trustees.

Records

23607. All records of the trustees shall be open to inspection by the public during regular office hours, except as otherwise provided by law.

Agreements by trustees

23608. The trustees may enter into agreements with any public or private agency, officer, person, or institution, corporation, association, or foundation for the performance of acts or for the furnishing of services, facilities, materials, or equipment by or for the trustees or for the joint performance of an act or function or the joint furnishing of services and facilities by the trustees and the other party to the agreement.

The trustees may enter into agreements with the federal government or any agency thereof in order to receive the benefits of any federal statute extending benefits to state colleges or to state college students, including, but not limited to.

(a) Agreements with any agency of the federal government for the education of persons in the service of the federal government,

(b) Agreements with any agency of the federal government for the education of veterans, provided that such agreements shall provide for payment of the maximum amount permitted

under the act, or acts, of Congress under which the agreement is entered into.

Compliance with federal requirements

The trustees have all power necessary to perform such acts and comply with conditions required or imposed by the federal government in order to receive such benefits. The trustees are vested with all necessary power and authority to co-operate with any such agency of the federal government in the administration of any applicable act of Congress and rules and regulations adopted thereunder.

The provisions of Article 1 (commencing with Section 4300) of Chapter 4 of Division 5, Title 1 of the Government Code shall not apply to the purchase by the trustees of musical instruments for the use of students of state colleges.

Agreements with federal agencies

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

Agreements for exchange and employment of persons

23611. Notwithstanding anything to the contrary in Article 2 (commencing with Section 1940) of Chapter 2 of Part 7 of Division 2 of the Labor Code, the trustees may enter into an agreement with any political entity mentioned in Section 13271 for the exchange and employment of persons serving as teachers in state college laboratory demonstration elementary schools and employees of public schools of the political entity The exchange and employment shall be made under comparable circumstances, subject to comparable conditions, with comparable effect as to tenure and retirement rights, subject to comparable requirements as to payment of salary and deductions therefrom, and for the same period of time as set forth in Sections 13271, 13272, and 13273 with respect to the exchange of school district employees, except that the circumstances, conditions, rights, and requirements shall be those appropriate to the employment relationship between the teachers and the trustees.

Insurance

23612. The trustees may insure the owner of any motor vehicle used in driver training and employees of state colleges and the students instructed by them against any liability, other than a liability which may be insured against under Division 4 (commencing with Section 3201) of the Labor Code, for injuries or damages resulting from the negligent operation of any motor vehicle while such motor vehicle is operated by the employees or by students in connection with

the giving of instruction in the operation of motor vehicles within the curricula of the state college.

Bond

23613. The trustees may give in the name of the State of California such bond as may be required by the federal government or any officer or agency thereof, for the care, safekeeping, and return of property of the United States issued to any state college for the Reserve Officer Training Corps unit maintained at such state college.

Subpoena power

23614. The trustees may issue subpoenas to compel the attendance of witnesses before the trustees, or any member thereof, in the same manner as any court in this State Whenever the testimony of any witness upon any matter pending before them is material, the trustees shall cause the attendance of the witnesses before the trustees, or a member of the trustees, to testify concerning the matter, and the trustees may make a reasonable allowance for this purpose not exceeding the fees of witnesses in civil cases. The allowance shall be paid for out of the appropriation for the expenses of the trustees, but in no instance shall an allowance be made in favor of a witness who appears in behalf of a claimant. The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Witnesses

Powers of head of department

23615. The trustees shall have the powers conferred upon heads of departments of the State by Article 2 (commencing with Section 11180), Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Printing and binding

23616. All printing and binding required by the trustees shall be performed by the Department of Finance in the form and manner, and at the prices of other state printing, and be paid for in like manner, except that the trustees may fix the price for the sale of any bulletin or publication of the trustees or any state college, and may specify the class of persons or institutions that may receive copies of any publication free of charge.

Any county, or any school district, in this State may purchase from the trustees any publications of the trustees or any state college.

Traveling expenses

23617. For the purposes of Government Code Section 11032, the following constitute, among other proper purposes of like or different character, state business for officers and employees of the trustees for which the officers and employees shall be allowed actual and necessary traveling expenses:

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

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

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

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

Expenses outside of State

The provisions of Government Code Section 11032 requiring approval by the Governor and Director of Finance of traveling and expenses outside the State shall not be applicable to the officers and employees of the trustees.

Community relations

23618. The trustees may budget an amount to be expended in accordance with rules and regulations adopted by the State Board of Control for use in carrying out the community relation responsibilities of the president of each state college as defined by the trustees.

Cafeterias

23619. The trustees may provide for the establishment and maintenance of cafeterias in state colleges whenever in their judgment it is desirable to do so. The food served shall be sold to the patrons of the cafeterias at such price as will pay the cost of operating and maintaining the cafeterias.

SEC. 6. Chapter 3 (commencing with Section 23751) is added to Division 18 of the Education Code, to read:

CHAPTER 3. FINANCE

Article 1. Fees, Rents, and Charges

Fees, rents, deposits, etc

23751. The trustees may by rule require all persons to pay fees, rents, deposits, and charges for services, facilities or materials provided by the trustees to such persons, except that fees relating to parking shall be subject to the approval of the Director of Finance. The trustees may, by rule, provide for the method of collecting such fees, rents, deposits, and charges, and may, by rule, provide for the refund in whole or part of such fees, rents, deposits, and charges collected in error or collected for facilities, services, or materials not utilized.

Tuition fees

23753. Except as otherwise provided, the total tuition fees charged any student in a state college shall not exceed twenty-five dollars ($25) per year or twelve dollars and fifty cents ($12.50) per semester.

Admission fee, etc., for nonresident

23754. Except as otherwise specially provided, an admission fee and rate of tuition fixed by the trustees shall be required of each nonresident student. The rate of tuition to be paid by each nonresident student shall not be less than one hundred eighty dollars ($180) per year.

Foreign students under special exchange agreement

No admission fee or tuition fee shall be required of any student who is a citizen and resident of a foreign country and who attends a state college under an agreement entered into by a governmental agency formed under the Constitution or laws of this State or a nonprofit corporation or organization so formed, with a similar agency, or corporation or association, domiciled in and organized under the laws of a foreign country, where a principal purpose of the agreement is to encourage the exchange of students with the view of enhancing inter-

national good will and understanding. The trustees shall, in each instance, determine whether the conditions for such exemption from fees exist and may prescribe appropriate procedures to be complied with in obtaining the exemption.

Child of person in military service

23755. Any person whose parent is in the active military service of the United States of America and is stationed in this State on the opening day of the semester during which the person proposes to attend the state college shall, for the purposes of Sections 23604 to 23607, inclusive, Sections 23751 to 23803, inclusive, Sections 24051 to 24104, inclusive, Sections 24451 to 24455, inclusive, and Sections 24581, 24582, and 24601, be deemed to be a resident of this State for such semester. Any admission fee or rate of tuition required of such person shall not exceed the amount required of a resident student enrolled in the same course as such person.

"Nonresident student"

23756. "Nonresident student" means any person who has not been a bona fide resident of the State for more than one year immediately preceding the opening day of a semester during which he proposes to attend the state college.

Residence

23757. The residence of each student shall be determined in accordance with the rules for determining residences prescribed by Sections 243 and 244 of the Government Code, except that for the purpose of this section it shall be deemed that the residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian. Every alien student is deemed to be a nonresident student unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States.

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

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

(b) Any minor child, a citizen of the United States, or any alien, who is a minor child, who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who does not receive and has not for a period of more than one year immediately preceding the opening day of a semester during which he proposes to attend a state college received, directly or indirectly, any support or financial assistance from his father, if the minor lives with his mother, who is and has been for a period of more than one year immediately preceding the opening day of the semester actually present in the

State with the intention of making her permanent home therein.

Oaths and affirmations

23758. The trustees shall designate a person employed at each state college to administer oaths or affirmations in connection with the taking of testimony relative to any residence status.

Tuition Summer sessions

23759. Tuition fees adequate, in the long run, to meet the cost of maintaining summer sessions in the state colleges shall be required of, and collected from, students enrolled in each such summer session under and pursuant to rules and regulations prescribed by the trustees.

Special fees

23760. The trustees may require and collect special fees to cover cost of materials for specific services and other fees to cover the cost of accommodation services and other services provided students from students enrolled in each summer session.

Article 2. Student Body Organization Fees

Student body organization

23801. A student body organization may be established at any state college under the supervision of the college officials for the purpose of providing essential activities closely related to, but not normally included as a part of, the regular instructional program of the college. Such an organization may also operate a campus store, a cafeteria, and other projects not inconsistent with the purposes of the college, and property of the college may be leased to such an organization for such purposes.

Same: Membership fees

The trustees may fix fees for voluntary membership in such organization established at a state college.

Notwithstanding any provisions of law to the contrary, if a student body organization is established at any state college, upon the favorable vote of two-thirds of the students voting in an election held for this purpose, in such manner as the trustees shall prescribe, and open to all regular students enrolled in such college, the trustees shall fix a membership fee which shall be required of all regular, limited and summer session students attending such college. No fees shall be charged to students registering solely in extension classes

Such required fee shall be subject to referendum at any time upon the presentation of a petition to the president of the college containing the signatures of 20 percent of the regularly enrolled students at such college. A successful referendum shall take effect with the beginning of the academic year following that in which the election was held.

Payment of membership fees pursuant to this section shall be a prerequisite to enrollment in the college, except that any state college student may at his option agree to work off the amount of the fee at the prevailing rate of the college for student assistants. No student shall be required to pay student body membership fees in an aggregate amount exceeding twenty dollars ($20) annually.

Same
Collection, transmittal, deposit, etc

23802. Notwithstanding any provision of law to the contrary, student body organization membership fees authorized under the provisions of Section 23801 hereof shall be collected by the officials of the college, together with all tuition and material and service fees, at the time of registration. Money collected on behalf of student body organizations shall be transmitted by the business manager to the student body treasurer and such money shall, subject to the approval of the trustees, be deposited or invested by said treasurer in one or more of the following ways:

(a) Deposits in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.

(b) Investment certificates or withdrawable shares in state chartered savings and loan associations and savings accounts of federal savings and loan associations provided such associations are doing business in this State and have their accounts insured by the Federal Savings and Loan Insurance Corporation.

(c) Purchase of any of the securities authorized for investment by Section 16430 of the Government Code.

All money received by a state college from any agency of the State or federal government for the payment of student body organizations membership fees of students attending the college shall be in a like manner transmitted by the business manager to the treasurer of the student body organization and deposited or invested as provided above.

Same: Availability

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

Article 3. Revenues

Gifts, donations

24000. The trustees may accept on behalf of the State any gift or donation of real or personal property whenever such gift and the terms and conditions thereof will aid in carrying out the primary functions of the state colleges as specified in Section 22606 Neither Section 11005 of the Government Code nor any other provision of law requiring approval by a state officer of gifts or donations shall apply to such gifts or donations. Such gifts or donations shall be annually reported to the Co-ordinating Council for Higher Education.

National Defense Education Act, 1958

24001. The trustees are vested with all necessary power to perform acts, receive and expend funds, and co-operate with state and federal agencies as provided in Section 554 for the purpose of receiving and spending the funds provided by the act of Congress entitled "An act to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national

needs; and for other purposes" (National Defense Education Act of 1958), approved September 2, 1958.

The trustees may provide for the establishment and maintenance of student loan funds pursuant to said act of Congress. Money allocated for the purpose of establishing a student loan fund at a state college may be withdrawn from the State Treasury and deposited to the credit of that institution in a trust account in accordance with the provisions of Government Code Sections 16305 to 16305.7, inclusive, for the purpose of making loans to students in accordance with the federal act.

Appropriation of receipts

24002. All money received from the sale of publications pursuant to Section 23616, all money received under an agreement entered into pursuant to Section 23608 except recovery of contributions to the State Employees' Retirement Fund, and all money collected as fees from students in any state college and from other persons under Section 23604, Sections 23608 to 23612, inclusive, and Sections 23751, 23754, 23759, 23760, and 24000, are hereby appropriated for the support of the California State Colleges in addition to such other amounts as may be appropriated therefor by the Legislature. Such money shall augment such support appropriation of the California State Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

Article 4. Expenditures and Control

Control and expenditure

24051. The trustees shall control and expend all money appropriated for the support and maintenance of the state colleges, and all money received as donations pursuant to Section 24000.

Custody of federal monies

24052. The State Treasurer is designated as the custodian of all funds received by the State from the government of the United States or of any agency or agencies thereof under any agreement for the education of veterans, and he may receive, and provide for the proper custody of, all money so received.

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

Rules and regulations

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

Article 5. Auxiliary Organizations

State college auxiliary funds, etc. Audit, regulation

24054. The Department of Finance, or a public accountant selected by the organizations or funds hereafter described and in accordance with procedures prescribed by the Department of Finance, shall audit any and all state college auxiliary

funds and funds of organizations using the name of the State, state college, or representing an official relationship with the college, or funds in which college officials participate as directors as part of their official position, whether such funds be maintained on campus or not. The operation of state college auxiliary organizations shall be conducted in conformity with regulations established by the trustees and approved by the Director of Finance.

SEC. 7. Chapter 4 (commencing with Section 24101) is added to Division 18 of said code, to read:

CHAPTER 4. CONTROL OF PROPERTY

Leasing

24101. The trustees, with the approval of the Director of Finance, may lease any property of a state college for any purpose which they determine is not inconsistent with the functions of the California State Colleges, including, but not limited to:

(a) The lease of state college property to a nonprofit organization composed exclusively of students of the college or of members of the faculty of the college or both, for purposes related to the activities of the college or for the activities of student or faculty organizations;

(b) The lease of state college property to any nonprofit organization for the purpose of constructing and using thereon buildings as living quarters for students of the college and as meeting places;

(c) The lease to any student or faculty organization of the college of property for the purpose of establishing and maintaining co-operative stores, and cafeterias in connection with such stores.

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

Lease for laboratory demonstration elementary school

24102. The trustees, with the approval of the Director of Finance, and the governing board of any school district within which a state college is located, may enter into an agreement providing for the leasing by the State of a school building of the school district for use by the state college as a laboratory demonstration elementary school on such terms and conditions as may be agreed upon by the trustees and the governing board of the elementary school district except as otherwise herein provided.

Same Term, etc.

The lease may be for a period of not to exceed 20 years and shall in addition to any other terms and conditions set forth therein (a) require the school district to maintain the building at its own expense, (b) require the state college to maintain a school therein open to pupils of the school district residing in the attendance district for the school as established by the governing board of the district, and (c) require the school district to pay annually to the State on or before the

end of each fiscal year an amount determined by computing the current expenditures per pupil in the elementary schools of the district for the fiscal year and multiplying the amount so computed by the average daily attendance for the fiscal year in the school in excess of 400.

Only the average daily attendance in the school in excess of 400 shall be credited to the school district.

The average daily attendance of pupils in the school shall be computed separately in the same manner as the average daily attendance in other schools of the same grade maintained by the school district.

SEC. 8. The heading of Chapter 6 (commencing with Section 23951) of Division 18 is amended to read:

CHAPTER 6. VOCATIONAL TEACHERS

SEC. 9. Section 23951 of said code is repealed. Repeal

SEC. 10. Section 23952 of said code is repealed. Repeal

SEC. 11. Section 24452 of said code is amended to read:

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

SEC. 12 Section 24453 of said code is amended to read:

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

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

All money in the College Auxiliary Enterprise Fund is hereby appropriated to the trustees for the maintenance, repair, and operation of student housing facilities established under the provisions of Section 24451 and for the construction, including repayment of loans or advances for initial costs, improvement, and equipment of such student housing facilities, and for the payment of refunds of rents, charges, and fees to any person entitled thereto, as determined by the trustees. College Auxiliary Enterprise Fund appropriation

The provisions of this section with respect to fees, rents and charges for student housing facilities shall not apply to student housing facilities provided for by Sections 24501 to 24567, inclusive.

SEC. 13. Section 24454 of said code is repealed. Repeal

SEC. 14. Section 24455 of said code is repealed. Repeal

SEC. 15. Section 24456 of said code is repealed. Repeal

CHAPTER 1797

An act to amend Section 23601 of, and to add Section 23604.4 to, the Education Code, relating to the California State Colleges.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 23601 of the Education Code is amended to read:

California State Colleges

23601. The California State Colleges include the state colleges listed in this section. Each state college listed shall be known by the name set forth in this section.

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

SEC. 2. Section 23604.4 is added to said code, to read:

Naming state colleges, etc

23604.4. The trustees may select the name for any state college established after the effective date of this section, and may change the name of any state college established in a county with a population of more than 250,000.

CHAPTER 1798

An act to add Section 8358 to the Education Code, relating to work experience education.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 8358 is added to the Education Code, to read.

8358. Notwithstanding any provisions of this code or the Labor Code to the contrary, the school district under whose supervision work experience education is provided shall be considered the employer under Division 4 of the Labor Code of persons receiving such training unless such persons during such training are being paid a cash wage or salary by a private employer.

CHAPTER 1799

An act to amend Sections 73682, 73683, and 73684 of, and to add Section 73694 to, the Government Code, relating to officers and attachés of the municipal court established in the Fresno Judicial District.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 73682 of the Government Code is amended to read:

73682. There shall be one clerk to be appointed by the judges of the court in the manner provided by law who shall be the secretary of the court. He shall receive a minimum salary of five hundred ninety-five dollars ($595) a month, and upon the recommendation of the judges, increments of thirty-four dollars ($34) after six months of service, thirty-six dollars ($36) after one and one-half years, thirty-eight dollars ($38) after two and one-half years, and forty dollars ($40) to a maximum salary of seven hundred forty-three dollars ($743) after four and one-half years of service. Clerk

SEC. 2. Section 73683 of said code is amended to read:

73683. The clerk may appoint:

(a) One assistant clerk who shall receive a minimum salary of four hundred seventy-six dollars ($476) a month, and upon the recommendation of the clerk, increments of twenty-seven dollars ($27) after six months of service, twenty-nine dollars ($29) after one and one-half years, thirty-one dollars ($31) after two and one-half years, and thirty-two dollars ($32) to a maximum salary of five hundred ninety-five dollars ($595) after four and one-half years of service. Assistant clerk

(b) One legal process clerk II who shall receive a minimum salary of four hundred fifty dollars ($450) a month, and upon the recommendation of the clerk, increments of twenty-six dollars ($26) after six months of service, twenty-seven dollars ($27) after one and one-half years, twenty-nine dollars ($29) after two and one-half years, and thirty-one dollars ($31) to a maximum salary of five hundred sixty-three dollars ($563) after four and one-half years of service. Legal process clerk II

(c) Four clerks IV, each of whom shall receive a minimum salary of four hundred three dollars ($403) a month, and upon Clerks IV

the recommendation of the clerk, increments of twenty-three dollars ($23) after six months of service, twenty-four dollars ($24) after one and one-half years, twenty-six dollars ($26) after two and one-half years, and twenty-seven dollars ($27) to a maximum salary of five hundred three dollars ($503) after four and one-half years of service.

Senior account clerk

(d) One senior account clerk who shall receive a minimum salary of three hundred eighty-one dollars ($381) a month, and upon the recommendation of the clerk, increments of twenty-two dollars ($22) after six months of service, twenty-three dollars ($23) after one and one-half years, twenty-four dollars ($24) after two and one-half years, and twenty-six dollars ($26) to a maximum salary of four hundred seventy-six dollars ($476) after four and one-half years of service.

Senior clerk

(e) One senior clerk who shall receive a minimum salary of three hundred sixty dollars ($360) a month, and upon the recommendation of the clerk, increments of twenty-one dollars ($21) after six months of service, twenty-two dollars ($22) after one and one-half years, twenty-three dollars ($23) after two and one-half years, and twenty-four dollars ($24) to a maximum salary of four hundred fifty dollars ($450) after four and one-half years of service.

Small claims clerk

(f) One small claims clerk who shall receive a minimum salary of three hundred twenty-two dollars ($322) a month, and upon the recommendation of the clerk, increments of nineteen dollars ($19) after six months of service, nineteen dollars ($19) after one and one-half years, twenty-one dollars ($21) after two and one-half years, and twenty-two dollars ($22) to a maximum salary of four hundred three dollars ($403) after four and one-half years of service.

SEC. 3. Section 73684 of said code is amended to read:

73684. The clerk may also appoint:

Clerk's appointees

(a) Two intermediate stenographer clerks, each of whom shall receive a minimum salary of three hundred twenty-two dollars ($322) a month, and upon the recommendation of the clerk, increments of nineteen dollars ($19) after six months of service, nineteen dollars ($19) after one and one-half years, twenty-one dollars ($21) after two and one-half years, and twenty-two dollars ($22) to a maximum salary of four hundred three dollars ($403) after four and one-half years of service.

(b) Fourteen intermediate typist clerks, each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) a month, and upon the recommendation of the clerk, increments of seventeen dollars ($17) after six months of service, seventeen dollars ($17) after one and one-half years of service, nineteen dollars ($19) after two and one-half years of service, and nineteen dollars ($19) to a maximum salary of three hundred sixty dollars ($360) after four and one-half years of service.

(c) Four junior typist clerks, each of whom shall receive a minimum salary of two hundred fifty-eight dollars ($258) a

month, and upon the recommendation of the clerk, increments of fifteen dollars ($15) after six months of service, fifteen dollars ($15) after one and one-half years, seventeen dollars ($17) after two and one-half years, and seventeen dollars ($17) to a maximum salary of three hundred twenty-two dollars ($322) after four and one-half years of service.

SEC. 4. Section 73694 is added to said code, to read:

Equalization of compensation

73694. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court with the approval of the Board of Supervisors of the County of Fresno, the officers and attaches of the court, as are more particularly named in Sections 73682, 73683 and 73684, may be paid any compensation which is within the ranges and increments of the Fresno County Salary Ordinance then in effect up to, but not exceeding 12 percent (12%) of the maximum amounts specified in this article, operative at the same time as that higher compensation becomes operative in the Fresno County Salary Ordinance. This section shall remain in effect until the 91st day after the final adjournment of the 1963 Session of the California Legislature.

CHAPTER 1800

An act to amend Section 74501 of the Government Code, relating to municipal courts.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 74501 of the Government Code is amended to read:

74501. There shall be 15 judges.

SEC. 2. This act shall become operative March 1, 1962.

CHAPTER 1801

An act to amend Sections 74502, 74503, 74504, and 74505 of, and to repeal Section 74504.5 of, the Government Code, relating to municipal courts.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 74502 of the Government Code is amended to read:

Clerk

74502. There shall be one clerk who shall also serve as secretary to the judges and who shall be paid a salary of one thousand four hundred fifty dollars ($1,450) a month. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one clerk who shall also serve as secretary to the judges, and who shall hold office at their pleasure and who shall receive the salary hereinabove provided.

SEC. 1.5. Section 74503 of said code is amended to read:

Jury Commissioner

74503. (a) There shall be one jury commissioner who shall exercise the powers of jury commissioners of superior courts insofar as they are applicable to the municipal courts and who shall perform such other duties as assigned by the judges of the court and who shall be paid a salary of one thousand forty-eight dollars ($1,048) monthly. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstandnig any other provisions of the Government Code, shall appoint one jury commissioner, and who shall hold office at their pleasure, and who shall perform such other duties as assigned by the judges of the court, and who shall receive the salary hereinabove provided.

Chief division clerks

(b) The clerk shall appoint four deputy clerks who shall be the chief division clerks in the civil, criminal, traffic and accounting departments of the court, and who shall be paid a minimum salary of eight hundred sixty-four dollars ($864) monthly during the first year of service, a salary of nine hundred fifteen dollars ($915) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of nine hundred sixty-seven dollars ($967) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment. While assigned to the traffic department or the civil department of the court such chief division clerks shall be paid in addition to the salary provided by this article the additional sum of twenty-five dollars ($25) monthly.

SEC. 2. Section 74504 of said code is amended to read:

Assistant chief division clerks

74504. The clerk shall also appoint: (a) Five deputy clerks who shall be assistant chief division clerks and who shall be paid a minimum salary of seven hundred fifty-five dollars ($755) monthly during the first year of service, a salary of seven hundred ninety-seven dollars ($797) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of eight hundred forty-two dollars ($842) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

Deputy clerks

(b) Twenty-two deputy clerks who shall be paid a minimum salary of six hundred forty-one dollars ($641) monthly during the first year of service, a salary of six hundred seventy-

seven dollars ($677) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of seven hundred fifteen dollars ($715) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

Same (c) Fifteen deputy clerks who shall be paid a minimum salary of five hundred seventy dollars ($570) monthly during the first year of service, a salary of five hundred ninety dollars ($590) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment and a maximum salary of six hundred ten dollars ($610) monthly, after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

Same (d) Sixteen deputy clerks who shall be paid a minimum salary of five hundred twenty dollars ($520) monthly during the first year of service, a salary of five hundred thirty-five dollars ($535) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred fifty dollars ($550) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. While assigned as administrative secretary to the clerk of the municipal court any deputy in Section 74504(d) shall be paid in addition to the salary provided by this article, the additional sum of fifty dollars ($50) monthly.

Same (e) Nineteen deputy clerks who shall be paid a minimum salary of four hundred eighty dollars ($480) monthly during the first year of service, a salary of four hundred ninety-five dollars ($495) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred ten dollars ($510) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

Same (f) Eighteen deputy clerks who shall be paid a minimum salary of four hundred forty dollars ($440) monthly during the first year of service, a salary of four hundred fifty-five dollars ($455) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of four hundred seventy dollars ($470) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

Same Fifteen deputy clerks who shall be paid a minimum salary of four hundred dollars ($400) monthly during the first year of service, a salary of four hundred fifteen dollars ($415) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of four hundred thirty dol-

lars ($430) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

Information clerks

(h) Two information clerks who shall be paid a minimum salary of four hundred ten dollars ($410) monthly during the first year of service, a salary of four hundred thirty-five dollars ($435) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of four hundred sixty dollars ($460) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

Repeal

SEC. 3. Section 74504.5 of said code is repealed.

SEC. 4. Section 74505 of said code is amended to read:

Night shifts, etc., compensation

74505. A night shift is a tour of duty which commences after 2 p.m. and prior to 6 a.m. Attaches who are required to work a night shift or any shift on Saturdays, Sundays or holidays shall be paid six and one-quarter (6¼) percent more than the amount to which they are otherwise entitled.

CHAPTER 1802

An act to amend Section 5719 of, and to add Section 5719.1 to, the Education Code, relating to revenues and expenses of junior colleges.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 5719 of the Education Code is amended to read:

Uniform accounting system

5719. The State Board of Education shall provide for a uniform system of accounting for all junior colleges and shall by rule and regulation define and establish methods for accounting for revenues and expenses for junior college purposes in junior college districts, high school districts, and unified districts maintaining junior colleges.

SEC. 2. Section 5719.1 is added to said code, to read:

Annual report

5719.1. The governing board of each district maintaining a junior college shall report annually the revenues and expenses of the district for junior college purposes in accordance with rules and regulations of the State Board of Education and on forms furnished by the Superintendent of Public Instruction.

CHAPTER 1803

An act to amend Section 14355.1 of the Education Code, relating to the Teachers' Retirement System.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 14355.1 of the Education Code is amended to read:

14355.1. Notwithstanding the provisions of Section 14355, any person who is credited with 30 or more years of service, shall receive an allowance of at least fifty dollars ($50) per month if at least one-half of his credited service was rendered prior to July 1, 1956. The total retirement allowance payable under this section which is in excess of the amount provided by Section 14355 shall be considered as an increase in the allowance computed in accordance with subdivision (a) of Section 14355.

Retirement salaries payable for time commencing on October 1, 1961, to persons whose retirements were effective after June 30, 1956, shall be adjusted to the amounts which would have been payable if this section, as amended, had been in effect on July 1, 1956.

CHAPTER 1804

An act to add Article 1.5 (commencing with Section 2581) to Chapter 7 of Division 5, to repeal Section 1490, and to amend Section 2556, of the Education Code, relating to junior colleges.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Article 1.5 (commencing with Section 2581) is added to Chapter 7 of Division 5 of the Education Code, to read:

Article 1.5. Standards for Formation of Junior College Districts and Maintenance of Additional Junior Colleges

Petition for formation

2581. Upon receiving a petition for the formation of a junior college district, the State Board of Education shall submit a copy of the petition to the Coordinating Council for Higher Education.

Report on petition

2582. Within 90 days after receiving a copy of the petition, the Coordinating Council for Higher Education shall prepare and transmit to the State Board of Education a report on the proposal including the recommendations, if any, of the council concerning the proposal.

The report of the council is advisory only. The State Board of Education may approve or disapprove a petition for the formation of a junior college district before or after receiving the report of the council.

Minimum average daily attendance

2583. Except as provided in Section 2585.1, no junior college district shall be formed, and the State Board of Education shall not approve a petition to form a junior college district if the estimated potential average daily attendance of the district is less than 1,000 units of average daily attendance.

Minimum Assessed Valuation

2584. Except as provided in Section 2585.1, no junior college district shall be formed and the State Board of Education shall not approve a petition to form a junior college district if the assessed valuation of taxable property in the proposed district is less than one hundred fifty thousand dollars ($150,000) for each unit of estimated potential average daily attendance. For the purposes of this section, the assessed valuation of the territory in the district shall be that shown by the last equalized assessment roll of the county or counties in which the district will be located as of the time the petition to form the district is presented to the State Board of Education.

Estimated potential average daily attendance

2585. For the purposes of Sections 2583 and 2584, the estimated potential average daily attendance means the estimate made pursuant to this section.

For each petition for the formation of a junior college district, the Department of Education shall estimate the attendance of resident pupils who will be in grades 13 and 14 of the proposed district during the second school year after the date the district is in existence for all purposes.

As used in this section, "resident pupils" means pupils who reside or will reside in the proposed district.

Isolated areas Exceptions

2585.1. If the State Board of Education determines that the proposed district will serve an area which is isolated from other existing junior colleges or if existing junior colleges are inaccessible to residents of the area to be served, the State Board of Education may approve the formation of a new district junior college with a smaller estimated potential average daily attendance or assessed valuation for each unit of estimated potential average daily attendance than that required by Sections 2583 and 2584.

Application

2585.2. This article does not apply to the formation of a new junior college district which consists wholly or partially of territory of a unified district or union high school district maintaining a junior college on the effective date of this article.

Repeal

SEC. 2. Section 1490 of said code is repealed.

SEC. 3. Section 2556 of said code is amended to read:

Minimum standards

2556. The State Board of Education shall establish minimum standards for the formation of junior college districts.

CHAPTER 1805

An act to provide for the conveyance of the Marysville Game Farm to the Twin-Cities Rod and Gun Club.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. The Director of the Department of Fish and Game shall convey to the Twin-Cities Rod and Gun Club all of the right, title and interest of the State of California in and to that certain parcel of property known as the Marysville Game Farm, in the County of Yuba, for the sum of fourteen thousand dollars ($14,000), of which there shall be deposited ten thousand seven hundred dollars ($10,700) in the Wildlife Restoration Fund, and three thousand three hundred dollars ($3,300) in the Fish and Game Preservation Fund.

SEC. 2. The Director of the Department of Fish and Game is authorized, for and on behalf of the State of California, to execute such instruments of conveyance as are necessary to convey all right, title and interest of the State of California in such property to the Twin-Cities Rod and Gun Club.

SEC. 3. The Legislature finds that the parcel of property known as the Marysville Game Farm was donated by the Twin-Cities Rod and Gun Club to the State of California for the purpose of operating a state game bird farm. The Department of Fish and Game has discontinued game bird raising at the Marysville Game Farm. Since the purpose for which the property was specifically donated is no longer being fulfilled, the property should rightfully be reconveyed to the donor.

CHAPTER 1806

An act to amend Sections 1792, 1793, 1795, and 1813 of the Education Code, relating to school districts.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 1792 of the Education Code is amended to read:

1792. When a petition for a change of boundaries is presented, the county superintendent of schools shall examine the petition. If he finds it sufficient and signed as required by law, he shall transmit a copy of the petition to the governing board of each district affected by the proposed change of boundaries. The governing board of each district may, within 30 days after receiving such copy, file written notification with the Petition

county superintendent of schools of its opposition to the boundary change. Within 35 days after transmitting a copy of the petition to the governing boards, the county superintendent of schools shall file the petition with the board of supervisors accompanied by the written notification, if any, of opposition by the governing board of any district affected and by his recommendation, which shall include a statement of his belief as to whether the electors residing in the districts which would be affected are substantially divided in opinion with respect to the desirability of such change.

SEC. 2. Section 1793 of said code is amended to read:

Determination by board of supervisors

1793. When a petition is filed with the board of supervisors it shall do one of the following acts:

(a) Hold a hearing on the petition

(b) Order an election on the petition of the change of boundaries without holding a hearing.

SEC. 3. Section 1795 of said code is amended to read:

Election

1795. If, pursuant to subdivision (b) of Section 1793 the board of supervisors orders than an election be held without holding a hearing or if the board is required by Section 1813 to order an election, the election shall be called, held, and conducted by the county superintendent of schools. The election shall be held in the entire school district from which the territory will be transferred if either: (1) at least 25 percent of the assessed valuation of such district is located in such territory and the territory contains no school building; or (2) the territory contains the only school building or buildings of the district. In other cases, the election shall be held only in the territory proposed to be transferred.

Except as provided in this section, the election shall be called, held, and conducted in as nearly the same manner as is practicable as are elections for governing boards and the county superintendent of schools shall have all the applicable powers and duties with respect to the election which school district governing boards have in elections for such governing boards.

The election shall be called by posting notices in at least three public places in the district if the election is to be held in the entire district, or if not, in the territory proposed to be transferred, at least 30 days before the election. Notices may, in the discretion of the county superintendent of schools, be published in the territory pursuant to Section 6066 of the Government Code. Notices shall specify the time and place of election and the proposition to be voted on by the electors, shall describe the territory proposed to be transferred, and shall specify the location of the polls, the hours during which the polls will be kept open, and the hour when the returns of the election will be canvassed.

The ballots used in the election shall contain substantially the words "Shall the territory in which this election is held be transferred from the _____ School Districts(s) to the _____ School District?" Opposite such words, in separate

lines, the words "yes" and "no" shall be printed, with a voting square opposite each such word.

The costs of the election shall be paid in equal shares out of the funds of the school districts to be affected by the proposed change of boundaries.

The county superintendent of schools shall certify the results of the election to the board of supervisors. If a majority of the votes cast were in favor of the proposed change of boundaries, the board of supervisors shall, by an order placed on its minutes, order the change of boundaries. A copy of the order shall be recorded as provided in Section 1815. The provisions of Section 1816 shall apply to the effect of the order.

SEC. 4. Section 1813 of said code is amended to read:

Hearing

1813. The board of supervisors shall at the time and place fixed in the notice, hear all persons interested in the petition and may continue the hearing from time to time, but for not more than two weeks in all. If it approves a petition for a new district it shall, by an order entered upon its minutes, establish the district and define its boundaries. If it approves a petition for the change of boundaries and if no written opposition to the change has been filed pursuant to Section 1792, the board of supervisors shall order the change of boundaries. If it approves the petition for a change of boundaries and if written opposition to the change has been filed pursuant to Section 1792, it shall order an election to be held and the election shall be called, held, and conducted pursuant to Section 1795.

CHAPTER 1807

An act to amend Section 6851 of, and to add Sections 666 and 6706 to, the Vehicle Code, relating to utility trailers.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 666 is added to the Vehicle Code, to read:

"Utility trailer"

666. A "utility trailer" is any trailer or semitrailer used solely for the transportation of the user's personal property and which does not exceed a gross weight of 6,000 pounds.

SEC. 2. Section 6706 is added to said code, to read:

Exemption

6706. Utility trailers shall be entitled to the exemption granted in Section 6700 of this code except as provided in Section 6851.

SEC. 3. Section 6851 of said code is amended to read:

Business of leasing or renting

6851. (a) Every owner of utility trailers engaged in the business of leasing or renting such trailers for use in this State shall license and pay all applicable fees on the number of utility trailers equal to the average number of such trailers operated in or through the State. The average number shall

be the average for one month of the total number of such trailers operated in or through the State during a calendar year, or as otherwise determined by the department.

(b) Verifiable data as to this average number of utility trailers operating in and through this State shall be filed in certified form with the department The owner shall make the records upon which its certified report is based available to the department upon request at its designated office for audit of computation and payments and shall preserve such records for a period of four years.

(c) All other utility trailers when properly identified and licensed in any foreign jurisdiction, and belonging to an owner who has complied with the requirements of this section shall be permitted to operate in this State.

(d) Following the right to be heard, the owner may be denied the right to any further benefits under this section if the department has determined that more trailers should have been registered.

(e) Owners, as used here, includes association or group of owners, provided all trailers operated by said association or group are easily and clearly identified as being operated by them.

CHAPTER 1808

An act to amend Section 1308 of the Labor Code, relating to using or employing minors under 16 in injurious or dangerous businesses.

In effect September 15, 1961

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

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

SECTION 1. Section 1308 of the Labor Code is amended to read:

1308. Any person is guilty of a misdemeanor and is punishable by a fine of not less than fifty dollars ($50) and not more than two hundred fifty dollars ($250) or imprisonment for not exceeding six months or both, who, as parent, relative, guardian, employer, or otherwise having the care, custody, or control of any minor under the age of 16 years, exhibits, uses, or employs, or in any manner or under any pretense, sells, apprentices, gives away, lets out, or disposes of any such minor to any person, under any name, title, or pretense for, or who causes, procures, or encourages such minor to engage in:

(a) Any business, exhibition, or vocation, injurious to the health or dangerous to the life or limb of such minor.

(b) The vocation, occupation, service, or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging, or peddling, or as a gymnast, acrobat, contortionist, or rider, in any place whatsoever.

(c) Any obscene, indecent, or immoral purposes, exhibition, or practice whatsoever.

(d) Any mendicant or wandering business.

Nothing in this section applies to or affects:

(a) The employment or use of any minor, as a singer or musician in any church, school, or academy, or the teaching or learning of the science or practice of music.

(b) The employment of any minor as a musician at any concert or other musical entertainment on the written consent of the mayor of the city or president of the board of trustees of the city or town where such concert or entertainment takes place.

(c) The participation by any minor in amateur horseback riding exhibitions, contests or events, which are nonprofit in nature or which are sponsored by nonprofit organizations, and in which no minor participant receives payment for his services or money prizes.

(d) The leading of livestock by a minor in nonprofit fairs stock parades, livestock shows and exhibitions.

CHAPTER 1809

An act to amend Section 28152 of the Government Code, relating to the compensation of county officers.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 28152 of the Government Code is amended to read:

28152. In a county of the 52d class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, three thousand nine hundred dollars ($3,900) a year.

(b) The district attorney, seven thousand eight hundred dollars ($7,800) a year. He may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year for his services as supervisor and ten cents ($0.10) a mile for traveling from his residence to the county seat and return for each regular or special session of the board The chairman of the board of supervisors shall receive an additional six hundred dollars ($600) a year for his services as chairman.

(d) Grand jurors and jurors in the superior court, six dollars ($6) for each day's attendance, and twenty-five cents ($0.25) for each mile actually traveled, in going only, while acting as such jurors. The court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each juror for the per diem and mileage and the treasurer shall pay the warrant.

CHAPTER 1810

An act to amend Section 2370 of, and to add Sections 2372 and 2375 to the Welfare and Institutions Code, relating to the Citizens' Advisory Committee on Aging.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 2370 of the Welfare and Institutions Code is amended to read:

Citizens' Advisory Committee on Aging Members

2370. There is in the state government, to advise the Governor on the needs and problems of the senior citizens of California, a Citizens' Advisory Committee on Aging. The committee shall be composed of eight persons, appointed by the Governor, and selected on the basis of their demonstrated interest in the health, welfare, and happiness and the maintaining of adequate living standards for senior citizens in this State. The committee shall be advisory in character, and shall not be delegated any administrative authority or responsibility beyond what is stated in this chapter. The Governor shall designate the chairman and vice chairman of the committee and committee members shall serve at the pleasure of the Governor. Committee members shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this chapter.

SEC. 2. Section 2372 is added to said code, to read:

Functions

2372. The functions of the committee shall be:

1. To hold hearings on, and in other ways to study, all aspects of the problems of aging and to advise the Governor on action needed to solve these problems.

2. To assist and guide, by providing consultation to, the communities of the State in developing programs to meet the needs of their senior citizens.

3. To work closely with the pertinent departments and agencies of the state government to the end that the resources of the State shall be used as effectively and efficiently as possible in behalf of the senior citizens of California.

4. To act as a clearing house and information center on all aspects of aging. Such information shall be made available to state and local public agencies, voluntary organizations,

churches, industry, labor, and all other interested persons and organizations.

SEC. 3. Section 2375 is added to said code, to read:

2375. The committee shall prepare and render annually a written report of its activities and its recommendations to the Governor for improvements and additions to the existing efforts of state government on behalf of the senior citizens of California and to the ways the State of California could encourage and promote programs and services by local communities on behalf of their senior citizens

Annual report

CHAPTER 1811

An act to amend Section 3631 of the Public Utilities Code, relating to liability protection for highway carriers

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 3631 of the Public Utilities Code is amended to read:

3631. The commission shall, in granting permits pursuant to this chapter, require the highway carrier to procure, and continue in effect during the life of the permit, adequate protection, as provided in Section 3632, against liability imposed by law upon the highway carrier for the payment of damages for personal bodily injuries, including death resulting therefrom, in the amount of not less than fifteen thousand dollars ($15,000) on account of bodily injuries to, or death of, one person; and protection against a total liability of the highway carrier on account of bodily injuries to, or death of, more than one person, as a result of any one accident, in the amount of not less than thirty thousand dollars ($30,000); and protection in an amount of not less than ten thousand dollars ($10,000) for one accident resulting in damage or destruction of property whether the property of one, or more than one claimant.

The commission may, upon its own motion or upon the application of any interested party, and after hearing, require any highway carrier to procure and maintain cargo insurance in such amounts and upon such terms as the commission may determine.

Nothing in this chapter shall be construed to prohibit the suspension of accident liability insurance coverage on a portion of the highway carrier's vehicles covered by a certificate filed with the commission when such vehicles are not in use. This paragraph shall apply only to a highway carrier's vehicles which are laid up due to off-season conditions. Any highway carrier who desires to obtain a suspension of coverage under the provisions of this section shall surrender his motor

vehicle license plates on vehicles not in use to the agent or broker who wrote his insurance policy. The agent or broker shall immediately forward the license plates to the commission and shall notify the insurer and the commission of the suspension of coverage on the specified vehicles. Before resuming trucking operations, the highway carrier shall apply to his agent or broker for reinstatement of his insurance and the return of his license plates. The commission shall return the license plates to the highway carrier upon receipt of information that the insurance has been reinstated. It shall be unlawful for any highway carrier to operate any vehicle when his insurance coverage is suspended pursuant to the provisions of this section.

CHAPTER 1812

An act to amend Section 6 of, and to add Sections 27.1, 28.1, and 29.1 to, the Orange County Water District Act (Chapter 924, Statutes of 1933), relating to the Orange County Water District.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 6 of the Orange County Water District Act (Chapter 924, Statutes of 1933) is amended to read:

Board of Directors: Quorum, votes, compensation, expenses

Sec. 6. A majority of the members of the board shall constitute a quorum for the transaction of business. The board of directors shall act only by resolution or motion. Resolutions and motions may be adopted by a voice vote, but on demand of any member the roll shall be called. No motion or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. Any hearings or meetings held by said district or its board of directors as required by this act or in carrying out the provisions of this act may be continued or adjourned from time to time. Each director shall receive the sum of twenty dollars ($20) and a reasonable sum for mileage to be fixed by the board from time to time for each meeting of the board of directors attended by him. A director shall receive additional compensation not exceeding thirty dollars ($30) per day as shall be fixed and allowed by the board from time to time for his services while otherwise employed by authority of the board on the business of the district; also subject to approval of the board, reasonable compensation for all traveling and other expenses, including mileage incurred by him in such employment.

SEC. 2. Section 27.1 is added to said act, to read:

Additional replenishment assessment

Sec. 27.1. At the time of the hearing specified in Section 27 of said act the board of directors may also hold a hearing for the purpose of determining the need and advisability of

levying an additional replenishment assessment against all persons operating water-producing facilities for all purposes other than irrigation at a uniform rate per acre-foot for water produced during the ensuing year. Any such replenishment assessment levied and assessed under this section shall be in addition to the replenishment assessment authorized by said Section 27 and may be levied and assessed without regard to the limitations provided by said Section 27. Before levying said additional replenishment assessment, the board must find and determine by a vote of eight members that said additional replenishment assessment is necessary for the protection of the water supply of the district and that the amount thereof is reasonable.

"Irrigation," as used in this act, means the act of first using water to place it on lands by any means for the commercial production of agricultural, horticultural, or floricultural crops and for pasture grown for commercial purposes. "Irrigation"

SEC. 3. Section 28.1 is added to said act, to read:

Sec. 28.1. The district, at the time of giving the notice specified in Section 28 of said act, shall also give notice to the operator of each water-producing facility in the district as disclosed by the records of said district, which notice shall state the rate of the additional replenishment assessment, if any, levied and assessed pursuant to Section 27.1 of this act. Notice

SEC. 4. Section 29.1 is added to said act, to read:

Sec. 29.1. In the event an additional replenishment assessment is levied pursuant to Section 27.1 of this act, each operator of a water-producing facility within said district shall file, in addition to the statement required by Section 29 of this act, a statement showing the classification of use of water as follows: (1) The amount used for irrigation purposes and (2) the amount used for purposes other than irrigation. Statement of water use

In the event an additional replenishment assessment is levied pursuant to Section 27.1 of this act, the replenishment assessment is computed by multiplying the production in acre-feet of water as disclosed in the statements to be filed by each operator of the water-producing facility by the replenishment rates.

SEC. 5. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act or any portion of the Orange County Water District Act to which this act is amendatory and supplementary; and if any additional replenishment assessment levied under Section 27.1 hereof is for any reason held to be unconstitutional, such decision shall not affect the validity of any replenishment assessment levied under Section 27 of the Orange County Water District Act, and the Legislature would have enacted each section, subsection and sentence hereof independent of each other section, subsection and sentence and would have enacted such remaining portions and each of them Severability

irrespective of such holding of unconstitutionality as to any portion which may be held unconstitutional.

CHAPTER 1813

An act to add Article 5 (commencing with Section 18781) to Chapter 4 of Division 14 of the Education Code, relating to federal funds for the support of the public schools.

In effect September 15, 1961

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

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

SECTION 1. Article 5 (commencing with Section 18781) is added to Chapter 4 of Division 14 of the Education Code, to read:

Article 5. Federal Funds for Support of Schools

Federal aid

18781. Whenever by any act of Congress funds are provided as federal aid to education to the several states and the disposition of the funds is not otherwise provided for by or under the act of Congress or by or under any law of this State, the apportionment and distribution thereof to school districts shall, insofar as consistent with the requirements prescribed by the federal law and implementing rules and regulations, be governed by the standards set forth in this article.

When any such federal law designates a state education agency or other agency or officer primarily responsible for state supervision of public schools, such designation shall be deemed to refer to the State Board of Education. The State Board of Education shall make timely application for any federal funds made available, and shall, pursuant to the federal law and the provisions of this article, direct the allocation and apportionment of the federal funds to local education agencies.

Rules and regulations

18782. The State Board of Education shall adopt rules and regulations for the allocation of federal funds to local school districts and other agencies entitled to receive federal funds for the support of schools. In determining the rules and regulations by which such allocations are to be made, the State Board of Education shall consider all factors of local effort and all educational programs maintained by such agencies. Such rules and regulations shall be based upon need and the agencies' abilities and efforts shall be carefully scrutinized. The State Board of Education shall report back to the Legislature in January, 1962, on the rules and regulations which have been prepared in accordance with the objectives of this article.

18783. There is hereby created in the State Treasury the Auxiliary State School Fund. Any funds received under act of Congress as federal aid to education, and not required by such act or any law of this State to be otherwise deposited, may be deposited in the Auxiliary State School Fund

Auxiliary State School Fund

CHAPTER 1814

An act to add Section 1011 to, and Chapter 8 (commencing with Section 22200) to Division 16 of, the Education Code, relating to school districts.

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 1011 is added to the Education Code, to read:

1011. The governing board of any district maintaining a junior college may enter into agreements with any agency of the federal government for the construction of housing and other educational facilities for students and faculties of a junior college maintained by the district if the governing board determines that the income, rent and charges for the use of the facilities will be sufficient in amount to repay the principal and interest on the amount secured from the federal government for the construction of the facilities. Whenever necessary to secure the full benefits of any federal statutes pertaining to loans or grants to educational institutions for housing and other educational facilities, the governing board may give such security as may be required and may comply with such conditions as may be imposed by the federal government.

Agreements with federal agencies

SEC. 2. Chapter 8 (commencing with Section 22200) is added to Division 16 of said code, to read:

CHAPTER 8. THE JUNIOR COLLEGE REVENUE BOND ACT OF 1961

22200. This chapter may be cited as "The Junior College Revenue Bond Act of 1961."

Short title

22201. The governing board of any school district maintaining a junior college may issue revenue bonds pursuant to this chapter.

Governing board

22202. The following terms wherever used or referred to in this chapter, or in any indenture entered into pursuant hereto, shall have the following meanings, respectively, unless a different meaning appears from the context:

Definitions

(a) "Board" means the governing board of a school district maintaining a junior college.

"Board"

(b) "Junior college" means a junior college maintained by the school district issuing bonds under this chapter.

"Junior college"

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

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

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

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

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

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

"County treasurer" (i) "County treasurer" means the treasurer of the county in which all or a majority of the assessed valuation of the district lies at the time bonds are issued under this chapter.

"County" (j) "County" means the county, or city and county, in which all or a majority of the assessed valuation of the school district lies at the time bonds are issued under this chapter.

Powers of board 22203. The board, for the purpose of this chapter, has power and is hereby authorized, in addition to and amplifica-

tion of all other powers conferred upon said board by the Constitution of the State of California or by any statute of the State of California:

(a) To acquire subject to the state law, by grant, purchase, gift, devise, lease, or by the exercise of the right of eminent domain, and to hold and use any real or personal property necessary or convenient or useful for the carrying on of any of its powers pursuant to the provisions of this chapter.

(b) To construct, operate and control any project.

(c) To fix rates, rents or other charges for the use of any project acquired, constructed, equipped, furnished, operated or maintained by the board, or for services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the board with respect to the fixing of such rates, rents or charges.

(d) To enter into covenants to increase rates or charges from time to time as may be necessary pursuant to any such contract or agreement with the holders of any bonds of the board.

(e) At any time and from time to time to issue revenue bonds in order to raise funds for the purpose of establishing any project or of acquiring lands for any project, or of acquiring, constructing, improving, equipping or furnishing any project, or of refinancing any project, or for any combination of such purposes, which bonds may be secured as hereinafter provided.

(f) To exercise, subject to state law, the right of eminent domain for the condemnation of private property or any right or interest therein.

(g) To adopt such rules and regulations as may be necessary to enable the board to exercise the powers and to perform the duties conferred or imposed upon the board by this chapter.

(h) Nothing contained in this section or elsewhere in this chapter shall be construed directly or by implication to be in anywise in derogation of or in limitation of powers conferred upon or existing in the board by virtue of provisions of the Constitution or statutes of this State.

Validity

22204. The validity of the authorization and issuance of any revenue bonds by the board is not dependent on nor affected in any way by:

(a) Proceedings taken by the board for the acquisition, construction or completion of any project or any part thereof.

(b) Any contracts made by the board in connection with the acquisition, construction or completion of any project.

(c) The failure to complete any project for which bonds are authorized to be issued.

Limitation on liability

22205. The board shall issue revenue bonds in its name and as its obligation, but no bond issued or sold pursuant to this chapter shall be or become a lien, charge or liability against the State of California, against the school district, or against

the board or against the property or funds of the State, district, or board, except to the extent of the pledge of revenues or part of revenues of the project, as may be provided by the indenture pursuant to which revenue bonds are issued, and every such bond issued by the board shall contain a recital on the face thereof, stating that neither the payment of the principal nor any part thereof, nor any interest thereon, constitutes a debt, liability or obligation of the State of California or of the school district.

Procedure

22206. The board shall determine the time, form and manner of the issuance of revenue bonds.

Specifications

22207. The board may enter into indentures providing for the aggregate principal amount, date or dates, maturities, interest rates, denominations, form, registration, transfer and interchange of any revenue bonds and coupons issued pursuant to this chapter, and the terms and conditions on which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date on the face thereof, is sufficient to incorporate all of the provisions thereof and of this chapter into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this chapter, and is bound thereby.

Covenants and agreements

22208. An indenture pursuant to which bonds are issued may include any and all such covenants and agreements on the part of the board as the board deems necessary or advisable for the better security of the bonds issued thereunder

Principal and interest

22209. An indenture may provide that payments of principal and interest of bonds shall be secured by all or by part of revenues.

Date and place of payment

22210. An indenture may include a clause relating to the bonds issued thereunder requiring the board to pay or cause to be paid punctually the principal of all such bonds and the interest thereon on the date or dates, or at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto in accordance with such indenture.

Operation of projects

22211. An indenture may include a clause relating to the bonds issued thereunder, requiring the board to operate the project continuously, to the extent practicable under conditions as they may from time to time exist, in an efficient and economical manner.

Repairs, renewals, replacements

22212. An indenture may include a clause relating to the bonds issued thereunder requiring the board to make all necessary repairs, renewals and replacements to any project, and to keep the project at all times in good repair, working order and condition.

Security rights of bondholders

22213. An indenture may include a clause relating to the bonds issued thereunder requiring the board to preserve and

protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights

Claims for labor, materials, supplies

22214. An indenture may include a clause relating to the bonds issued thereunder requiring the board to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part thereof, of any project acquired, constructed or completed from the proceeds of the sale of the bonds, or upon any physical properties, or which might impair the security of the bonds

Subsequent sales, mortgages, encumbrances, etc.

22215. An indenture may include a clause relating to the bonds issued thereunder which limits, restricts, or prohibits any right, power or privilege of the board to mortgage or otherwise encumber, sell, lease or dispose of any improvements constructed from the proceeds of the bonds, or to enter into any lease or agreement which impairs or impedes the operation of a project, or any part thereof, necessary to secure adequate revenues or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

Rentals, other charges

22216 An indenture may include a clause relating to the bonds issued thereunder requiring the board to fix, prescribe and collect rates, rentals or other charges in connection with the services and facilities furnished from the project acquired, constructed or purchased from part or all of the proceeds of the bonds, sufficient to pay the principal of and interest on the bonds as they become due and payable, together with such additional sums as may be required for any fund created by this chapter, for the further security of such bonds or as a depreciation charge or other charge in connection with such project.

Revenues, other funds

22217. An indenture may include a clause relating to the bonds issued thereunder requiring the board to hold or cause to be held in trust the revenues or any part of revenues pledged to the payment of such bonds and the interest thereon, or to any reserve or other fund created by this chapter for the further protection of the bonds, and to apply such revenues or any part of revenues or cause them to be applied only as provided in the indenture

Powers of board

22218. An indenture may include a clause defining the power of the board in applying the proceedings of the sale of any issue of bonds for the acquiring, constructing, or completing of any project or any part thereof.

Additional bonds

22219. An indenture may include a clause limiting the power of the board to issue additional bonds for the purpose of acquiring, constructing or completing any project or any part thereof

Insurance

22220 An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the board on any project, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected.

Default

22221. An indenture may include a clause providing the events of default and the terms and conditions upon which any or all of the bonds of the board then or thereafter issued may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

Breach of covenants, etc

22222. An indenture may include a clause designating the rights, limitations, powers and duties arising upon breach by the board of any of the covenants, conditions, or obligations contained in any indenture.

Amendment or modification

22223. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the consent of the board and the vote or written assent of the holders of a specified principal amount or specified proportion of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. The clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

With respect to any clause providing for the modification or amendment of an indenture, the board may agree that bonds held by the county treasurer, the United States or any instrumentality thereof, or the State of California or any political subdivision thereof (including every municipal corporation, district, public corporation, board or agency of any kind or class) shall not be counted as outstanding bonds, or be entitled to vote or assent, but shall, nevertheless, be subject to any such modification or amendment.

Other matters

22224. An indenture may include a clause or clauses providing for such other acts and matters as may be necessary or convenient or desirable in order better to secure the bonds or to make the bonds more marketable.

County treasurer as trustee

22225. The county treasurer shall act as trustee for the board and the holders of bonds issued hereunder, and the board may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders. The board may provide in the indenture for the deposit of all revenues received from the project with such trustee to be held in a separate account in the junior college dormitory revenue fund of the district created by this chapter. The money in such fund shall be disbursed only as provided in the indenture.

Powers and duties of trustee

22226. The board shall prescribe the duties and powers of any such trustee with respect to the issuance, authentication, sale and delivery of the bonds and the payment of principal and interest thereof, the redemption of the bonds, the registration and discharge from registration of the bonds, and the

management of any sinking fund or other funds provided as security for the bonds.

Several issues

22227. The board may provide for one or several issues of bonds and may issue bonds in series or may divide any issue into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the board at or prior to the issue thereof.

Coupon, registered bonds

22228. Bonds may be issued as coupon bonds or as registered bonds. The board may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the board may determine.

Interest

22229. Bonds shall bear interest at a rate of not to exceed six (6) percent per annum, payable annually or semiannually or in part annually and in part semiannually.

Bonds may be callable

22230. Bonds may be callable upon such terms, conditions, and upon such notice as the board may determine, and upon the payment of such premium as may be fixed by the board in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

Principal and interest

22231. The board may provide for the payment of the principal and interest of bonds at any place within or without the State of California, and in specified coin or currency of the United States.

Execution and authentication

22232. The board may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of officers of the board and by additional authentication by the county treasurer as trustee. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons cease to be officers before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons.

Dates, maturities

22233. Bonds shall bear dates prescribed by the board. Bonds may be serial bonds or sinking fund bonds with such maturities as the board may determine. No bond by its terms shall mature in more than 50 years from its own date and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

Preparation of bonds

22234. Immediately after the adoption of a resolution by the board, directing the preparation of any bonds authorized under this chapter, the county treasurer shall prepare the requisite number of suitable bonds of the denominations, and in accordance with the specifications contained in such resolution.

Sale of bonds

22235. When the bonds authorized to be issued under this chapter shall be duly executed, they shall be sold by the county treasurer, for cash, in such parcels and numbers as the said treasurer shall be directed by the board, after a resolution requesting such sale shall have been adopted by the board. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons, if any, which have matured or will mature before the day fixed for such sale.

Same

22236. Bonds may be sold at either public or private sale. The board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The county treasurer, when authorized by resolution of the board, may sell bonds at less than their par or face value, but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than six (6) percent per annum, payable semiannually, according to standard tables of bond values.

Security of bonds

22237. The board may provide for the security of bonds. The board may use and expend all or any part of any funds or proceeds of any property owned by it, whether received by gift, appropriation or otherwise, if not restricted as to the use of such funds or proceeds of property by the terms of any gift or trust or provision of law for the redemption of bonds issued pursuant to the provisions of this chapter and the payment of interest due thereon.

Costs and expenses of issuance

22238. All costs and expenses incident to the issuance and sale of bonds may be paid out of the proceeds of the sale of the bonds. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any project for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

Secured by revenues

22239. The board may provide that the bonds and the interest thereon shall be secured by all or by part of revenues of a project upon the basis of which revenue bonds are issued or authorized to be issued, and shall constitute such lien upon the revenues of such project as may be provided for in the indenture

Temporary or interim bonds

22240. Pending the actual issuance or delivery of revenue bonds, the board may issue temporary or interim bonds, certificates or receipts of any denomination whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

Replacement of lost, etc., bonds

22241. The board may provide for the replacement of lost, destroyed or mutilated bonds, or coupons.

Exempt from taxation

22242. Bonds issued pursuant to the provisions of this chapter and the interest or income therefrom are exempt from all taxation in this State other than gift, inheritance and estate taxes.

Legal investments

22243. Notwithstanding any other provision of law, all bonds sold and delivered pursuant to this chapter are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, trust companies, the state school funds, and any public or private funds which may be invested in county, municipal or school district bonds, and may be deposited as security for the performance of any act whenever the bonds of any county, municipality or school district may be so deposited, and may also be used as security for the deposit of public moneys in banks in this State.

Refunding bonds

22244. The board may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming or retiring any revenue bonds issued under the provisions of this chapter. All provisions of this chapter applicable to the issuance of revenue bonds are applicable to the funding or refunding bonds and to the issuance, sale or exchange thereof.

Principal amount of refunding bonds

22245. Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such funding or refunding bonds. These expenses include the difference in amount between the par value of the funding or refunding bonds and any amount less than par for which the funding or refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refunding bonds from the date of sale thereof to the date of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

Negotiability

22246. All bonds issued under the provisions of this chapter are negotiable instruments, except when registered in the name of a registered owner.

Declaration of purpose

22247. Before issuing any bond or bonds pursuant to the provisions of this chapter, the board shall by resolution declare the purpose for which the proceeds of the bonds proposed to be issued shall be expended and shall specify the maximum amount of bonds to be issued or sold for such purpose, and bonds shall not be issued or sold for such purpose in an amount exceeding such specified maximum except with the consent of bondholders, pursuant to amendment or modification of an indenture, as provided in Section 22223. Nothing in this section contained shall be construed to prevent the board from amending any such resolution prior to the issuance of bonds

authorized thereby to increase or decrease the maximum amount of bonds to be issued or sold. The issuance of bonds for one or more projects may be included in a single resolution of authorization.

Project work

22248. The board has full charge of the acquisition, construction and completion of all projects authorized by them and may proceed with such work forthwith.

Same

22249. The board may construct any project and acquire all property necessary therefor on such terms and conditions as it may deem advisable. When any part of the work is to be done or performed by any public body or by the United States jointly or in conjunction with the board, the portion of the cost thereof to be borne by the board may be turned over to the government of the United States or to any other public body to be expended by it in the acquisition, construction or completion of the project.

Title to property acquired

22250. Title to all property acquired by the board and the revenues and income therefrom is in the school district. The title to any moneys, revenues, sinking funds, reserve funds and other funds created by this chapter and the income thereof pledged to the payment of the principal or interest or any bonds issued thereunder is subject to trusts declared in favor of the bondholders. All such property, and the income therefrom, are exempt from all taxation by the State of California or by any county, city and county, city, district, political subdivision or public corporation thereof.

Operation, etc., of projects

22251. At all times the operation, maintenance, control, repair, construction, reconstruction, alteration and improvement of any project are vested in the board subject to such authorized leases as may be permitted by any indenture The board shall comply with all applicable county and city zoning, building and health regulations.

Payment of costs

22252. The board may use for the payment of the costs of acquisition, construction or completion of any project any funds made available to the board by the State of California or any other funds provided by the board from any source, to be expended for the accomplishing of the purposes set forth in this chapter, together with the proceeds of revenue bonds issued and sold by the board.

Insurance

22253. The board may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used solely for the payment of bonds and the interest thereon.

Same

22254. The board may insure against public liability or property damage. The board may provide in an indenture for the carrying of such or any other insurance in such amount and of such character as it shall determine, and for the payment of the premiums thereon.

Printing or engrossing of bonds, etc

22255. When authorized by resolution of the board, as provided in this chapter, the county treasurer shall prepare and procure the printing or engrossing of bonds, coupons, indenture or other instruments and contracts or agreements of

every kind required or convenient for or pertaining to the issuance or sale of bonds.

Rents, charges, and fees

22256. The board shall fix rents, charges and fees for all projects acquired, constructed or completed under the terms of this chapter for the use thereof by any persons utilizing the facilities thereof, subject to such contractual obligations as may be entered into by the board and the holders of bonds issued under this chapter. The board is authorized to change rents, charges and fees from time to time, as conditions warrant. All rents, charges and fees shall at all times be fixed to yield annual revenue equal to annual operating and maintenance expenses, including repairs and insurance costs and all redemption payments and interest charges and reserve fund requirements on revenue bonds at any time issued and outstanding hereunder, as the same become due.

Refunds

22256.5. Rent, charges, and fees collected in error may be refunded by the board in accordance with regulations prescribed by the board. Refunds of rent, charges, and fees collected for facilities requested by students and not utilized by them may be made for good cause by the board in such amounts and under such conditions as may be prescribed by regulations adopted by the board.

Competitive projects

22257. The board may include in an indenture such limitations as to competitive projects, both as to location and comparative rentals, as may be deemed necessary or desirable for the security of revenue bonds issued pursuant to this chapter.

Use without charge

22258. The board may also include in an indenture a covenant that no project acquired, constructed or completed from the proceeds of revenue bonds issued under the provisions of this chapter shall be used without charge therefor or any facilities thereof be furnished free of charge to any person.

Mandamus, etc., proceedings

22259. The holder of any bond issued pursuant to this chapter may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon the board or upon any official or employee or assumed by any thereof, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of rents, rates, charges, fees and all other revenues derived from the operation and use of any project or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds under this chapter. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this chapter.

Deposit of proceeds from bond sales

22260. The proceeds from the sale of all bonds authorized under the provisions of this chapter shall be deposited forthwith by the county treasurer, on order of the county auditor, in the county treasury to the credit of a fund to be designated as the junior college dormitory construction fund of the district, which fund is hereby created in each county treasury for

each school district in the county issuing bonds pursuant to this chapter. The money in such construction fund shall be expended, pursuant to claims filed by the board with the county auditor, for the purposes authorized by this chapter, or as provided in the indenture, and for such other purposes, subject to the restrictions provided by law or by the indenture, as may be authorized by resolution of the board. Moneys required to meet the costs of acquisition or construction and all expenses and costs incidental to the acquisition, construction, furnishing and equipping of any project authorized by this chapter shall be paid from the said construction fund as herein provided upon claim filed by the board and after audit by the county auditor in the manner provided by law and upon warrants drawn by the county auditor.

Deposit of operating revenues

22261. All revenues received from the operation of any project acquired or constructed by the board under the provisions of this chapter shall be transmitted by the board at least once in every calendar month, to the county treasurer. On order of the county auditor, the county treasurer shall deposit such revenues in the county treasury to the credit of the junior college dormitory revenue fund of the district, which fund is hereby created in each county treasury for each district in the county issuing bonds under this chapter. Moneys in the junior college dormitory revenue fund shall be used to pay the costs of operation and maintenance of the projects authorized by this chapter, including refunds authorized by Section 22256 5, to provide the amounts required for interest and redemption of bonds as provided in this chapter, and for any other purposes authorized by resolution of the board, subject to any restrictions provided by law or the indenture.

Interest and redemption fund

22262. For the payment of the principal and interest of the bonds authorized to be issued under this chapter, an interest and redemption fund is hereby created in each county treasury for each school district issuing bonds under this chapter, to be designated the junior college dormitory interest and redemption fund of the district. From the money deposited in the junior college dormitory construction fund of the district, the county treasurer, on order of the county auditor, shall transfer to the junior college dormitory interest and redemption fund of the district such sums as may be required to pay the interest as it becomes due on all bonds sold and outstanding for the construction or acquisition of a particular project of the district authorized under this chapter during the period of actual construction or acquisition thereof and during such period thereafter as may be provided in the indenture or authorized by resolution of the board. The county treasurer, on order of the county auditor, shall thereafter transfer from the junior college dormitory revenue fund of the district to the junior college dormitory interest and redemption fund of the district such sums as may be required to pay the interest on said bonds and redeem the principal

thereof as such interest payments and bond redemptions fall due for all bonds issued under the provisions of this chapter.

Balances in funds

22263. Any balance remaining in any of the funds created by this chapter after payment of all costs, expenses, and charges authorized to be expended therefrom, may be allocated and used for such other purposes incidental to the acquisition, construction, furnishing, equipping, operation and maintenance of such projects authorized under the provisions of this chapter as the board may determine.

Investment of money

22264. Moneys in the junior college dormitory construction fund of each district may be invested by the board, subject only to such limitations as may be provided in an indenture providing for the issuance of revenue bonds. All securities or other investments made under the provisions of this chapter shall be held by the county treasurer as custodian thereof. All interest or other earnings received pursuant to such investments shall be collected by the county treasurer, and, on order of the county auditor, shall be deposited in the county treasury to the credit of the fund from which such interest or other earnings are derived.

Balances

22265. After all of the revenue bonds shall have been fully paid and discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in the junior college dormitory construction fund of a district shall, subject to the limitations and restrictions in any indenture providing for the issuance of the revenue bonds, remain available for the acquisition of sites for, and for the construction, equipping and furnishing of, buildings for junior colleges maintained by the district.

Construction of chapter

22266. This chapter shall be liberally construed to carry out the objects and purposes and the declared policy of the State of California as in this chapter set forth.

CHAPTER 1815

An act to add Section 3009 to, and to amend Section 12000 of, the Fish and Game Code, and to repeal Section 628.1 of the Penal Code, relating to killing or wounding a human being while hunting.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 3009 is added to the Fish and Game Code, to read:

Failure to render aid, abandonment

3009. Every person who while taking any bird or mammal kills or injures another person by the use of any firearm, bow and arrow, spear, slingshot, or other weapon or device used in such taking and who knowingly either abandons such person or fails to render to such injured person all necessary aid possible under the circumstances is guilty of a felony.

SEC. 2. Section 12000 of said code is amended to read:

Misdemeanor

12000. The violation of any provision of this code, other than Sections 3009 and 12001, or of any rule, regulation, or order made or adopted under this code, is a misdemeanor.

Repeal

SEC. 3. Section 628.1 of the Penal Code is repealed

CHAPTER 1816

An act to add Section 5653 to the Fish and Game Code, relating to fishlife.

In effect September 15, 1961

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

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

SECTION 1. Section 5653 is added to the Fish and Game Code, to read:

5653. Before any person uses any vacuum or suction dredge equipment in any river, stream or lake of this State, he shall submit an application to the Department of Fish and Game specifying the type and size of equipment to be used and the location where such equipment will be used.

If the department determines that such operation will not be deleterious to fish it shall issue a permit to the applicant. If the applicant operates any equipment other than that specified in the permit or conducts such operation outside of the area designated in the permit, or if any person conducts such operation without securing such permit, he shall be guilty of a misdemeanor.

CHAPTER 1817

An act to amend Sections 1276 and 1277 of the Code of Civil Procedure, relating to change of name.

In effect September 15, 1961

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

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

SECTION 1. Section 1276 of the Code of Civil Procedure is amended to read:

Application for change of name

1276. All applications for change of names must be made to the superior court of the county where the person whose name is proposed to be changed resides, by petition, signed by such person; or if such person is under 21 years of age, if a male, and under the age of 18 years of age, if a female, by one of the parents, if living, or if both be dead, then by the guardian; and if there be no guardian, then by some near relative or friend.

The petition must specify the place of birth and residence of such person, his or her present name, the name proposed, and the reason for such change of name, and must, if the father of such person be not living, name, as far as known to the petitioner, the near relatives of such person, and their place of residence.

If such person is under 21 years of age if a male, or 18 years of age if a female, and the petition is signed by only one parent, the petition must specify the address, if known, of the other parent if living.

SEC. 2. Section 1277 of the Code of Civil Procedure is amended to read:

Order to show cause

1277. Upon the filing of the said petition the court shall thereupon make an order reciting the filing of the application, the name of the person by whom it is filed and the name proposed, and directing all persons interested in said matter to appear before the court, at a time and place specified, not less than four or more than eight weeks from the time of making such order, to show cause why the application for change of name should not be granted. A copy of the order to show cause must be published pursuant to Government Code Section 6064 in some newspaper of general circulation to be designated in the order, printed in the county, if a newspaper be printed therein, or, if no newspaper be printed in the county, a copy of such order to show cause shall be posted by the clerk of the court in three of the most public places in the county in which the court is held, for a like period. Proof must be made to the satisfaction of the court, of such publication, or posting, at the time of the hearing of the application.

Four weekly publications shall be sufficient publication of said order to show cause. If said order is published in a daily newspaper, publication once a week for four successive weeks shall be sufficient.

Where a petition has been filed for a minor and the other parent, if living, does not join in consenting thereto, the county clerk shall, not less than 10 days prior to the hearing, mail notice of the time and place of the hearing to the other parent if his address is specified in the petition.

CHAPTER 1818

An act to amend Section 6505.5 of the Public Resources Code, relating to leasing of public lands.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 6505.5 of the Public Resources is amended to read:

6505.5. No grazing or recreational lease shall be for a period longer than 10 years except that when the recreational

use is combined and is incidental to residential use on the same parcel, and the lease so recites, the lease shall not exceed 50 years. The lessee shall be notified by mail of the filing of any application to purchase the leased land or any portion thereof. The lease shall terminate as to the whole or the portion of the lands described therein on the date the sale of the whole or of such portion of the leased land is approved by the commission. The lessee shall be notified by registered mail of the termination of the lease as to the whole or portion sold. As to the portion of leased lands not sold, it shall be the option of the lessee to terminate the lease, or to cause the lease to be amended for the unexpired term, at the same annual rental per acre, without the payment of any additional fees.

CHAPTER 1819

An act to add Section 290.5 to the Penal Code, relating to registration of criminal offenders.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 290.5 is added to the Penal Code, to read:

290.5. A person required to register under Section 290 may initiate a proceeding under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of this code, and upon obtaining a certificate of rehabilitation, shall be relieved of any further duty to register under Section 290. Such certificate shall not relieve petitioner of the duty to register under Section 290 for any offense subject to that section of which he is convicted in the future.

CHAPTER 1820

An act to add Section 6084 to the Harbors and Navigation Code, relating to harbors and navigation.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 6084 is added to the Harbors and Navigation Code, to read:

6084. Notwithstanding any other provision of this part, the board may borrow money by issuance of promissory notes, or execute conditional sales contracts to purchase personal property, in an amount or of a value not exceeding in the aggregate at any one time the sum of two hundred thousand dollars

($200,000), for the purposes of constructing or operating any work, project, or facility authorized by subdivision (d) of Section 6012 or Section 6075 or for the making of improvements or the purchase of equipment or for the maintenance thereof.

All moneys borrowed pursuant to this section shall not be borrowed for a term exceeding five years, and said indebtednesses shall not incur a rate of interest in excess of six percent (6%) per annum. Each such indebtedness shall be authorized by a resolution of the board of commissioners unanimously adopted.

As a condition precedent to the borrowing of any money or the execution of any conditional sales contract, as provided in this section, in excess of twenty-five thousand dollars ($25,000), the board shall first unanimously approve by resolution and have on file a report on the engineering and economic feasibility relating to the project contemplated for the expenditure of said borrowed money or conditional sales contract. Said feasibility report shall be prepared and signed by an engineer or engineers licensed and registered under the laws of the State of California.

The district shall budget, levy and collect taxes, and pay for all such indebtedness without limitation by any other provision of this part.

CHAPTER 1821

An act to amend Sections 1601, 1602, 1603, 1610, 2100, 2101, 2102, 2108.5, 2126, 2127, 2128, 2376.5, 2652, 2653, 2701, 2702, 2703, 2712, 2851, 2910, 2911, 2912, 2914, 2923, 3010, 3011, 3013, 4000, 4001, 4002, 4007, 4800, 4801, 4802, 4807, 5000, 5001, 5002, 5017, 5081, 5510, 5514, 5515, 5523, 5524, 5620, 5621, 5628, 6500, 6501, 6502, 6509, 6512, 6710, 6711, 6712, 7000, 7001, 7002, 7003, 7007, 7301, 7302, 7303, 7309, 7601, 7602, 7603, 7628, 8520, 8521, 8522, 8524, 8916, 9625, and 9626 of, to add Section 23.8 to, and to add Chapter 6 (commencing with Section 450) to Division 1 of, and to repeal Sections 2913 and 5686 of, the Business and Professions Code, and to amend Section 11563 of the Government Code, relating to public representation on various licensing boards in the Department of Professional and Vocational Standards.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 23.8 is added to the Business and Professions Code, to read:

23.8. "Licentiate" means any person authorized by a license, certificate, registration, or other means to engage in "Licentiate"

a business or profession regulated by this code or referred to in Sections 1000 and 3600.

SEC. 2. Chapter 6 (commencing with Section 450) is added to Division 1 of said code, to read:

CHAPTER 6. PUBLIC MEMBERS

Public or lay board members Limitations

450. In addition to the qualifications provided in the respective chapters of this code, a public member or a lay member of any board shall not be, nor shall he have been within the period of five years immediately preceding his appointment, any of the following:

(a) An employer, or an officer, director, or substantially full-time representative of an employer or group of employers, of any licentiate of such board, except that this shall not preclude the appointment of a person which maintains infrequent employer status with such licentiate, or maintains a client, patient, or customer relationship with any such licentiate which does not constitute more than 2 percent of the practice or business of the licentiate.

(b) A person maintaining a contractual relationship with a licentiate of such board, which would constitute more than 2 percent of the practice or business of any such licentiate, or an officer, director, or substantially full-time representative of such person or group of persons.

(c) An employee of any licentiate of such board, or a representative of such employee, except that this shall not preclude the appointment of a person who maintains an infrequent employee relationship or a person rendering professional or related services to a licentiate if such employment or service does not constitute more than 2 percent of the employment or practice of the member of the board.

Same

450.5. A public member, or a lay member, shall not have been engaged at any time within five years immediately preceding his appointment in pursuits which lie within the field of the industry or profession regulated by the board of which he is a member, nor shall he engage in any such pursuits during his term of office.

Delegation of duties Limitations

451. If any board shall as a part of its functions delegate any duty or responsibility to be performed by a single member of such board, such delegation shall not be made solely to any public member or any lay member of the board in any of the following instances:

(a) The actual preparation of, the administration of, and the grading of, examinations.

(b) The inspection or investigation of licentiates, the manner or method of practice or doing business, or their place of practice or business.

Nothing in this section shall be construed as precluding a public member or a lay member from participating in the formation of policy relating to the scope of the activities set forth in subdivisions (a) and (b) or in the approval, disapproval or

modification of the action of its individual members, nor preclude such member from participating as a member of a subcommittee consisting of more than one member of the board in the performance of any duty.

452. "Board," as used in this chapter, includes a board, commission, examining committee, or other similarly constituted body exercising powers under this code. "Board"

SEC. 3. Section 1601 of said code is amended to read:

1601. There is in the Department of Professional and Vocational Standards a Board of Dental Examiners of California in which the administration of this chapter is vested. The board consists of seven practicing dentists and one public member. Board of Dental Examiners

SEC. 4. Section 1602 of said code is amended to read:

1602. All of the members of the board, except the public member, shall have been actively and legally engaged in the practice of dentistry in the State of California, for at least five years next preceding the date of their appointment. The public member shall not be a licentiate of the board or of any other board under this division or of any board referred to in Sections 1000 and 3600. None of the members, including the public member, shall be a member of the faculty of any dental college or dental department of any medical college in the State of California, or shall have any financial interest in any such college. Qualifications

SEC. 5. Section 1603 of said code is amended to read:

1603. Members of the board shall be appointed by the Governor for a term of four years, and each member shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. Term of appointment

The terms of the members of the board in office when this chapter takes effect shall expire as follows: two members, January 15, 1938; one member, January 15, 1939; two members, January 15, 1940; and two members, January 15, 1941. The terms shall expire in the same relative order as to each member as the term for which he holds office before this chapter takes effect.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1963.

A vacancy occurring during a term shall be filled by appointment for the unexpired term, within 30 days after it occurs.

No person shall serve as a member of the board for more than two terms, but this provision shall not prevent any member from completing any term of office in which he may be serving at the time this limitation takes effect.

SEC. 6. Section 1610 of said code is amended to read:

1610. Five members of the board shall constitute a quorum for the transaction of business at any meeting. Quorum

SEC. 7. Section 2100 of said code is amended to read:

Board of Medical Examiners

2100. There is in the Department of Professional and Vocational Standards a Board of Medical Examiners of the State of California which consists of 11 members who shall be appointed by the Governor, one of whom shall be a public member.

SEC. 8. Section 2101 of said code is amended to read:

Qualifications

2101. Members of the board shall only be appointed from persons who have been citizens of this State for at least five years next preceding their appointment. Members of the board, except the public member, shall only be appointed from persons who hold licenses under this chapter or any preceding medical practice act of this State The public member shall not be a licentiate of the board or of any other board under this division or of any board referred to in Sections 1000 and 3600. No person who in any manner owns any interest in any college, school, or institution engaged in medical instruction shall be appointed to the board. Not more than one member of the board shall be appointed from the faculty of any one university, college, or other educational institution

SEC. 9. Section 2102 of said code is amended to read:

Term of appointment

2102. Members of the board shall be appointed for a term of four years, and each member shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The terms of the members of the board in office when this chapter takes effect shall expire as follows: three on January 15, 1938; two on January 15, 1939; three on January 15, 1940; and two on January 15, 1941. The terms shall expire in the same relative order as to each member as the term for which he holds office before this chapter takes effect.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1965.

Vacancies occurring shall be filled by appointment for the unexpired term.

No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

SEC. 10. Section 2108.5 of said code is amended to read:

Committees Action and recommendations on certificate applications

2108.5. The board may create one or more committees to determine any or all of the following: (i) Whether an applicant fulfills all the requirements for the certificate for which he is applying, (ii) where an examination (written or oral or both) is required, whether the applicant shall be admitted to the examination and the terms and conditions of his admittance and whether he fails or passes, (iii) whether a recommendation should be made to the members of the board that the certificate applied for be issued. The board may appoint,

or authorize the president to appoint, the members of any of these committees from the members of the board.

The action and recommendations of any committee established under this section shall be submitted in writing to all the members of the board. The members of the board, acting individually, may approve or disapprove the action of any committee with respect to each applicant. The approval or disapproval of each member shall be in writing and shall be filed with the secretary-treasurer. The recommendation of the committee authorized by the board to recommend the issuance of certificates and the individual written approval of at least seven of the members of the board is necessary to authorize the issuance of a certificate. Upon receipt of the recommendation and approvals, the secretary-treasurer may issue the certificate.

A certificate issued upon the recommendation of a committee and the approval of at least seven of the members of the board, acting individually, is subject to the ratification of the board at its next meeting.

SEC. 11. Section 2126 of said code is amended to read:

2126. The examining committee shall consist of six members appointed by the Governor, one of whom shall be a public member. The Governor shall give consideration to recommendations of the Board of Medical Examiners of the State of California, except with regard to the public member. Examining committee

SEC. 12. Section 2127 of said code is amended to read:

2127. Members of the examining committee, except the public member, shall be appointed from persons having all of the following qualifications: Qualifications

(a) Be a citizen of this State for at least five years next preceding his appointment.

(b) Be a graduate of a recognized school of chiropody.

(c) Have a valid certificate to practice chiropody in this State.

(d) Have engaged in the practice of chiropody in this State for at least five years next preceding his appointment.

(e) Shall not be an officer or faculty member of any college, school or institution engaged in chiropodical instruction.

The public member shall be appointed from persons having all of the following qualifications:

(a) Be a citizen of this State for at least five years next preceding his appointment.

(b) Shall not be an officer or faculty member of any college, school or institution engaged in chiropodical instruction.

(c) Shall not be a licentiate of the committee or of any board under this division or of any board referred to in Sections 1000 and 3600.

SEC. 13. Section 2128 of said code is amended to read:

2128. The terms of the members of the examining committee first appointed shall expire as follows: one member on January 15, 1958; one member on January 15, 1959; one member on January 15, 1960; and two members on January Term of appointment

15, 1961. The Governor shall, on or before January 1, 1962, appoint the first public member of the committee, and his term shall expire on January 15, 1963. Thereafter, all members of the committee shall be appointed for terms of four years. Vacancies shall immediately be filled by the Governor for the unexpired portion of the terms in which they occur. In filling vacancies, except for a vacancy as to the public member, the Governor shall give consideration to recommendations of the Board of Medical Examiners. No person shall serve as a member of the committee for more than two consecutive terms.

SEC. 14. Section 2376.5 of said code is amended to read:

Petition for reinstatement

2376.5. A person, whose certificate has been revoked or suspended for more than one year, may petition the board to reinstate the certificate after a period of not less than one year has elapsed from the date of the revocation or suspension.

The petition shall state such facts as may be required by the board. The petition shall be accompanied by two or more verified recommendations from physicians and surgeons licensed by the board to which the petition is addressed and by two or more recommendations from citizens each having personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed. The petition shall be heard at the next regular meeting of the board, held not earlier than 30 days after the petition was filed. The hearing may be continued from time to time as the board finds necessary. No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which he is on probation or parole.

In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, which should be imposed if the disciplinary penalty is set aside, the board may investigate and consider all activities of the petitioner since the disciplinary action was taken against him, the offense for which he was disciplined, his activity during the time his certificate was in good standing, his general reputation for truth, professional ability and good character, and may require the petitioner to pass an oral examination. The affirmative vote of at least seven of the members of the board is necessary to set aside a penalty and to restore a certificate with or without terms, conditions and restrictions. The board may grant or deny, without a hearing or argument, any petition filed pursuant to this section, where the petitioner has been afforded a hearing upon any petition filed pursuant to this section within a period of two years immediately preceding the filing of such petition.

The secretary-treasurer shall enter in his records of the case all actions of the board in setting aside a disciplinary penalty under this section and he shall certify notices to the proper county clerk. The county clerk shall make such changes on his records as may be necessary.

SEC. 15. Section 2652 of said code is amended to read:

2652. The members of the examining committee shall be the following: a physician and surgeon duly licensed by the board, but not a member of the board; three physical therapists, and the first three appointed shall have practiced physical therapy for five years and those appointed thereafter shall have practiced physical therapy for five years and shall be licensed by the board; and a public member who shall not be a licentiate of the committee or of any board under this division or of any board referred to in Sections 1000 and 3600. Examining committee

SEC. 16. Section 2653 of said code is amended to read:

2653. The members of the examining committee shall be appointed by the Governor. The members in office at the effective date of the amendment made to this section by the Legislature at its 1959 Regular Session shall continue in office until the expiration of their terms. The persons appointed to succeed the physical therapist member whose term expires on January 15, 1960, shall be appointed for a term expiring on January 15, 1963. The persons appointed to succeed the remaining members of the committee shall be appointed for terms expiring on January 15, 1964, January 15, 1965, and January 15, 1966, respectively. Thereafter appointments shall be for a term of four years. Term of appointment

The Governor shall, on or before January 1, 1962, appoint the first public member of the committee, and his term shall expire on January 15, 1965. Thereafter appointments shall be for a term of four years.

No person may serve as a member of the examining committee for more than two consecutive terms. Vacancies shall be filled by appointment for the unexpired term. Annually the examining committee shall elect one of its members as chairman.

The Governor shall have the power to remove any member of the examining committee from office for neglect of any duty required by law or for incompetency or unprofessional or dishonorable conduct.

SEC. 17. Section 2701 of said code is amended to read:

2701. There is hereby created in the Department of Professional and Vocational Standards, a Board of Nurse Examiners of the State of California, consisting of six members. Board of Nurse Examiners

Within the meaning of this chapter, board, or the board, refers to the Board of Nurse Examiners of the State of California.

SEC. 18. Section 2702 of said code is amended to read:

2702. Each member of the board shall be a citizen of the United States and a resident of the State of California. Five of the members shall be licensed professional nurses under the provisions of this chapter, each of whom shall have had at least seven years' experience in the active practice of his profession, and shall have been actually engaged in active practice within two years of his appointment. At least four members of the board shall have had not less than five years' experience Qualifications

as a teacher or administrator in an accredited school of nursing or in a public health nursing organization. One of the members shall be a public member who is not a licentiate of the board or of any other board under this division or of any board referred to in Sections 1000 and 3600.

No person may serve as a member of the board for more than two consecutive terms.

SEC. 19. Section 2703 of said code is amended to read:

Term of appointment

2703. Members of the board shall be appointed by the Governor for a term of four years. The terms of the members of the board first appointed under this chapter shall expire as follows: one on January 15, 1941; one on January 15, 1942; one on January 15, 1943; two on January 15, 1944. The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1965. Vacancies occurring shall be filled by appointment for the unexpired term in the manner hereinabove provided.

SEC. 20. Section 2712 of said code is amended to read:

Quorum

2712. Four members of the board constitute a quorum for the transaction of business at any meeting.

SEC. 21. Section 2851 of said code is amended to read:

Quorum

2851. Five members of the board constitute a quorum for transaction of business at any meeting.

SEC. 22. Section 2910 of said code is amended to read:

Psychology Examining Committee

2910. There is hereby created within the jurisdiction of the board a Psychology Examining Committee which shall consist of eight members appointed by the Governor, one of whom shall be a public member.

SEC. 23. Section 2911 of said code is amended to read:

Term of appointment

2911. After the first appointees, each member of the committee shall hold office for a term of four years, and shall serve until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The terms of the first members of the committee shall expire as follows: one member, June 30, 1958; two members, June 30, 1959; two members, June 30, 1960, and two members on June 30, 1961.

The Governor shall, on or before January 1, 1962, appoint the first public member of the committee, and his term shall expire on June 30, 1962.

Vacancies occurring shall be filled by appointment for the unexpired term.

No member of the committee shall serve more than three consecutive terms.

SEC. 24. Section 2912 of said code is amended to read:

Selection

2912. In appointing the members of the committee, except the public member, the Governor shall use his judgment to select psychologists who represent, as widely as possible, the varied professional interests of psychologists in California.

Repeal

SEC. 25. Section 2913 of said code is repealed.

SEC. 26. Section 2914 of said code is amended to read:

2914. Each member of the committee shall have the following qualifications: Qualifications

(a) He shall be a resident of this State.

(b) After the first seven appointments, each member appointed, except the public member, shall be a certified psychologist under this chapter.

The public member shall not be a licentiate of the committee or of any board under this division or of any board referred to in Sections 1000 and 3600.

SEC 27 Section 2923 of said code is amended to read:

2923. Five members of the committee shall at all times constitute a quorum. Quorum

SEC 28. Section 3010 of said code is amended to read:

3010. There is in the Department of Professional and Vocational Standards a State Board of Optometry in which the enforcement of this chapter is vested. The board consists of six members appointed by the Governor, one of whom shall be a public member. Board of Optometry

Four members of the board shall constitute a quorum.

SEC. 29 Section 3011 of said code is amended to read:

3011. Members of the board, except the public member, shall be appointed only from persons who are registered optometrists of the State of California and actually engaged in the practice of optometry at the time of appointment. The public member shall not be a licentiate of the board or of any other board under this division or of any board referred to in Sections 1000 and 3600. Qualifications

No person, including the public member, shall be eligible to membership in the board who is a stockholder in or owner of or a member of the faculty of or of the board of trustees of any school of optometry or who shall be financially interested, directly or indirectly, in any concern manufacturing or dealing in optical supplies at wholesale.

No person, including the public member, shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

SEC. 30. Section 3013 of said code is amended to read:

3013. Each member of the board shall hold office for a term of four years, and shall serve until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. Term of appointment

The terms of the members of the board in office when this chapter takes effect shall expire on January 15, 1946.

The terms of the members of the board, which are to be appointed by the Governor, which shall become effective on January 15, 1946, shall expire as follows: One member, January 15, 1948; two members, January 15, 1949; two members, January 15, 1950.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1964.

Vacancies occurring shall be filled by appointment for the unexpired term.

SEC. 31. Section 4000 of said code is amended to read:

Board of Pharmacy

4000. There is in the Department of Professional and Vocational Standards a California State Board of Pharmacy in which the administration and enforcement of this chapter is vested. The board consists of eight members who shall be appointed by the Governor.

SEC. 32. Section 4001 of said code is amended to read:

Qualifications

4001. The Governor shall appoint seven competent registered pharmacists, residing in different parts of the State, to serve as members of the board. The Governor shall appoint one public member who shall not be a licentiate of the board or of any other board under this division or of any board referred to in Sections 1000 and 3600.

SEC. 33. Section 4002 of said code is amended to read:

Term of appointment

4002. Members of the board shall be appointed for a term of four years. Each member shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. The terms of the members of the board in office when this chapter takes effect shall expire as follows: two members, January 15, 1956; two members, January 15, 1957; two members, January 15, 1958; and one member, January 15, 1959.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1963. The terms shall expire in the same relative order as to such members as the terms for which they hold office before this chapter takes effect. Vacancies occurring shall be filled by appointment for the unexpired term.

SEC. 34. Section 4007 of said code is amended to read:

Quorum, meetings

4007 Five members of the board constitute a quorum. The board shall hold a meeting at least once in every four months. The office of the board shall be located in San Francisco.

SEC. 35. Section 4800 of said code is amended to read:

Board of Examiners in Veterinary Medicine

4800 There is in the Department of Professional and Vocational Standards a Board of Examiners in Veterinary Medicine in which the administration of this chapter is vested. The board consists of six members appointed by the Governor, one of whom shall be a public member.

SEC. 36. Section 4801 of said code is amended to read:

Qualifications

4801. Each member, except the public member, shall be a graduate of some veterinary college authorized by law to confer degrees, a bona fide resident of this State for a period of at least five years last past before his appointment and shall have been actually engaged in the practice of his profession in this State during this period. The public member shall have been a resident of this State for a period of at least five years

last past before his appointment and shall not be a licentiate of the board or of any other board under this division or of any board referred to in Sections 1000 and 3600. At no time shall there be two members on the board from the same congressional district.

No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

SEC. 37. Section 4802 of said code is amended to read:

4802. The members of the board shall hold office for a term of four years. Each member shall serve until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. A member may be reappointed subject to the limitation contained in Section 4801. The terms of the appointive members shall expire on the 15th day of January in the years and in the relative order heretofore established by law. Term of appointment

The Governor shall within 90 days after the effective date of this chapter appoint a member on the board to succeed the Chief of the Division of Animal Industry, California Department of Agriculture, and his term shall expire January 15, 1941.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire January 15, 1963.

Vacancies occurring shall be filled by appointment for the unexpired term, within 90 days after they occur.

SEC. 38. Section 4807 of said code is amended to read:

4807. Four members of the board constitute a quorum for transaction of business at any meeting of the board. Quorum

SEC. 39. Section 5000 of said code is amended to read:

5000. There is in the Department of Professional and Vocational Standards a State Board of Accountancy, which consists of eight members appointed by the Governor, five of whom shall be certified public accountants, two of whom shall be public accountants, and one of whom shall be a public member who shall not be a licentiate of the board or registered by the board. The board has the powers and duties conferred by this chapter. Board of Accountancy

The appointment of the two public accountants to membership on the board, authorized by the amendment made to this section at the 1959 Regular Session of the Legislature, shall be made as the terms of the members of the board in office at the effective date of the amendment to this section expire.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on November 26, 1962.

SEC. 40. Section 5001 of said code is amended to read:

5001. Each member of the board, except the public member, shall be actively engaged in the practice of public ac- Qualifications

countancy and shall have been so engaged for a period of not less than five years preceding the date of his appointment. Each member shall be a citizen of the United States and a resident of this State for at least five years next preceding his appointment, and shall be of good character. Within 30 days after their appointment, the members of the board shall take and subscribe to the oath of office as prescribed by the Government Code and shall file the same with the Secretary of State.

SEC. 41. Section 5002 of said code is amended to read:

Term of appointment

5002. Members shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors.

Vacancies occurring shall be filled by appointment for the unexpired term of a person licensed in the same capacity as the person being replaced. No person shall serve more than two terms consecutively. The Governor shall remove from the board any member, except the public member, whose permit to practice has become void, revoked or suspended. The Governor may, after hearing, remove any member of the board for neglect of duty or other just cause.

SEC. 42. Section 5017 of said code is amended to read:

Meetings, executive sessions

5017. All meetings of the board shall be open and public, except that the board may hold executive sessions to deliberate on the decision to be reached upon the evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

The members of the board who are certified public accountants and the public member may hold executive sessions to prepare, approve, grade or administer examinations. Only the certified public accountants and the public member shall have jurisdiction or vote over these functions.

SEC. 43. Section 5081 of said code is amended to read:

Certified Public Accountant: Applicant. Qualifications

5081. An applicant for admission to the examination for a certified public accountant certificate shall (a) be a citizen of the United States, or have declared his intention of becoming a citizen, (b) have been a bona fide resident of the State of California for at least three months immediately preceding the time his application is filed, (c) be over the age of 21 years, (d) be of good moral character and (e) shall comply with any of the following:

(1) He shall present satisfactory evidence that he has successfully completed a four-year day high school course, or the equivalent hours of courses in an evening high school, which included three years of English and two years of mathematics, and in addition thereto has successfully completed two years' courses of study of college grade.

(2) He shall present satisfactory evidence that he has successfully completed a four-year day high school course, or the equivalent hours of courses of study in an evening high school, which included three years of English and two years of mathe-

matics, and in addition thereto has graduated from a junior college of recognized standing.

(3) He shall show, to the satisfaction of the board, that he has had the equivalent of the educational qualifications required by paragraphs (1) or (2) of this subdivision, or shall pass a preliminary written examination given by the board and approved by the California State Director of Education. Where an applicant takes the preliminary examination he shall pay the preliminary fee as provided in Article 8 (commencing with Section 5130).

(4) He shall be a public accountant registered under this chapter.

The certified public accountant members of the board and the public member may require an applicant to appear in person to determine whether his qualifications are as prescribed in this chapter and rules of the board thereunder.

SEC. 44 Section 5510 of said code is amended to read:

Board of Architectural Examiners

5510. There is in the Department of Professional and Vocational Standards a California State Board of Architectural Examiners which consists of six members appointed by the Governor.

SEC. 45. Section 5514 of said code is amended to read:

Qualifications

5514. The membership of the state board shall be composed of five persons selected from architects in good standing, licensed to practice in this State, of whom at least two shall be resident and practice in Southern California, and two in Northern or Central California, and one public member who is not a licentiate of the board.

SEC. 46. Section 5515 of said code is amended to read:

Term of appointment

5515. The terms of the members of the state board in office when the amendment to this section takes effect shall expire as follows: two members, January 15, 1942; four members, January 15, 1943; three members, January 15, 1944; one member, January 15, 1945.

Appointments to fill the vacancies arising by reason of the expiration of term of office shall be filled as follows: For vacancies occurring January 15, 1942, one person shall be appointed; for vacancies occurring January 15, 1943, two persons shall be appointed; for vacancies occurring January 15, 1944, one person shall be appointed; and for vacancies occurring January 15, 1945, one person shall be appointed. Thereafter there shall be as many appointments as there are vacancies. Every person appointed after January 15, 1942, shall serve for four years and until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1964.

No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not

apply to any member in office at the time this provision takes effect.

Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

SEC. 47. Section 5523 of said code is amended to read:

Special meetings

5523. Special meetings of the board shall be called by the secretary upon the written request of two of its membership, by giving each member of the board 20 days' written notice, in advance, of the time and place of the meeting.

SEC. 48. Section 5524 of said code is amended to read:

Quorum

5524. Four of the members constitute a quorum of the board for the transaction of business.

SEC. 49. Section 5620 of said code is amended to read:

Board of Landscape Architects

5620. There shall be in the Department of Professional and Vocational Standards a California State Board of Landscape Architects, which shall consist of six members appointed by the Governor The membership of the board shall at all times consist of at least two members who are residents of, and practice landscape architecture in Southern California and at least two members who are residents of, and practice landscape architecture in Northern California. Five members of the board shall be licensed to practice landscape architecture in this State. The sixth member shall be a public member who shall not be a licentiate of the board.

SEC. 50. Section 5621 of said code is amended to read:

Term of appointment

5621. The terms of the members of the board first appointed shall expire as follows: One member January 15, 1954, two members January 15, 1955, two members January 15, 1956. The Governor shall, within 90 days after January 15, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1965. Thereafter appointments shall be for a four-year term. Each member shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

SEC. 51. Section 5628 of said code is amended to read:

Quorum

5628. Four members of the board shall constitute a quorum for the transaction of business.

Repeal

SEC. 52. Section 5686 of said code is repealed.

SEC. 53. Section 6500 of said code is amended to read:

Board of Barber Examiners

6500. There is in the Department of Professional and Vocational Standards a State Board of Barber Examiners, which consists of five members appointed by the Governor, one of whom shall be a public member and four of whom shall be qualified as provided in Section 6501.

SEC. 54. Section 6501 of said code is amended to read:

Qualifications

6501. Each member, except the public member, shall be a practical barber who has engaged in the practice of barbering in this State for at least five years immediately prior to his appointment. One member of the board shall be a journeyman barber and one member shall be a barber employing one or more journeyman barbers. Nothing in this section shall make ineligible for appointment to said board of one person who has been a registered barber in this State for at least five years immediately prior to his appointment and whose work as organizer, or officer, of an organization directly affecting the welfare of the barber business, prevents his continuous practice as a barber.

The public member shall not be a licentiate of the board.

SEC. 55. Section 6502 of said code is amended to read:

Term of appointment

6502. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors or until six months shall have elapsed since the expiration of the term for which they were appointed, whichever first occurs. No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

The terms of the members of the board in office when this chapter takes effect shall expire as follows: one member, January 15, 1941; one member, January 15, 1942; one member, January 15, 1943. The terms shall expire in the same relative order as to each member as the term for which he holds office before this chapter takes effect.

The Governor shall, on or before January 1, 1962, appoint the persons to fill the offices created by the Legislature at the 1961 Regular Session, and their terms shall expire on January 15, 1964.

Vacancies shall be filled by appointment for the unexpired term.

The Governor may remove a member for cause.

SEC. 56. Section 6509 of said code is amended to read:

Enforcement: Inspections

6509 For the purpose of enforcing this chapter, any member of the board, except the public member, or its agents or assistants may enter into and inspect any barbershop or college at any time during business hours or at any time when the practice of barbering or instruction in such practice is being carried on.

SEC. 57. Section 6512 of said code is amended to read:

Annual salary, expenses

6512. Each member of the board, except the persons and their successors appointed to fill the offices created by the Legislature at the 1961 Regular Session, shall receive the annual salary provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code, and shall be reimbursed for his necessary traveling expenses incurred in the discharge of his duty. These salaries and expenses shall be

paid only from the fund created by fees collected in the administration of this chapter.

The persons and their successors appointed to fill the offices created by the Legislature at the 1961 Regular Session shall receive a per diem and expenses as provided in Section 103.

SEC. 58. Section 6710 of said code is amended to read:

Board of Registration for Civil and Professional Engineers

6710. There is in the Department of Professional and Vocational Standards a State Board of Registration for Civil and Professional Engineers, which consists of nine members appointed by the Governor.

SEC. 59. Section 6711 of said code is amended to read:

Qualifications

6711. Each member of the board shall be a citizen of the United States. Seven members shall be registered under this chapter, one member shall be licensed under the Land Surveyors' Act (commencing with Section 8700 of this code), and one member shall be a public member who is not registered under this act or licensed under the Land Surveyors' Act. Each member, except the public member, shall have at least 12 years active experience and shall be of good standing in his profession. Each member shall be at least 30 years of age, and shall have been a resident of this State for at least five years immediately preceding his appointment.

SEC. 60. Section 6712 of said code is amended to read:

Term of appointment

6712. Members of the State Board of Registration for Civil and Professional Engineers in office when this act takes effect shall continue as members of the State Board of Registration for Civil and Professional Engineers without change in their terms so that the terms of said members presently in office shall expire as follows: the term of one member, January 15, 1952; the term of two members, January 15, 1953; the term of two members, January 15, 1954, and the term of two members, January 15, 1955. Thereafter, all appointments to said board shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term. Each such member appointed to fill a new term or vacancy shall be a registered professional engineer in the same branch as his predecessor.

The term of the first land surveyor member shall expire January 15, 1960. Thereafter all such appointments shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire January 15, 1965. Thereafter all such appointments shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term.

Each member shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. No person shall serve as a member of the board for more than three consecutive terms,

but this provision shall not apply to any member in office on September 7, 1955.

SEC. 61. Section 7000 of said code is amended to read:

7000. There is in the Department of Professional and Vocational Standards a Contractors' State License Board, which consists of eight members appointed by the Governor. Contractors' State License Board

SEC. 62. Section 7001 of said code is amended to read:

7001. All members of the board, except the public member, shall be contractors actively engaged in the contracting business, have been so engaged for a period of not less than five years preceding the date of their appointment and shall so continue in the contracting business during the term of their office. No one, except the public member, shall be eligible for appointment who does not at the time hold an unexpired license to operate as a contractor. Qualifications

The public member shall not be a licentiate of the board.

SEC. 63. Section 7002 of said code is amended to read:

7002. One member of the board shall be a general engineering contractor, three members shall be general building contractors, three members shall be specialty contractors, and one member shall be a public member. Composition of board

For the purposes of construing this article, a general engineering contractor is a contractor whose principal contracting business is in connection with fixed works for any or all of the following divisions or subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports and airways, sewerage and bridges; a general building contractor is a contractor whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter and inclosure of persons, animals, chattels or movable property of any kind, requiring in its construction the use of more than two unrelated building trades or crafts, or to do or superintend the whole or any part thereof; a specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

This does not include anyone who merely furnishes materials or supplies under Section 7045 without fabricating them into, or consuming them in the performance of the work of the general building contractor.

Each member of the board, except the public member, shall be of recognized standing in his branch of the contracting business. Each member of the board shall be at least 30 years of age and of good character.

Each member of the board shall have been a citizen and resident of the State of California for at least five years next preceding his appointment.

SEC. 64. Section 7003 of said code is amended to read:

7003. The terms of the members of the board in office when this chapter takes effect shall expire as follows: One general Term of appointment

building contractor and one specialty contractor, January 15, 1940; one general building contractor and one specialty contractor, January 15, 1941; one general building contractor and one specialty contractor, January 15, 1942; the general engineering contractor, January 15, 1943.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1963.

Appointments to fill a vacancy caused by the expiration of the term of office shall be for a term of four years and shall be filled, except for a vacancy in the term of the public member, by a member from the same branch of the contracting business as was the branch of the member whose term has expired. A vacancy in the term of the public member shall be filled by another public member. Each member shall hold office until the appointment and qualifications of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

Vacancies occurring in the membership of the board for any cause shall be filled by appointment for the balance of the unexpired term.

No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

SEC. 65. Section 7007 of said code is amended to read:

Quorum

7007. Five members constitute a quorum at a board meeting.

Due notice of each meeting and the time and place thereof shall be given each member in the manner provided by the bylaws.

SEC. 66. Section 7301 of said code is amended to read:

Board of Cosmetology

7301. There is in the Department of Professional and Vocational Standards a State Board of Cosmetology, which consists of six members appointed by the Governor, one of whom shall be a public member.

Wherever in this chapter, "board" is used it refers to the State Board of Cosmetology.

SEC. 67. Section 7302 of said code is amended to read:

Qualifications

7302. A person appointed as a member of the board:

(a) With the exception of the public member, shall be registered as a cosmetologist under this chapter.

(b) Shall not be connected, directly or indirectly, with any school of cosmetology.

(c) With the exception of the public member, shall be, at the time of appointment, either actually engaged in conducting a cosmetological establishment, or actually engaged in the practice of cosmetology or electrology.

(d) Shall be of good moral character.

(e) Shall not be connected, directly or indirectly in the wholesale business of the manufacturer, rental, sale or distribution of cosmetological appliances or supplies.

(f) With the exception of the public member, shall have had at least five years experience in the actual practice of

cosmetology, or electrology, in this State immediately prior to the appointment.

(g) Shall be at least 25 years of age.

The public member shall not be a licentiate of the board.

At all times the personnel of the board shall be so constituted that two graduates of the same school of cosmetology shall not be members at the same time.

SEC. 68. Section 7303 of said code is amended to read:

Term of appointment

7303. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualifications of their successors or until six months shall have elapsed since the expiration of the term for which they were appointed, whichever first occurs. No member shall serve as a member of the board for more than two consecutive terms.

The terms of the members of the board in office when this chapter takes effect shall expire as follows: one member, January 15, 1940; two members, January 15, 1941; one member, January 15, 1942; one member, January 15, 1943. The terms shall expire in the same relative order as to each member as the term for which he holds office before this chapter takes effect.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1964.

Vacancies occurring shall be filled by appointment within 60 days, and vacancies occurring during a term shall be filled for the unexpired term.

SEC. 69. Section 7309 of said code is amended to read:

Investigations, inquiries, etc

7309. Any investigation, inquiry, hearing or proceeding, which the board may hold or undertake, may be held or undertaken by or before one or more members of the board, and the finding or order of the member or members constitutes the finding or order of the board when approved or confirmed by it.

No investigation, inquiry, hearing or proceeding shall be held or undertaken by only one member of the board or by less than the entire membership of the board without the previous written authorization of the board.

No investigation, inquiry, hearing or proceeding shall be held or undertaken by or before the public member only.

SEC. 70. Section 7601 of said code is amended to read:

Board of Funeral Directors and Embalmers

7601. There is in the Department of Professional and Vocational Standards a State Board of Funeral Directors and Embalmers which consists of six members appointed by the Governor, one of whom shall be a public member.

SEC. 71. Section 7602 of said code is amended to read:

Qualifications

7602. Members of the Board, except the public member, shall only be appointed from persons who are licensed as funeral directors or embalmers and who have had a minimum of five consecutive years' experience in funeral directing or embalming immediately preceding their appointment. Members of the board, including the public member, shall not be financially interested, directly or indirectly, in any institution

engaged in embalming or funeral directing instruction and shall not be members of the faculty of such an institution.

The public member shall not be a licentiate of the board.

SEC. 72 Section 7603 of said code is amended to read:

Term of appointment

7603. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors or until six months shall have elapsed since the expiration of the term for which they were appointed, whichever first occurs No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provisior takes effect

The terms of the members of the board in office when this chapter takes effect shall expire as follows: one member, January 15, 1940; two members, January 15, 1941; one member, January 15, 1942; and one member, January 15, 1943. The terms shall expire in the same relative order as to each member as the terms for which he holds office before this chapter takes effect.

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1964.

Vacancies occurring shall be filled by appointment for the unexpired term.

SEC. 73. Section 7628 of said code is amended to read:

Change of place of business

7628. Any funeral director desiring to change his place of business shall apply therefor on forms furnished by the board and be accompanied by a fee fixed by this chapter.

The application shall be granted by the executive secretary upon the filing with the board of a favorable report, approved by the executive secretary, from a board member, except the public member, or inspector concerning the physical status or plans and specifications of the proposed funeral establishment to the effect that it conforms to the requirements of this article. Every application so granted shall be submitted for approval at the next meeting of the board after the issuance thereof and no application for change of place of business shall become permanent until approved by the board.

SEC. 74. Section 8520 of said code is amended to read:

Structural Pest Control Board

8520. There is in the Department of Professional and Vocational Standards a Structural Pest Control Board, which consists of six members appointed by the Governor.

Subject to the jurisdiction conferred upon the director by Division 1 of this code, the board is vested with the power to and shall administer the provisions of this chapter

SEC. 75. Section 8521 of said code is amended to read:

Qualifications

8521. The board is composed of six members, five of whom shall be, and shall have been for a period of not less than five years preceding the date of their appointment, operators licensed under this chapter actively engaged in the business of pest control and who are residents of this State, and one public member who shall not be a licentiate of the board.

SEC. 76. Section 8522 of said code is amended to read:

Term of appointment

8522. Members of the board shall be appointed by the Governor for a term of four years, subject to removal by him at his pleasure.

The terms of the members of the board in office when this chapter takes effect shall expire as follows:

Two members, January 15, 1942; one member, January 15, 1943; one member, January 15, 1944; and one member, January 15, 1945.

The terms shall expire in the same relative order as to each member as the terms for which he holds office before this chapter takes effect

The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1965.

Vacancies shall be filled by the Governor for the unexpired term.

Each member shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

SEC 77. Section 8524 of said code is amended to read:

Quorum

8524. Four members of the board shall constitute a quorum for the transaction of business, for the performance of any duty, or the exercise of any power or authority of the board.

A vacancy on the board shall not impair the power of the remaining members to perform all duties and exercise all powers of the board providing the members remaining constitute a quorum.

SEC. 78 Section 8916 of said code is amended to read·

Qualifications

8916 The commission is composed of five members, four of whom shall be, and shall have been for a period of not less than five years preceding the date of their appointment, actively engaged and licensed as a yacht and ship broker and shall continue to be so engaged and licensed during the term of their office, and one of whom shall be a public member who is not a licentiate of the board

SEC. 79. Section 9625 of said code is amended to read:

Cemetery board

9625. There is in the department a cemetery board which consists of six members. The terms of the members first appointed shall expire: one, January 15, 1950; one, January 15, 1951; one, January 15, 1952; and two, January 15, 1953. The Governor shall, on or before January 1, 1962, appoint the first public member of the board, and his term shall expire on January 15, 1964 Thereafter appointments shall be for a four-year term. The members shall be appointed by the Governor and confirmed by the Senate.

SEC. 80. Section 9626 of said code is amended to read:

Qualifications

9626. Members of the board, except the public member, shall be appointed only from persons who have had, immediately preceding their appointment, a minimum of five consecutive years' experience in this State in the active administrative management of a cemetery corporation or as a member of the board of directors thereof for this period and shall at the time of their appointment have the actual and full authority of a president, general manager, or executive vice president. The five-year consecutive period shall be exclusive of time spent in the armed services. They shall hold office only as long as they continue in such active, actual and authoritative capacity.

The public member appointed by the Governor shall not be a licentiate of the board. In addition, a public or lay member shall not have been at any time within five years immediately preceding his appointment, nor shall he be during his term of office, any of the following:

(a) Engaged in, or a stockholder or legal counsel for any person, firm, or corporation which is engaged in, any business or activity which a cemetery authority may engage in under Section 7020 of the Health and Safety Code, whether or not such business or activity is incidental to or independent from a cemetery business.

(b) Engaged in any of the pursuits covered by Part 2 (commencing with Section 8125) or Part 4 (commencing with Section 8890) of Division 8 of the Health and Safety Code.

SEC. 81. Section 11563 of the Government Code is amended to read:

Annual salary

11563. An annual salary of six thousand dollars ($6,000) shall be paid to each of the following:

(a) Each member of the State Board of Barber Examiners, except the persons and their successors appointed to fill the offices created by the Legislature at the 1961 Regular Session.

CHAPTER 1822

An act to amend and renumber Section 7000 of, and to add Section 7000 to, the Business and Professions Code, and to amend and renumber Section 7000 of the Business and Professions Code, as amended by Senate Bill No. 115 of the 1961 Regular Session, relating to contracting.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 7000 of the Business and Professions Code is amended and renumbered to read:

Contractors' State License Board

7000.5. There is in the Department of Professional and Vocational Standards a Contractors' State License Board, which consists of seven members appointed by the Governor.

SEC. 2. Section 7000 is added to said code, to read:

7000. This chapter constitutes, and may be cited as, the Contractors License Law. Short title

SEC. 3. Section 7000 of the Business and Professions Code, as amended by Senate Bill No. 115 of the 1961 Regular Session, is amended and renumbered to read:

7000.5. There is in the Department of Professional and Vocational Standards a Contractors' State License Board, which consists of eight members appointed by the Governor. Contractors' State License Board

SEC. 4. Section 3 of this act becomes operative only if Senate Bill No. 115 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Senate Bill No. 115 takes effect, at which time Section 1 of this act is repealed. Effect Stats 1961, Ch 1821

CHAPTER 1823

An act to amend Sections 2701, 2715, 2718, 2719, 2798, 2810, 2812, and 2814 of the Business and Professions Code, relating to the Board of Nurse Examiners of the State of California.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 2701 of the Business and Professions Code is amended to read:

2701. The Board of Nurse Examiners of the State of California, consisting of five members, is continued in existence in the Department of Professional and Vocational Standards as the California Board of Nursing Education and Nurse Registration. California Board of Nursing Education and Nurse Registration

Within the meaning of this chapter, board, or the board, refers to the California Board of Nursing Education and Nurse Registration. Any reference in state law to the Board of Nurse Examiners of the State of California shall be construed to refer to the California Board of Nursing Education and Nurse Registration.

SEC. 2. Section 2701 of said code is amended to read:

2701. The Board of Nurse Examiners of the State of California, consisting of six members, is continued in existence in the Department of Professional and Vocational Standards as the California Board of Nursing Education and Nurse Registration. Same

Within the meaning of this chapter, board, or the board, refers to the California Board of Nursing Education and Nurse Registration. Any reference in state law to the Board of Nurse Examiners of the State of California shall be construed to refer to the California Board of Nursing Education and Nurse Registration.

SEC. 3. Section 2715 of said code is amended to read:

Powers, duties

2715. The board shall prosecute all persons guilty of violating the provisions of this chapter.

The board, in accordance with the provisions of the civil service law, may employ such personnel as it deems necessary to carry into effect the provisions of this chapter.

The board shall have and use a seal bearing the name "California Board of Nursing Education and Nurse Registration." The board may adopt, amend, or repeal, in accordance with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code, such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of this chapter.

SEC. 4. Section 2718 of said code is amended to read:

Advisory council

2718. The advisory council to the Board of Nurse Examiners of the State of California is hereby continued in existence as the advisory council to the California Board of Nursing Education and Nurse Registration. The advisory council shall be composed of:

(a) Two persons who are members of and shall represent the California State Medical Association.

(b) One person who is a member of and shall represent the California Hospital Association.

(c) One person who is a member of and shall represent the Western Conference of the Catholic Hospital Association.

(d) Two persons who are members of and shall represent the California League for Nursing, one representative to be from the nursing education department and one from the public health department of the organization.

(e) Two persons who are members of and shall represent the California Nurses' Association.

(f) One person who is a member of and shall represent the California Teachers' Association.

(g) The Director, State Department of Public Health, or his representative.

(h) Three lay members, representing the public.

The three lay members shall be appointed by the Governor for a term of three years. The other members, except for the Director of the State Department of Public Health, who shall serve ex officio, shall be appointed by the board for a term of three years as provided in this section.

Within 30 days after this section goes into effect, and thereafter within 30 days after any vacancy occurs, each of the above mentioned organizations whose members may be qualified to fill the vacancy and/or vacancies then existing, shall submit to the board the names of persons qualified to represent it on said advisory council, from which said lists the board shall make its appointments. The list or lists so submitted shall each contain not less than twice the number of names of qualified persons as there shall be vacancies existing.

SEC. 5. Section 2719 of said code is amended to read:

2719. The advisory council shall organize by the election of a president, vice president, and secretary, and shall meet at least twice each year and at other times on the call of the president or the written demand of any five members. It shall be the duty of the council to advise with the board concerning any and all matters coming within the purview of this chapter and the enforcement thereof, which in the opinion of the board and/or the advisory council shall be deemed necessary and/or expedient. Same

SEC. 6. Section 2798 of said code is amended to read:

2798. It is unlawful for anyone to conduct a school of nursing unless the school has been approved as an accredited school by the board. Unapproved nursing school

This section is not applicable to schools conducted under Section 2789 of this chapter.

SEC. 7. Section 2810 of said code is amended to read:

2810. There is established in the State Treasury a California Board of Nursing Education and Nurse Registration Fund. The Board of Nurse Examiners Fund of the State of California is abolished. The Controller, on October 1, 1961, shall transfer any balance in that fund to the California Board of Nursing Education and Nurse Registration Fund. Any reference in state law to the Board of Nurse Examiners Fund of the State of California shall be construed to refer to the California Board of Nursing Education and Nurse Registration Fund. California Board of Nursing Education and Nurse Registration Fund

SEC. 8. Section 2812 of said code is amended to read:

2812. Within 10 days after the beginning of each month, the board shall report to the State Controller the amount and source of all collections made under the provisions of this chapter. At the same time, all such amounts shall be paid into the State Treasury, where they shall be placed to the credit of the California Board of Nursing Education and Nurse Registration Fund. Reports of collections. deposit

SEC. 9. Section 2814 of said code is amended to read:

2814. All money in the California Board of Nursing Education and Nurse Registration Fund is hereby appropriated to carry out the provisions of this chapter, and the promotion of nursing education in this State. Appropriation of fund

SEC. 10 Section 2 of this act becomes operative only if Senate Bill No. 115 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Senate Bill No. 115 takes effect, at which time Section 1 of this act is repealed. Effect Stats 1961, Ch 1821

CHAPTER 1824

An act to amend Section 75033 of the Government Code, relating to judges retirement.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 75033 of the Government Code is amended to read:

75033. Notwithstanding any other provision of this chapter, if the service of a judge, who has been elected or appointed as such, is discontinued by any means other than death, resignation, recall, impeachment, or retirement pursuant to this chapter, he shall have the right to elect in writing filed with the State Controller within ninety (90) days thereafter, and without right of revocation, whether to allow his accumulated contributions to remain in the fund. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A judge who so elects to allow his accumulated contributions to remain in the fund shall, upon his application therefor to the State Controller after attaining age 65, be retired, and receive a retirement allowance based upon the judicial service with which he is credited, in the same manner as other judges, except that his retirement allowance is an annual amount equal to 5 percent of the compensation payable, at the time payments of the allowance fall due, to the judge holding the office which the retired judge last held prior to the discontinuance of his service as judge, multiplied by the number of years and fractions of years of service with which the retired judge is entitled to be credited at the time of such discontinuance of his service, not to exceed eight years.

CHAPTER 1825

An act to amend Sections 74842, 74843, 74844, and 74845 of the Government Code, and to amend Section 74843 of the Government Code, as proposed by Assembly Bill No. 186, relating to municipal courts.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

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

Clerk Salary

74842. There shall be one clerk who shall receive a minimum salary of four hundred eighty-one dollars ($481) monthly with increments of twenty-four dollars ($24) and twenty-five

dollars ($25) and twenty-six dollars ($26) and twenty-eight dollars ($28) and twenty-nine dollars ($29) and thirty-one dollars ($31) to a maximum of six hundred forty-four dollars ($644) monthly.

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

Appointments

74843. The clerk may appoint:

(a) One chief deputy clerk who shall receive a minimum salary of three hundred fifty-eight dollars ($358) monthly with increments of eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) and twenty-one dollars ($21) and twenty-two dollars ($22) and twenty-three dollars ($23) to a maximum of four hundred eighty-one dollars ($481) monthly.

(b) Three senior deputy clerks each of whom shall receive a minimum salary of three hundred twenty-five dollars ($325) monthly with increments of sixteen dollars ($16) and seventeen dollars ($17) and eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) and twenty-one dollars ($21) to a maximum of four hundred thirty-six dollars ($436) monthly.

(c) Six deputy clerks each of whom shall receive a minimum salary of two hundred sixty-eight dollars ($268) monthly with increments of thirteen dollars ($13) and fourteen dollars ($14) and fifteen dollars ($15) and fifteen dollars ($15) and sixteen dollars ($16) and seventeen dollars ($17) to a maximum of three hundred fifty-eight dollars ($358) monthly.

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

Marshal Salary

74844. There shall be one marshal who shall receive seven thousand three hundred fifty-six dollars ($7,356) annually.

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

Appointments

74845. The marshal may appoint:

(a) Three deputy marshals III each of whom shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with increments of twenty dollars ($20) and twenty-one dollars ($21) and twenty-two dollars ($22) and twenty-three ($23) and twenty-four dollars ($24) and twenty-five dollars ($25) to a maximum of five hundred thirty dollars ($530) monthly.

(b) One deputy marshal II who shall receive a minimum salary of three hundred fifty-eight dollars ($358) monthly with increments of eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) and twenty-one dollars ($21) and twenty-two dollars ($22) and twenty-three dollars ($23) to a maximum of four hundred eighty-one dollars ($481) monthly.

(c) Two deputy marshals I each of whom shall receive a minimum salary of three hundred twenty-five dollars ($325) monthly with increments of sixteen dollars ($16) and seventeen dollars ($17) and eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) and twenty-one dollars ($21) to a maximum of four hundred thirty-six dollars ($436) monthly.

(d) One intermediate clerk who shall receive a minimum salary of two hundred eighty-one dollars ($281) monthly with increments of fourteen dollars ($14) and fifteen dollars ($15) and fifteen dollars ($15) and sixteen dollars ($16) and seventeen dollars ($17) and eighteen dollars ($18) to a maximum of three hundred seventy-six dollars ($376) monthly.

SEC. 5. Section 74843 of the Government Code, as proposed by Assembly Bill No. 186, is amended to read:

Appointments

74843. The clerk may appoint:

(a) One chief deputy clerk who shall receive a minimum salary of three hundred fifty-eight dollars ($358) monthly with increments of eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) and twenty-one dollars ($21) and twenty-two dollars ($22) and twenty-three dollars ($23) to a maximum of four hundred eighty-one dollars ($481) monthly.

(b) Four senior deputy clerks each of whom shall receive a minimum salary of three hundred twenty-five dollars ($325) monthly with increments of sixteen dollars ($16) and seventeen dollars ($17) and eighteen dollars ($18) and nineteen dollars ($19) and twenty dollars ($20) and twenty-one dollars ($21) to a maximum of four hundred thirty-six dollars ($436) monthly.

(c) Six deputy clerks each of whom shall receive a minimum salary of two hundred sixty-eight dollars ($268) monthly with increments of thirteen dollars ($13) and fourteen dollars ($14) and fifteen dollars ($15) and fifteen dollars ($15) and sixteen dollars ($16) and seventeen dollars ($17) to a maximum of three hundred fifty-eight dollars ($358) monthly.

Effect Stats 1961, Ch 815

SEC. 6. Section 5 of this act shall become operative only if Section 74843 of the Government Code as proposed by Assembly Bill No. 186 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 186 takes effect; at which time Section 74843 of the Government Code as amended by Section 2 of this act is repealed.

CHAPTER 1826

An act to amend Sections 5871, 5875, 5876, 5878.1, 5879, and 5881 of the Streets and Highways Code, relating to the construction of sidewalks and curbs.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

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

Application of chapter

5871. This chapter shall apply to the construction of sidewalks, gutters, pavements, driveways, and curbs and the in-

stallation of storm and sanitary drainage facilities in front of properties in any block where a sidewalk, gutter, pavement, driveway, or curb or all of them have been constructed theretofore in front of properties in said block constituting more than fifty percent (50%) of the front footage of said block or where the owners of more than 60 percent of the front footage of the block, as shown by the last equalized assessment roll of the city, file a petition with the city clerk requesting the installation of any such improvements.

This chapter shall not apply to driveway construction in front of a vacant lot, or in front of an unimproved property, unless requested by the owner.

As used in this chapter, "sidewalks or curbs" includes "gutters," "driveways," "pavement" to the centerline of the street, "storm and sanitary drainage facilities," and "superintendent of streets" includes any other person or persons who may be designated by the legislative body to perform any of the duties of the superintendent of streets set forth in this chapter." Definitions

SEC. 1.1. Section 5875 of said code is amended to read:

5875. The owners of lots or portions of lots fronting on any public street or place when that street or place has been improved by the construction of sidewalks or curbs or both for a total frontage of more than fifty percent (50%) on one side of such street or place in any block, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of the block has been filed with the city clerk requesting the installation of such improvements, shall have the duty of constructing or causing the construction of a sidewalk or curb or both in front of his property upon notice so to do by the superintendent of streets. Duty to construct

SEC. 1.2. Section 5876 of said code is amended to read:

5876. When the superintendent of streets finds that sidewalks or curbs or both have been constructed in front of properties constituting more than fifty percent (50%) of the frontage in any block, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of the block has been filed with the city clerk requesting the installation of such improvements, said superintendent of streets may, and upon the instructions of the legislative body of the city shall, notify the owner or person in possession of the property fronting on that portion of the street in such block in which no curb or sidewalk has been constructed theretofore, to construct or cause to be constructed a curb or sidewalk or both in front of his property. Notice to construct

SEC 2. Section 5878.1 of said code is amended to read:

5878.1 The notice also shall specify the day, hour and place when the legislative body will hear and pass upon objections or protests, if any, which may be raised by any property owner or other interested persons but in no case shall such hearing be sooner than 10 days after giving of notice. Upon the day and hour fixed for the hearing the legislative body shall hear and Time and place of hearing

pass upon such objections or protests The decision of the legislative body on all protests and objections which may be made, shall be final and conclusive. The hearing required by this section shall be in addition to the hearing required by Section 5881 of this chapter.

SEC. 3. Section 5879 of said code is amended to read:

Specifications of work, etc.

5879. The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the construction and shall further specify that if the construction is not commenced within 60 days after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall cause the construction to be done, and the cost of the same shall be a lien on the property. However, upon petition by all of the affected property owners, the 60-day period may be waived and the superintendent of streets may immediately cause the construction to be done, and the cost of the same shall be a lien upon the property.

SEC. 4. Section 5881 of said code is amended to read:

Notice of cost

5881. Upon the completion of the construction, the superintendent of streets shall cause notice of the cost of the construction to be given in the manner specified in this article for the giving of notice to construct, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the construction, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such construction and any other interested persons. In no case shall the hearing provided for in this section be sooner than 10 days after giving of notice.

CHAPTER 1827

An act to amend Section 5715.1 of the Education Code, relating to junior colleges, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

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

SECTION 1. Section 5715.1 of the Education Code is amended to read:

5715.1. The governing board of any district, maintaining a junior college, may establish courses outside the district primarily for students who are nonresidents of the district, providing the following conditions are fulfilled:

(a) The governing board of a high school district, not a part of a district maintaining a junior college, with the approval of the county board of education of the county having

jurisdiction over the high school district, requests that junior college classes be offered in the high school district.

(b) The district, maintaining the junior college, requests and receives annually the prior written approval of the State Board of Education before establishing or continuing such classes outside its district.

This section shall be in effect until June 30, 1963.

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

In order to continue the authority of school districts to maintain junior college classes in areas outside of the district for the education of persons in technical fields connected with the national defense and other related fields, it is necessary for this act to take effect immediately.

CHAPTER 1828

An act to amend the heading of Article 1 (commencing with Section 24201) of Chapter 9, Division 18 of, to amend Sections 22607, 24201, 24203, 24207, 24209, 24210, 24211, 24212, 24301, 24302, 24303, 24304, 24305, 24306, 24308, 24309, 24310, 24311, 24311.1, 24312 and 24313 of, to amend and renumber Article 3 (commencing with Section 24301) of Chapter 9, Division 18 of, to add Section 24213 to, to repeal Article 2 (commencing with Section 24251) of Chapter 9, Division 18 of, to add Article 3 (commencing with Section 24320) to Chapter 9 of Division 18 of, and to repeal Sections 24202, 24204, 24205, 24206, 24208, 24304.1, 24314 and 24315 of, the Education Code, relating to the California State Colleges.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. The heading of Article 1 (commencing with Section 24201) of Chapter 9, Division 18 of the Education Code is amended to read:

Article 1. General Provisions

SEC. 2. Section 24201 of said code is amended to read:

24201. The trustees shall provide by rule for the government of their appointees and employees, pursuant to the provisions of this chapter and other applicable provisions of law, including, but not limited to, appointment, classification, terms, duties, pay, leave of absence, tenure, vacation, layoff, dismissal, demotion, suspension and reinstatement. Government of appointees and employees

The rules adopted by the trustees relating to tenure, layoff, dismissal, demotion, suspension, and reinstatement of academic and administrative employees shall be adopted on or before February 1, 1962 and become effective on July 1, 1962, with respect to employees who are academic teaching and administrative employees as defined in subdivision (1)(e) of Section 24301, as it read on June 30, 1961.

Repeal

SEC. 3. Section 24202 of said code is repealed.

SEC. 4. Section 24203 of said code is amended to read:

Separation from service

24203. Upon separation from service, without fault on his part, a nonacademic employee is entitled to a lump sum payment as of the time of separation for any unused or accumulated vacation or for any time off to which he is entitled by reason of previous overtime work where compensating time off for overtime work is provided for by the trustees.

Such sum shall be computed by projecting the accumulated time on a calendar basis so that the lump sum will equal the amount which the employee would have been paid had he taken the time off but not separated from the service. A nonacademic employee separated from service through fault of his own is entitled to a lump sum payment for such compensating time off for overtime work, similarly computed, and in addition, such portion, if any, of unused vacation as the trustees may determine.

Repeal

SEC. 5. Section 24204 of said code is repealed.

Repeal

SEC. 6. Section 24205 of said code is repealed.

Repeal

SEC. 7. Section 24206 of said code is repealed.

SEC. 8. Section 24207 of said code is amended to read:

Termination of employment at age 70

24207. The employment of any employee of the trustees, excepting those employees who on October 1, 1949 and on September 7, 1955, were members of the State Teachers' Retirement System, shall terminate on the first day of the calendar month next succeeding that in which he attains age 70, except as provided in this section.

An academic or administrative employee may elect to continue in active service until the end of the quarter, semester, or academic year during which he attains age 70. An academic employee who reaches the age of 70 years, if mentally and physically sound, may be employed from year to year without tenure, for the good of the service, at the discretion of the trustees The payment of retirement allowances by either the State Teachers' Retirement System or the State Employees' Retirement System, or both of said systems, to such a person employed from year to year shall be suspended during the period of such employment or re-employment and such suspension shall not serve to reinstate such a person to membership in either of said systems. If a person should die during such a period of suspension, said systems shall pay any death benefits that would have been payable had the death not occurred during such a period. A period of suspension shall end on the last day of the month during which such employment or re-employment is terminated. Said systems shall then resume the

payment of the retirement allowance to such a person without change from what it was at the beginning of the latest period of suspension except for any change in the provisions governing the calculation of the allowance which was made during said period and made applicable to persons then retired.

Any person over the age of 70 years who otherwise has the qualifications of an academic or administrative employee and who is not retired under the State Teachers' Retirement System or the State Employees' Retirement System, if mentally and physically sound, may be employed from year to year without tenure at the discretion of the trustees. Such employment shall not entitle him to become a member of nor serve to reinstate him as a member of either of said systems.

SEC. 9. Section 24208 of said code is repealed. Repeal

SEC. 10. Section 24209 of said code is amended to read:

24209. The trustees may grant a leave of absence without compensation, for not to exceed one year, to any nonacademic employee after he has been employed by them for not less than one year. A leave of absence may be granted to a nonacademic employee with less than one year of service but only for the reason that he is temporarily incapacitated by illness. Leave of absence

SEC. 11. Section 24210 of said code is amended to read:

24210. A leave of absence granted pursuant to Section 24209 to any nonacademic employee may be extended for not to exceed one year by the trustees except that during any national emergency declared by the President of the United States of America, such a leave of absence may be extended from year to year by the trustees. Extension of leave

SEC. 12 Section 24211 of said code is amended to read:

24211. Upon the expiration of the leave of absence granted pursuant to Section 24209 or 24210 the employee to whom the leave of absence was granted is entitled to reinstatement in the position he held at the time the leave of absence was granted him, if the position is still in existence, or to any other comparable existing vacant position for which he is qualified. Reinstatement

SEC. 13. Section 24212 of said code is amended to read:

24212. Every employee who has entered or who hereafter enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full-time paid service of the American Red Cross, during any period of national emergency declared by the President of the United States of America or during any war in which the United States of America is engaged, shall be deemed to have been entitled or shall be entitled to absent himself from his duties. Employee in active military or Red Cross service

Within six months after such employee honorably leaves such service or has been placed on inactive duty he shall be entitled to return to the position held by him at the time of his entrance into such military service, at the salary to which

he would have been entitled had he not absented himself from his duties.

Repeal

SEC. 14. Article 2 (commencing with Section 24251) of Chapter 9, Division 18 of said code is repealed.

SEC. 15. Section 24213 is added to said code, to read:

Leave of absence, credit for retirement

24213. The time during which an employee of the trustees is on leave of absence without compensation shall not be credited toward retirement under any retirement system of the State. If such employee receives compensation during such leave of absence the time for which he receives such compensation shall be credited toward retirement. The period of any leave of absence shall not be construed as a break in the continuity of service required toward retirement.

SEC. 16. The heading of Article 3 (commencing with Section 24301) of Chapter 9, Division 18 of said code is amended and renumbered to read:

Article 2. Appointment, Tenure, Layoff, and Dismissal of Employees

SEC. 17. Section 24301 of said code is amended to read:

Definitions

24301. (a) As used in this article, unless the context otherwise requires,:

(1) "Dismissal" means dismissal for cause.

(2) "Layoff" means separation from a position for lack of funds or lack of work.

(3) "Probation" means the period an employee must serve before becoming entitled to permanent employment.

(4) "Permanent" means that the employee has a right to continued employment unless dismissed or laid off.

(b) This article does not apply to state college presidents.

(c) This article does not apply to student assistants.

SEC. 18. Section 24302 of said code is amended to read:

Appointment Nonacademic employees

24302. Every nonacademic employee shall be appointed for one year which is a probationary period. On reappointment for the second year, the employee shall be permanent at the same level and salary step or higher salary step as at completion of the probationary year.

SEC. 19. Section 24303 of said code is amended to read:

Vacancies

24303. All vacant nonacademic positions shall, as far as practicable and consistent with the best interest of the California State Colleges be filled from qualified nonacademic employees serving in lower positions in the same or related series.

SEC. 20. Section 24304 of said code is amended to read:

Probationary period

24304. Any nonacademic employee shall be required to serve only one probationary period to gain permanent status in a position or in a substantially similar position. If such an employee is promoted to a position with substantially different duties or to a position that requires additional duties and abilities, he shall serve an additional probationary period; but if he does not become permanent in the new position, he shall

have the right to return to any class in which he was permanent.

SEC. 21. Section 24304.1 of said code is repealed. Repeal

SEC. 22. Section 24305 of said code is amended to read:

24305. The trustees shall adopt rules prescribing the form, time and method of notice of rejection at any time during the probationary period to any probationary nonacademic employee, or notice of intention not to recommend reappointment of an academic employee for the succeeding year to any such employee not having permanent status. Notice of rejection

SEC. 23. Section 24306 of said code is amended to read:

24306. A permanent or probationary academic or nonacademic employee may be dismissed, demoted, or suspended for the following causes: Causes for dismissal, etc.

(a) Immoral conduct.

(b) Unprofessional conduct.

(c) Dishonesty.

(d) Incompetency.

(e) Physical or mental unfitness for position occupied.

(f) Failure or refusal to perform the normal and reasonable duties of the position.

(g) Conviction of a felony or conviction of any misdemeanor involving moral turpitude.

(h) Fraud in securing appointment.

(i) Drunkenness on duty.

(j) Addiction to the use of narcotics or habit forming drugs.

SEC. 24. Section 24308 of said code is amended to read:

24308. Notice of dismissal, demotion or suspension for cause of an academic or nonacademic employee shall be in writing, signed by the chancellor or his designee and be served on the employee, setting forth a statement of causes, the events or transactions upon which the causes are based, the nature of the penalty and the effective date, and a statement of the employee's right to answer within 20 days and request a hearing before the State Personnel Board. Notice of dismissal, etc.

Notice of the reassignment of an administrative employee pursuant to Section 22607 shall be in writing and shall be served on the employee setting forth a statement of the employee's right to answer within 20 days and request a hearing before the trustees but only on the question of whether the position to which he is reassigned is commensurate with his qualifications.

SEC. 25. Section 24309 of said code is amended to read:

24309. Any academic or nonacademic employee dismissed, suspended, or demoted for cause may request a hearing by the State Personnel Board by filing such a request, in writing, with the board within 20 days of being served with the notice. The request may be on the grounds that the required procedure was not followed; that there is no ground for dismissal, suspension, or demotion; that the penalty is excessive, unreasonable, or discriminatory; or that the employee did not do the acts or omissions alleged as the events or transactions Hearing on dismissal, etc.

upon which the causes are based; or that the acts or omissions alleged as the events or transactions upon which the causes are based were justified.

The State Personnel Board shall hold a hearing, following the same procedure as in state civil service proceedings and shall render a decision affirming, modifying or revoking the action taken. In a hearing, the burden of proof shall be on the party taking the dismissal action.

An administrative employee reassigned pursuant to Section 22607 may request a hearing by the trustees by filing a request for a hearing, in writing, with the trustees within 20 days of being served with the notice. The request may be on the grounds that the required procedure was not followed or that the position to which the employee is reassigned is not commensurate with his qualifications. The trustees shall hold a hearing, and shall render a decision affirming, modifying, or revoking the action taken

SEC. 26. Section 24310 of said code is amended to read:

Restoration to position

24310. If the dismissal, suspension, or demotion or the reassignment is revoked or modified by the State Personnel Board or the trustees, the employee shall be restored to his position in accord with the decision, and shall be paid back salary equal to that which the employee would have earned if continuously employed in accord with the decision.

SEC. 27. Section 24311 of said code is amended to read:

Absence without leave

24311. Absence without leave of an academic or nonacademic employee, whether voluntary or involuntary, for five consecutive working days is an automatic resignation from state service, as of the last date on which the employee worked.

An academic or nonacademic employee may within 90 days of the effective date of such separation file a written request with the State Personnel Board for reinstatement. If the appointing authority has notified the employee of his automatic resignation, any request for reinstatement must be in writing and filed within 15 days of the service of notice of separation. Notice may be personally served or it may be served by mail to the last known residence or business address of the addressee and is complete on mailing. Proof of service, either personal or by mail, shall be made by affidavit. Reinstatement may be granted only if the employee makes a satisfactory explanation to the board as to the cause of his absence and his failure to obtain leave therefor, and the board finds that he is ready, able, and willing to resume the discharge of the duties of his position or, if not, that he has obtained the consent of his appointing power to a leave of absence to commence upon reinstatement.

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

SEC. 28. Section 24311.1 of said code is amended to read:

Setting aside of resignations

24311.1. If a petition to set aside the resignation of any academic or nonacademic employee is filed with the State Personnel Board within 30 days after the last date upon which

services to the state college are rendered, or the date the resignation is tendered, whichever is later, the resignation may be set aside on the ground that it was given or obtained pursuant to or by reason of mistake, fraud, duress, undue influence, or that for any other reason it was not the free, voluntary, and binding act of the person resigning. The State Personnel Board shall hold a hearing and render a decision on the petition following the same procedure as in the state civil service procedures governing resignations from the state civil service.

SEC. 29. Section 24312 of said code is amended to read:

Regulations Order of layoff

24312. The trustees shall adopt regulations for determination of the order in which nonacademic employees shall be laid off for lack of funds or because of lack of work. To the extent the trustees shall deem practical such regulations shall provide for layoff in the inverse order of employment.

The trustees shall adopt rules governing the re-employment of nonacademic employees laid off, pursuant to this section. To the extent the trustees deems practical, such regulations shall include provision that for a period of five years following layoff, an employee shall have a preferential right to re-employment in the same or a comparable position, in the event of a vacancy. This preferential right shall give the employee laid off the right to re-employment in a position comparable to that from which he was laid off over any person not employed at the time the particular employee was laid off.

SEC. 30. Section 24313 of said code is amended to read:

Less than full-time employment

24313. A permanent nonacademic employee may, with his consent and the approval of the trustees, be employed at less than full time and retain permanent status. Seniority credit and any other credit shall be gained only in the proportion the actual time employed is to full-time employment in the position.

Repeal

SEC. 31. Section 24314 of said code is repealed.

Repeal

SEC. 32. Section 24315 of said code is repealed.

SEC. 32.5. Article 3 (commencing with Section 24320) is added to Chapter 9 of Division 18, to read:

Article 3. Tenure Rights of Academic and Teaching and Administrative Employees

Legislative intent

24320. It is the intent of the Legislature that academic teaching and administrative employees of state colleges shall retain until July 1, 1962, the tenure rights and benefits provided for probationary and permanent employees under the law in effect prior to the time when the Trustees of the California State Colleges succeed to administration of the California State Colleges. It is also the intent of the Legislature that the tenure rights and benefits of such employees will be governed by rules adopted by the trustees on and after July 1, 1962.

Article in effect Period

24321. This article shall remain in effect until July 1, 1962, and thereafter shall have no force or effect.

Definitions

24322. As used in this article:

(a) "State college employees" means academic teaching and administrative employees, as defined in subdivision (1)(e) of Section 24301, as it read on June 30, 1961.

(b) "Probation," "probat onary" and "permanent" have the same meaning as prescribed for such words in Article 3 (commencing with Section 24301) of Chapter 9 of Division 18 as it read on June 30, 1961.

(c) "Tenure rights and benefits" includes the rights granted by such law to a probationary state college employee during his probation and to a permanent state college employee upon his becoming permanent in the manner provided by such law, with respect to duration of the probation, becoming permanent upon reappointment for a fourth successive academic year, the right to continued employment at the particular state college unless dismissed for cause or laid off, the causes for dismissal or demotion, and the right to appeal therefrom and rights resulting from such appeal.

Transfer of state college employees to trustees

24323. Notwithstanding any other provision of law to the contrary, state college employees who are transferred to the Trustees of the California State Colleges on July 1, 1961, shall retain their respective positions in the state service, together with all tenure rights and benefits accumulated by them at the time of the transfer and shall retain such tenure rights and benefits as may attach, under the law in effect on June 30, 1961, to the positions which they held at the time of transfer. State college employees employed on and after July 1, 1961, shall acquire all tenure rights and benefits as may attach to their respective positions under such law.

Reassignment of administrative employees

24324. This article shall not be construed to prevent the trustees from reassigning an administrative employee to an academic or other position commensurate with his qualifications at the salary fixed for that position pursuant to Section 22607.

SEC. 33. Section 22607 of said code is amended to read:

Transfer of employees to California State Colleges Rights, benefits, salaries, etc

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

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

The trustees shall provide, or co-operate in providing, academic and administrative employees transferred by this section with personnel rights and benefits at least equal to those accumulated by them as employees of the state colleges, except that any administrative employee may be reassigned to an academic or other position commensurate with his qualifications at the salary fixed for that position and shall have a right to appeal from such reassignment, but only as to whether the position to which he is reassigned is commensurate with his qualifications. All academic and administrative positions filled by the trustees on and after July 1, 1961, shall be filled by appointment made solely at the discretion of the trustees. The trustees shall establish and adjust the salaries and classifications of all academic, nonacademic and administrative positions and neither Section 18004 of the Government Code nor any other provision of law requiring approval by a state officer or agency for such salaries or classifications shall be applicable thereto. The trustees, however, shall make no adjustments which require expenditures in excess of existing appropriations available for the payment of salaries. The provisions of Chapter 9 (commencing at Section 24201) of Division 18 of this code relating to appeals from dismissal, demotion or suspension shall be applicable to academic employees.

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

CHAPTER 1829

An act to amend Section 986.1 of the Military and Veterans Code, relating to farm and home purchases.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 986.1 of the Military and Veterans Code is amended to read:

986.1. (a) If a veteran dies after filing his application for a farm or a home, and his application setting forth his eligibility and qualifications is subsequently approved, his widow may, in the discretion of the board, succeed to his rights under the application, and may be entitled to the rights, privileges, and benefits under this article that would have been his, but for his death. The contract of purchase which the board otherwise would have made with such veteran may be made with his widow.

(b) If a man in the armed forces of the United States died under honorable conditions in service, or after honorable discharge from service, and would have been considered to be a "veteran" as defined in Section 980 of this code, his unremarried widow may file an application posthumously to establish that he would have been qualified as a veteran except for his death, and such widow may, in the discretion of the department, succeed to his rights, and may be entitled to the benefits under this article that would have been his, but for death. The contract of purchase which the department otherwise might have made with such decedent may be made with the widow.

Operative date Approval of S C A 24, 1961 Reg Sess

SEC. 2. This act shall become operative only if the voters approve the amendment to the State Constitution adding Section 31.5 to Article IV thereof, proposed by Senate Constitutional Amendment No 24 at the 1961 Regular Session of the Legislature, and in such case at the same time as said constitutional amendment becomes effective.

CHAPTER 1830

An act to amend Section 5102 of the Education Code, relating to school terms.

In effect September 15, 1961

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 5102 of the Education Code is amended to read:

5102. (a) A school month is 20 days or four weeks of five days each, including legal holidays; provided, however, that for the purposes of counting attendance only in providing for a school calendar the Christmas vacation period, or any portion thereof, may be excluded by the school district in the definition of a school month.

(b) The provisions of subdivision (a) of this section are limited to defining a school month for attendance counting purposes only. A school month for employee pay purposes may be designated by the governing board to begin on any day of the week.

CHAPTER 1831

An act to add Section 15963 to the Education Code, relating to school district contracts.

In effect September 15, 1961

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 15963 is added to the Education Code, to read:

15963. If any change or alteration of a contract governed by the provisions of this article (commencing with Section 15951) is ordered by the governing board of the district, such change or alteration shall be specified in writing and the cost agreed upon between the governing board and the contractor. The board may authorize the contractor to proceed with performance of the change or alteration without the formality of securing bids, if the cost so agreed upon does not exceed the greater of:

(a) The amount specified in Section 15951, 15953, or 15957, whichever is applicable to the original contract; or

(b) Ten percent (10%) of the original contract price.

No change or alteration shall be authorized if the amount thereof is within the limitation specified in subdivision (b) and is in excess of the limitation in subdivision (a), except by affirmative vote of no less than seventy-five percent (75%) of the members of the governing board, regardless of the number of the board's membership.

CHAPTER 1832

An act to add Section 5625, 5626, 5627, and 5628 to the Education Code, relating to junior high schools.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5625 is added to the Education Code, to read:

Withdrawal from junior high system

5625. Any school district within a junior high school or system of junior high schools, maintained by the governing board of a county, union, or joint union high school district, may withdraw from the junior high system when a majority of the qualified voters in the district voting thereat vote in favor of withdrawal.

SEC. 2. Section 5626 is added to said code, to read:

Commencement of election proceedings

5626. Election proceedings may be commenced upon by either of the following means:

(a) A petition signed by thirty-five percent (35%) of the registered voters residing in the district shall be presented to the county superintendent of schools of the county in which the district is situated, setting forth briefly the reasons for withdrawal and praying that the question be submitted to the voters of this district.

(b) The governing boards of all school districts involved shall agree that an election be held and shall notify the county superintendent of schools of such agreement.

SEC. 3. Section 5627 is added to said code, to read:

Election

5627. The county superintendent of schools, upon receiving the petition or notice of agreement shall, within 40 days, call,

hold, and conduct an election in the district, submitting to the voters of the district the question of withdrawal.

SEC. 4. *Section 5628 is added to said code, to read:*

Time limits

5628. Any action undertaken to withdraw from a junior high school or a system of junior high schools shall be complete prior to the first day of March in the school year in which action was begun and shall be effective on the first of July next succeeding.

The pupils in grades seven and eight who are withdrawn from the junior high school program pursuant to Sections 5626 and 5627 shall not be counted in determining the eligibility of the elementary district withdrawing for square footage allowances for a state school building aid loan pursuant to Section 19420 if they have already been counted by the high school district maintaining the junior high school program as the basis upon which a state school building aid loan has been granted to the high school district.

CHAPTER 1833

An act to amend Section 11451 of, and to add Sections 11451.3, and 11451.5 to, the Education Code, relating to junior college attendance.

In effect September 15, 1961

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 11451 of the Education Code is amended to read:

Computation of average daily attendance Grades 13 and 14

11451. The units of average daily attendance in grades 13 and 14 in each junior college of a district for a fiscal year shall be computed by dividing the total number of whole or partial class hours of pupils' attendance in the junior college during the fiscal year by 525.

The State Department of Education, Department of Finance and the Legislative Analyst shall conduct a study to devise a suitable method for determining the number of units of average daily attendance for a fiscal year in grades 13 and 14 of a junior college, based on actual attendance figures for a specified period near the beginning and near the end of each semester or quarter. If a method has been devised which will yield approximately the same total number of units of average daily attendance as are obtained by the method specified in the preceding paragraph, and when such method has been approved by the State Board of Education, it shall be used instead of the method prescribed in the preceding paragraph, beginning not sooner than the fiscal year 1962-63. Any method so devised may, notwithstanding the provisions of Sections 11102 and 11253, entail the utilization of attendance computations made on a weekly basis, subject to the limitation that

pupils in grades 13 and 14 shall not be credited, on a district average, with more than 18 class hours of attendance during any five-day week of any regular semester or quarter, exclusive of attendance at summer schools.

SEC. 2. Section 11451.3 is added to said code, to read:

Separate computation for nonresident pupils

11451.3. For purposes of any provision of law which requires that the average daily attendance of pupils of a junior college who do not reside in the district maintaining the junior college shall be separately considered, the average daily attendance of such pupils shall be computed separately, in the manner prescribed by Section 11451.

SEC. 3. Section 11451.5 is added to said code, to read:

Class hour unit

11451.5. For purposes of Sections 11451 and 11451.3, the class hour unit is defined as not less than 50 minutes exclusive of passing time.

The State Board of Education may, by rule and regulation, define partial class hours and prescribe procedures concerning the computation thereof, and make any and all other provision necessary to carry out the provisions of this article.

Act in effect until June 30, 1963

SEC. 4. The provisions of this act shall remain in effect until June 30, 1963.

CHAPTER 1834

An act to amend Sections 20014.6, 20302.5, 20303, 20780 and 20786 of, to add Sections 20786.5, 20804.51, 20950.6, 20986.5, 22152.6 and 22210.2 to, and to repeal Sections 20302 and 20304 of, the Government Code, relating to the State Employees' Retirement System, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect immediately

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

SECTION 1. Section 20014.6 of the Government Code is amended to read:

Applicability Forestry and warden members

20014.6. Notwithstanding Sections 20014, 20014.5, 20603.1, 20603.2, 20604, 20604.5, 21252.2, 21252.3, 21256.1, 21256.2, and 21257.1, the provisions of this part (commencing with Section 20000) relating to normal contributions, current service pensions, and prior service pensions for state miscellaneous members shall apply to forestry and warden members who become members, or re-enter employment as members, on or after the date fixed by the board for division of the system pursuant to Section 22152.6 or who are members on that date and elect either to be included in the federal system or to be subject to this section. An election under this section shall be made at the time and in the manner prescribed by board rules for elections by state members to be included in the federal system. Any

warden or forestry member becoming subject to provisions applicable to miscellaneous members under this section shall be deemed to be subject to such provisions with respect to all of his warden and forestry service. Any change in contribution rate of such member resulting from becoming subject to such provisions shall apply only with respect to compensation for services rendered on or after January 1, 1962.

SEC. 2. Section 20302.5 of said code is amended to read:

Contracting agency employee

20302.5. An employee of a contracting agency on the effective date of its contract with the board becomes a member immediately.

SEC. 3. Section 20303 of said code is amended to read:

Other employees

20303. Every other employee becomes a member either on the first day of the calendar month or on the first day of the payroll period next following his entry into employment.

SEC. 4. Section 20786 of said code is amended to read:

State and university employees

20786. Employee federal contributions require of state and university employees who are members of the system, with respect to salaries and wages paid for services rendered after the effective date of coverage of such employees under the federal system and prior to the time employee federal contributions are first deducted from the salaries and wages of such employees, shall be paid from the State Employees' Retirement Fund to the Old Age and Survivors Insurance Revolving Fund. Such employee federal contributions shall be charged in the accounts of the state system to the State's accumulated contributions for current service and shall be regarded as a loan to each such employee and shall be a lien on any salaries or wages payable to the employee and on any amounts payable by the state system to the employee or on his account. Said loan shall be repaid by the employee as follows:

(a) Such employee federal contributions with respect to employees who were members of the state system during the period extending from the effective date of coverage under the federal system until the time employee federal contributions are first deducted from the salaries and wages of such employees shall be deducted from the member's accumulated contributions made with respect to services performed during said period and which are to his credit in the state system to the extent that such contributions are in excess of what they would have been had the contributions to the state system during said period been made as provided in Section 20601.5, disregarding interest, and assuming that contributions in any year were made in equal monthly amounts. Any such excess of normal contributions not required for repayment to the State's accumulated contributions shall be refunded to the member.

(b) Such employee federal contributions as are not deductible from member's accumulated contributions in the state system as provided in subdivision (a) of this section shall be repaid by the employee by one cash payment to the state system or by payroll deductions during current employment or any subsequent employment of such employee extending over

a period determined by the board and subject to minimum payments as determined by the board. The agency making such payroll deductions shall remit to the board monthly all amounts so withheld and shall file with the board appropriate information relating thereto All such repayments shall be remitted by the board to the State Employees' Retirement Fund and shall be credited in the accounts of the state system to the account to which the loan was charged.

For the purpose of this section, upon termination of an employee's service and pending a determination of the amount to be repaid, the amount of retroactive employee federal contributions to be repaid by an employee may be estimated and such estimated amount shall be withheld from any refund of accumulated retirement contributions or salaries and wages payable to such employee.

SEC. 5. Section 20786.5 is added to said code, to read:

Amount of contributions

20786.5. Notwithstanding Sections 20654 and 20804.5, the amount of contributions under any election to deposit or redeposit contributions under this part with respect to service for which retroactive employee contributions are transferrable under this article from the member's accumulated contributions to the State's account for accumulated contributions for current service, and which election is then not fully paid or is made thereafter, shall be adjusted so that the total accumulated contributions in the member's account upon completion of the deposit will equal the total accumulated contributions which would be in the member's account had the deposit or redeposit been completed when amounts became transferrable from the member's account under this article. Such adjustment shall be accomplished by whichever of the following means is appropriate under the facts and the provisions of this section: (1) transfer to the employer account of amounts deposited where such account has not been fully reimbursed for retroactive employee contributions on account of the member paid from it, (2) reduction of the amount to be deposited under the election, or (3) refund to the member of the adjustment in his account.

SEC. 6. Section 20804.51 is added to said code, to read:

Service credited under modified retirement allowance formula

20804.51. Service credited under Section 20804 5 to a member who at membership became subject to a reduced or modified retirement allowance formula because of co-ordination with the federal system shall be subject to such modified formula to the extent that the service was rendered to the state or any contracting agency in which such modified formula applies after the effective date of coverage under the federal system of members in the employ of that employer

SEC 7. Section 20950 6 is added to said code, to read:

Retirement age for warden or forestry member

20950 6. Notwithstanding Sections 20950 and 20950.5, a warden or forestry member who is subject to the provisions of this part (commencing with Section 20000) relating to normal contributions, current and prior service pensions for state miscellaneous members, shall be retired for service upon

his written application to the board only if he has attained age 55 and is entitled to be credited with 20 years of state service, or the amount of his accumulated contributions standing to his credit exceeds five hundred dollars ($500).

SEC. 8. Section 20986.5 is added to said code, to read:

Suspension of compulsory retirement provisions until January 1, 1962

20986.5. The compulsory retirement provisions of this article (commencing with Section 20980) relating to state miscellaneous members, warden members, and forestry members, are suspended from the effective date of this section until January 1, 1962. Members attaining compulsory retirement age in the month in which this section becomes effective or thereafter during the period of suspension, shall be retired effective February 1, 1962, except upon the member's application specifying an earlier date.

During the period of suspension this section shall supersede any existing provisions of law which are in conflict with its provisions, but such provisions are not repealed by this section, and after termination of the suspension shall have the same force as though this section had not been enacted.

SEC. 9. Section 22152.6 is added to said code, to read:

Division of retirement system by board

22152.6. The board shall divide the retirement system defined in subdivision (b) of Section 22009.1. The division shall be conducted in accordance with this article except that the election among members of the system shall not be required. It shall be conducted at a time to be determined by the board so as to permit modification of the agreement to include members of said system no later than December 31, 1961.

SEC. 10. Section 22210.2 is added to said code, to read:

Modification of agreement to conform to federal act, etc.

22210.2 Notwithstanding any other provisions of this part, (commencing with Section 22000) the board shall execute a modification of the agreement in conformity with the provisions of Section 218 of the Social Security Act and applicable federal regulations adopted pursuant thereto, to include services in positions covered by the retirement system as defined in Section 22009.1(*l*)(1) established by division of the retirement system defined in Section 22009.1(b) of this part upon completion of the division as directed in Section 22152.6. The modification shall be executed no later than December 31, 1961, and shall include all eligible members, with coverage as of January 1, 1956.

Repeal

SEC. 11. Section 20302 of said code is repealed.

Repeal

SEC. 12. Section 20304 of said code is repealed.

SEC. 13. Section 20780 of said code is amended to read:

Members liable for employee federal contributions, costs of administration

20780 Every state member and every person eligible to membership as a state member covered by the federal-state agreement providing coverage under the federal system for such member shall be liable for employee federal contributions. Every such member and person who is included in the federal system because of his election to be so included in addition shall contribute an equal portion of the costs, as determined by the board, of administering in the 1961-62 and 1962-63 fiscal years the provisions for inclusion of state members and persons el-

igible to membership as state members in the federal system or ten dollars ($10), whichever is the lesser. Such contribution shall be paid by the member or person by a single payroll deduction. All contributions for costs of administration shall be deposited in the Retirement Fund and shall be available only for costs of administration. Said fund, to the extent of the total amount so deposited, is hereby appropriated for such costs of administration.

SEC. 14. This act is an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

In 1959 Congress adopted amendments to the Social Security Act extending for a limited period coverage of public employees under the Old Age and Survivors Insurance Program on a basis permitting maximum benefits for such employees In order that the State may take advantage of this coverage, it is necessary that this act take effect immediately.

CHAPTER 1835

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

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. There is hereby granted to the City of Pittsburg, a municipal corporation in the County of Contra Costa, State of California, and to its successors, all of the right, title, and interest of the State of California, held by said State by virtue of its sovereignty in and to all of the tide and submerged lands, whether filled or unfilled, situated within the boundaries of the City of Pittsburg as such boundaries exist on the effective date of this act, except those certain described tide and submerged lands previously conveyed to the City of Pittsburg pursuant to Chapter 214 of the Statutes of 1937, to be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit: Grant of tidelands to City of Pittsburg

(a) That said lands shall be used by said city, and its successors, only for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the Purposes, limitations

promotion and accommodation of commerce and navigation by air as well as by water and for public recreation purposes, and for the establishment, improvement and conduct of utilities, facilities, structures, buildings, works and appliances necessary or convenient for the promotion and accommodation of public recreation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases.

Improvements (b) That said lands shall be improved by said city without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

Conduct of operations, etc (c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

Reservations. Fishing (d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

Mineral rights (e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

Conditions (f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

Same (g) The lands herein granted are held upon the express condition that within 10 years from the effective date of this

act, said lands shall be substantially improved by the city without expense to the State by the construction of a small craft harbor as approved by the Division of Small Craft Harbors, and if during said 10-year period the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease, and title to said lands shall revert to the State.

Survey, etc

SEC. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the office of the County Recorder of Contra Costa County, the area of state lands described in this act. Said city shall enter into a contract with the State Lands Commission for surveying, monumenting and platting the area of state lands described in this act, and shall, upon submission of invoices by the State Lands Commission, pay said costs.

Severability clause

SEC. 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Retention of funds by city

SEC. 4. Nothing contained in this act shall preclude the city from accepting and retaining any grant of funds from the State made available for the purpose of aiding in the development of said lands for any public purpose not inconsistent with the promotion and accommodation of commerce and navigation. Excluded from the provisions of this act are any expenses to the State that may arise from the administration of the Small Craft Harbors Law or contracts made thereunder affecting the described tide and submerged lands.

CHAPTER 1836

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

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961.]

In effect immediately

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

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

268. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1954, 1955, 1956, 1957, 1958, 1959, 1960 or 1961 on property as to which the welfare exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been

levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

Urgency

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

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

CHAPTER 1837

An act to amend Sections 2735.5 and 2741 of the Unemployment Insurance Code, relating to unemployment disability insurance.

In effect September 15, 1961

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 2735.5 of the Unemployment Insurance Code is amended to read:

Disallowance of claim of lien, etc

2735.5. No claim of overpayment shall be based upon the disallowance by the Industrial Accident Commission of a claim of lien filed under Section 4903 of said code, or the allowance of such lien for less than the amount claimed, or upon the approval by the said commission of a compromise and release agreement providing for the allowance of such lien in an amount less than the claim.

SEC. 2. Section 2741 of the Unemployment Insurance Code is amended to read:

Discharge, etc., of claim of lien

2741. Any claim of lien filed with the Industrial Accident Commission under the provisions of Section 4903 of the Labor Code shall be fully discharged and satisfied by payment of the amount of such lien allowed by the commission under the provisions of Section 4904 of said code or the amount specified in any compromise and release agreement filed and approved by the commission pursuant to Sections 5000 through 5004 of said code.

CHAPTER 1838

An act to add Section 591 to the Streets and Highways Code, relating to state highways.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 591 is added to the Streets and Highways Code, to read:

591. Route 291 is from Route 158 near Western Avenue to 25th Street in San Pedro.

CHAPTER 1839

An act to amend Section 250 of the Health and Safety Code, relating to physically handicapped persons.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 250 of the Health and Safety Code is amended to read:

250. "Handicapped child," as used in this article, means a physically defective or handicapped person under the age of 21 years who is in need of services "Handicapped child" includes children suffering from cystic fibrosis.

CHAPTER 1840

An act to amend Section 463 of the Streets and Highways Code, relating to state highways.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 463 of the Streets and Highways Code is amended to read:

463. Route 163 is from Route 60 at a point near Colorado Avenue in Santa Monica to Route 173 via Pacific Avenue and Venice Boulevard; provided that prior to the construction of any portion of this highway the City of Los Angeles shall furnish to the State of California without charge all right-of-way necessary for that portion and the City of Los Angeles and the County of Los Angeles shall enter into a co-operative agreement with the department wherein said city and county agree to pay one-half the cost of plans and construction.

CHAPTER 1841

An act to add Section 27160 to the Vehicle Code, relating to motor vehicle exhaust noises.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 27160 is added to the Vehicle Code, to read:

27160. The department shall develop standards and specifications for maximum permissible limits of motor vehicle exhaust noise for various classes of vehicles and shall establish methods of determining compliance with such limits. The department shall submit its findings to the Legislature not later than the 10th legislative day of the 1963 Regular Session.

CHAPTER 1842

An act to amend Section 8158 of the Fish and Game Code, relating to sardines.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 8158 of the Fish and Game Code, is amended to read:

8158. Except during the time when sardines may be taken for use in a reduction plant or by a packer pursuant to Section 8151, loads or lots of fish taken by or for a packer may contain 15 percent or less by weight of sardines. Such sardines shall be separated from such load or lot and may be used by a packer, if 648 one-pound oval cans of sardines are packed per ton of sardines, or the equivalent if other cans are used.

CHAPTER 1843

An act to add Section 72602.2 to the Government Code, relating to municipal courts in Los Angeles County.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 72602.2 is added to the Government Code, to read:

72602.2 In addition to the number of judges prescribed by Section 72602, there shall be one additional judge for the Downey Municipal Court District.

CHAPTER 1844

An act to repeal Sections 75, 76.5, 76.7, and 77 of, and to amend Sections 76 and 1460 of, the Labor Code, and to repeal Part 1 (commencing with Section 15000) of Division 13 of, and to add Part 1.5 (commencing with Section 17910) to, and to amend Sections 19000, 19138, 19825 and 19826 of, the Health and Safety Code, relating to housing.

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 75 of the Labor Code is repealed. Repeal

SEC. 2. Section 76 of said code is amended to read:

76. With the approval of the Director of Industrial Relations, the Chief of the Division of Housing shall in accordance with the provisions of Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code adopt, repeal, and amend rules and regulations consistent with law for the protection of the health, safety and the general welfare of the people of the State of California in order to interpret and make more specific the laws which the Division of Housing is to enforce. Rules and regulations

The chief of the division shall not adopt, publish, or enforce any rules, regulations, orders, standards of general application, policies or interpretations which implement, interpret or make specific the law enforced or administered by the Division of Housing unless such rules are adopted in accordance with the provisions of Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code and Sections 18900 to 18911, inclusive, of the Health and Safety Code

SEC. 3. Section 76.5 of said code is repealed. Repeal

SEC. 4. Section 76.7 of said code is repealed. Repeal

SEC. 5. Section 77 of said code is repealed. Repeal

SEC. 6. Section 1460 of said code is amended to read:

1460. As used in this part, "commission" means the Division of Housing "Commission"

SEC. 7. Part 1 (commencing with Section 15000) of Division 13 of the Health and Safety Code is repealed. Repeal

SEC. 8. Part 1.5 (commencing with Section 17910) is added to Division 13 of said code, to read:

PART 1.5. REGULATION OF BUILDINGS USED FOR HUMAN HABITATION

CHAPTER 1. GENERAL PROVISIONS

17910. This part is known as the "State Housing Law." Short title

17911. The provisions of this part do not apply to any building regulated by Part 2 (commencing with Section Application of part

18000) or Part 2.1 (commencing with Section 18500) of this division.

CHAPTER 2. RULES AND REGULATIONS

"Department"

17920. As used in this part "department" means the Department of Industrial Relations acting through the Division of Housing.

"Local appeals board"

17920.5. As used in this part "local appeals board" means the board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the building requirements of the city or county. In any area in which there is no such board or agency, "local appeals board" means the governing body of the city or county having jurisdiction over such area.

Rules and regulations Scope

17921. The department shall adopt, amend, repeal, and, except as hereinafter provided, enforce rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, apartment houses, and dwellings. Such rules and regulations may include a schedule of fees to pay the cost of enforcement under Sections 17952 and 17965.

Rules and regulations as restrictive as Uniform Housing Code, etc

17922. The rules and regulations adopted, amended, or repealed from time to time pursuant to this chapter shall include provisions imposing requirements equal to or more restrictive than those contained in the Uniform Housing Code, 1958 edition, the Uniform Building Code, 1961 edition, as adopted by the International Conference of Building Officials, the Uniform Plumbing Code, 1958 edition, as adopted by the Western Plumbing Officials Association, and the National Electrical Code, 1959 edition (1960 printing), as adopted by the National Fire Protection Association. The department shall adopt such other rules and regulations as it deems necessary to carry out the provisions of this part. In promulgating rules and regulations the department shall consider any amendments to the uniform codes referred to in this section. In promulgating rules and regulations the department shall also consider, among other things, geographic, topographic and climatic conditions.

Local use zone requirements, local fire zones, building setback, side and rear yard requirements, and property line requirements are hereby specifically and entirely reserved to the local jurisdictions notwithstanding any requirements found or set forth in this part.

Approved alternative materials, etc

17923. (a) The provisions of Section 17922 are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part and the rules and regulations promulgated pursuant thereto, providing such alternate has been approved. The department may approve any such alternate if

it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part and the rules and regulations promulgated pursuant thereto in quality, strength, effectiveness, fire resistance, durability, safety, and for the protection of life and health.

(b) Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part and the rules and regulations promulgated pursuant thereto, or in order to substantiate claims for alternates, the department may require tests as proof of compliance to be made at the expense of the owner or his agent.

Administrative procedure

17924. Rules and regulations shall be promulgated pursuant to the Administrative Procedure Act (Chapter 4, commencing with Section 11370, of Part 1 of Division 3 of Title 2 of the Government Code), and subject to the provisions of Sections 18900 to 18911, inclusive, of the Health and Safety Code.

Hearing on opposition to rule

17925. Any person, firm, corporation, or governmental agency that opposes the application of any rule or regulation adopted by the department within a particular local area may request a hearing before the local appeals board regarding the matter. If the local appeals board determines after the hearing that because of local conditions or factors it is not reasonable for the rule or regulation to be applied in the local area, the rule or regulation shall have no application within such local area. A copy of the determination of the local appeals board, together with a report of the reasons upon which the determination is based, shall be filed with the department.

CHAPTER 3. STATE HOUSING APPEALS BOARD

State Housing Appeals Board

17930. There is in the department the State Housing Appeals Board consisting of the Chief of the Division of Housing, who shall be the chairman, and 10 members to be appointed by and serve at the pleasure of the Governor.

Composition

17931. Of the 10 members to be appointed by the Governor, one shall be a person representing local fire prevention agencies; one person shall represent local health agencies; one person shall be a local building official; one person shall represent organized labor; one shall be an architect; one shall be a consulting engineer; one shall represent agriculture; one shall be a contractor active in housing construction; one shall represent privately operated apartment housing owner-management; one shall represent privately operated hotel-motel owner-management.

Vice chairman

17932. The appeals board shall elect a vice chairman annually from among its members.

Compensation, expenses

17933. The members of the appeals board shall serve without compensation. Members who are not state officers shall be paid actual necessary travel expenses.

Rules for hearing appeals, etc.

17935. The appeals board may promulgate rules pertaining to hearing appeals and other matters falling within its jurisdiction. All such rules shall be made in accordance with the provisions of the Administrative Procedure Act (Chapter 4, commencing with Section 11370, of Part 1 of Division 3 of Title 2 of the Government Code).

Appeals

17937. The appeals board shall hear appeals brought by any person as to the application of any rule or regulation of the department, promulgated pursuant to this part, to such person under any facts and circumstances presented to the appeals board by such person alleging that the application or enforcement of any such rule or regulation by the department under such facts and circumstances is an erroneous or unlawful application or enforcement of such rule or regulation by the department. Any such appeal shall be submitted through the designated local agency.

The appeals board shall not, however, hear any appeals regarding local regulations which are equal to or greater than those prescribed by this part.

Decisions final

17938. A decision of the appeals board is final, except for such action as may be taken by a court as permitted or required by law.

Quorum, meetings

17939. The appeals board shall determine its quorum, and all of its meetings shall be open and public.

Records

17940. All records of the appeals board shall be open to inspection by the public during regular office hours.

Reports

17941. The appeals board shall biennially submit a report of its activities to the Director of Industrial Relations.

CHAPTER 4. APPLICATION AND SCOPE

State-wide application

17950. The provisions of this part and the rules and regulations promulgated pursuant thereto which relate to apartment houses, hotels, and dwellings apply in all parts of the State.

City or county ordinances or regulations

17951. (a) The governing body of any city or county may enact ordinances or regulations imposing restrictions equal to or greater than those imposed by this part and rules and regulations promulgated pursuant thereto or prescribing fees for permits, certificates, or other forms or documents required or authorized by this part or rules and regulations promulgated pursuant thereto.

(b) The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part, provided any such alternate has been approved

City or county building departments

The building department of any city or county may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device,

arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part in quality, strength, effectiveness, fire resistance, durability, safety and for the protection of safety and health.

The building department of any city or county shall require evidence that any material, appliance, installation, device arrangement, or method of construction conforms to, or that the proposed alternate is at least equivalent to, the requirements of this part, and rules and regulations promulgated pursuant thereto and in order to substantiate claims for alternates, the building department of any city or county may require tests as proof of compliance to be made at the expense of the owner or his agent by an approved testing agency.

Enforcement by department

17952. In the event of nonenforcement of this part or the rules and regulations promulgated pursuant thereto or of any ordinance or local regulation adopted pursuant to Section 17951, the provisions of this part and the rules and regulations promulgated thereunder shall be enforced by the department in any such city or county after the department has given written notice to the governing body of such city or county of a violation of this part or the rules or regulations promulgated thereunder and the city or county has failed to initiate proceedings to secure correction of the violation within 30 days of the date of such notice.

Chapter 5. Administration and Enforcement

Article 1. Enforcement Agencies

Enforcement: City building departments

17960. The building department of every city shall enforce within the city all the provisions of this part and rules and regulations promulgated thereunder pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, or dwellings.

City housing or health departments

17961. The housing department or, if there is no housing department, the health department, of every city shall enforce within the city all the provisions of this part and rules and regulations promulgated thereunder pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings.

City or county fire departments, etc.

17961.5. The chief of any city or any county fire department or fire protection district and their authorized representatives shall enforce in their respective areas all those provisions of this part and those rules and regulations promulgated thereunder pertaining to fire prevention, fire protection, the control of the spread of fire, and safety from fire or panic.

Other city officers

17962. If there is no building department, housing department, or health department in a city, the officer who is charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation,

ventilation, or occupancy of buildings, or of the police, fire, or health regulations, in the city, shall enforce within the city all the provisions of this part and rules and regulations promulgated thereunder.

County enforcement officer

17963. In every county the officer who is charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, occupancy, or ventilation of buildings, or of the police, fire, or health regulations, in the county, shall enforce, outside the territorial limits of any city, all the provisions of this part and the applicable rules and regulations promulgated thereunder pertaining to apartment houses, hotels, or dwellings.

Designated city or county officer or department

17964. Where there is no such department or officer mentioned in Section 17960 to 17963, inclusive, any city or county may designate and charge by charter, ordinance or resolution any department or officer, other than a department or officer mentioned in this chapter, with the enforcement of any or all of the provisions of this part and rules and regulations promulgated thereunder within its territorial limits.

Enforcement by department

17965. Where there is no local enforcement agency, the department shall enforce all the applicable provisions of this part and rules and regulations promulgated by the department thereunder pertaining to apartment houses, hotels, or dwellings.

Contracts of assistance

17966. Cities or counties may contract with the department for assistance by the department in the enforcement of the applicable provisions of this part and the rules and regulations promulgated thereunder within such cities or counties by the department. Such contracts shall contain provisions for the payment of the costs of such enforcement, or portions thereof, as may be determined by the department.

Article 2. Inspection

Inspection

17970. Any officer, employee, or agent of an enforcement agency may enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provision of this part and rules and regulations promulgated thereunder which the enforcement agency has the power to enforce.

Performance of required work

17971. The owner, or authorized agent of any owner, of any building or premises may enter the building or premises whenever necessary to carry out any instructions, or perform any work required to be done pursuant to this part and rules and regulations promulgated thereunder.

Prohibitions on right to enter

17972. No person authorized by this article to enter buildings shall enter any dwelling between the hours of 6 o'clock p.m. of any day and 8 o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the dwelling, nor enter any dwelling in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order.

Article 3. Actions and Proceedings

Action to prevent, restrain, etc., violations, etc.

17980. If any building is constructed, altered, converted, or maintained in violation of any provision of, or of any order or notice giving a reasonable time to correct such violation issued by an enforcement agency pursuant to, this part and rules and regulations promulgated thereunder, or if a nuisance exists in any building or upon the lot on which it is situated, the enforcement agency shall after 30 days' notice to abate such nuisance institute any appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance.

Application to superior court for order

17981. An enforcement agency which institutes any action or proceeding pursuant to this article may, by verified complaint setting forth the facts, apply to the superior court for an order granting the relief for which the action or proceeding is brought until the entry of a final judgment or order.

Noncompliance with order

17982. If any notice or order issued by an enforcement agency is not complied with within a reasonable time as specified in such notice or order the enforcement agency may apply to the superior court for an order authorizing it to remove any violation or abate any nuisance specified in the notice or order.

Scope of order

17983. The superior court may make any order for which application is made pursuant to this article.

Liability for costs

17984. Neither an enforcement agency, any of its officers, nor any city or county for which an enforcement agency may act, is liable for costs in any action or proceeding that the enforcement agency may commence pursuant to this article.

Notice of pendency of action, filing

17985. Any enforcement agency which institutes an action or proceeding pursuant to this article may file a notice of the pendency of the action or proceeding in the county recorder's office of the county where the property affected by the action or proceeding is situated. The notice may be filed at the time of the commencement of the action or proceeding, or at any time before final judgment or order. It has the same effect as the notice of pendency of action provided for in the Code of Civil Procedure.

Recording and indexing

17986. The county recorder with whom a notice of pendency of action or proceeding is filed shall record and index it in the name of each person to be specified in a direction subscribed by an officer of the enforcement agency instituting the action or proceeding.

Order of vacation

17987. Any notice of pendency of action or proceeding may be vacated upon the order of a judge of the court in which the action or proceeding is pending. A certified copy of the order of vacation may be recorded in the office of the recorder of the county where the notice of pendency of action is recorded.

Service of summons

17988. In any action or proceeding brought pursuant to this article, service of summons is sufficient if served in the manner provided in the Code of Civil Procedure.

Service of notice or order

17989. Except under conditions immediately affecting health or safety, every notice or order issued pursuant to this part

shall be served five days before the time for doing or refraining from doing the thing to which it pertains.

CHAPTER 6. VIOLATIONS

Misdemeanor

17995. Any person who violates any of the provisions of this part or any rule or regulation promulgated pursuant thereto is guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment not exceeding six months, or by both such fine and imprisonment.

SEC. 9. Section 19000 of said code is amended to read:

Inconsistency with State Housing Law

19000. Any provision in this part which is inconsistent with any provision in the State Housing Law, or any rule or regulation promulgated pursuant thereto, is inapplicable to buildings subject to that law.

SEC. 10 Section 19138 of said code is amended to read:

Buildings subject to this chapter and State Housing Law

19138. In any case where a building subject to this chapter is also subject to any permit provisions of the rules and regulations promulgated pursuant to the provision of the State Housing Law, it shall not be necessary to make duplicate filings of plans and specifications hereunder, to include in the application a detailed statement of the work to be done, nor shall it be necessary to pay a fee for filing an application for a building permit under this chapter if a fee is prescribed by local ordinance for a permit under the State Housing Law. In such cases, the application hereunder may contain a general statement of the work to be done, with a specific reference to the application, plans, and specifications filed under the State Housing Law.

SEC. 11. Section 19825 of said code is amended to read:

Inapplicability of provisions. Stricter local ordinances, etc.

19825. (a) The provisions of Part 1.5 (commencing with Section 17910) of this division and of Chapter 1 (commencing with Section 19000), Chapter 2 (commencing with Section 19100), and Chapter 3 (commencing with Section 19300) of Part 3 of this division shall not apply within any city having and enforcing a local ordinance prescribing minimum standards equal to or greater than such provisions of this division; such local ordinance shall supersede such provisions of this division.

(b) No provision of this chapter shall be construed to authorize a reduction in or exemption from the provisions of Chapter 5 (commencing with Section 17960) of, or from any permit or certificate provisions of the rules and regulations promulgated pursuant to the provisions of, Part 1.5 (commencing with Section 17910) of this division or a reduction in the maintenance, sanitation or occupancy provisions of any rules and regulations promulgated pursuant to the provisions of Part 1.5 (commencing with Section 17910) of this division.

(c) The provisions of this chapter shall be effective only in a city where the legislative body determines that an ordinance described in subdivision (a) of this section is in force

and effect and so notifies the state department presently charged with enforcement of the provision of this division if a state department be so charged.

SEC. 12. Section 19826 of said code is amended to read:

19826. All of the provisions of this chapter apply to a county having and enforcing a local ordinance prescribing minimum standards equal to or greater than those provisions of Part 1.5 (commencing with Section 17910) of this division and the rules and regulations promulgated pursuant thereto and of Chapter 1 (commencing with Section 19000) and Chapter 2 (commencing with Section 19100) of Part 3 of this division which otherwise would apply to such county. Application of provisions to counties

SEC. 13. Rules and regulations promulgated pursuant to the provisions of Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code as added by Section 8 of this act relating to the erection or construction of buildings or structures shall not apply to existing buildings or structures or to buildings or structures as to which construction is commenced or approved prior to the effective date of the rules or regulations, except by act of the Legislature, but regulations relating to use, maintenance and change of occupancy shall apply to all buildings and structures approved for construction or constructed before or after the effective date of such rules or regulations. Exemptions

The provisions of Part 1 (commencing with Section 15000) of Division 13 of the Health and Safety Code, as they exist on the effective date of this act, shall continue to govern the erection and construction of buildings and structures which have been constructed or the construction of which has been commenced or been approved prior to the effective date of this act, notwithstanding the repeal of that part.

SEC. 14. The provisions of Part 1 (commencing with Section 15000) of Division 13 of the Health and Safety Code, with the exception of Chapter 3 (commencing with Section 15250) and Chapter 28 (commencing with Section 17900) of such Part 1, are continued in effect as rules and regulations of the Department of Industrial Relations, Division of Housing, and shall remain in effect as such rules and regulations until amended or repealed pursuant to the State Housing Law. Rules and regulations

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CHAPTER 1845

An act to amend Sections 1803, 12809, and 13800 of the Vehicle Code, relating to narcotics convictions.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 1803 of the Vehicle Code is amended to read:

1803. Within 10 days after the conviction of a person for any violation of this code, excepting violations of Sections Report of convictions

22500, 22502, 22503, 22508, and 22514, relating to the improper parking of vehicles, and of any narcotic offense under Division 10 (commencing with Section 11000) of the Health and Safety Code, every judge of a court not of record and every clerk of a court of record in which the conviction was had, shall prepare and immediately forward to the department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted which abstract must be certified by the person so required to prepare the same to be true and correct.

For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

SEC. 2. Section 13800 of said code is amended to read:

Investigation by the department

13800. The department may conduct an investigation to determine whether the privilege of any person to operate a motor vehicle should be suspended or revoked or whether terms or conditions of probation should be imposed upon receiving information or upon a showing by its records:

(a) That the licensee has been involved as a driver in any accident causing death or personal injury or serious damage to property.

(b) That the licensee has been involved in three or more accidents within a period of 12 consecutive months.

(c) That the licensee is a reckless, negligent, or incompetent driver of a motor vehicle.

(d) That the licensee has permitted an unlawful or fraudulent use of his driver's license.

(e) That any ground exists for which a license might be refused. The receipt by the department of an abstract of the record of conviction of any offense involving the use or possession of narcotics under Division 10 (commencing with Section 11000) of the Health and Safety Code shall be a sufficient basis for an investigation by the department to determine whether grounds exist for which a license might be refused.

SEC. 3. Section 12809 of said code is amended to read:

Grounds permitting refusal to issue or renew license

12809. The department may refuse to issue or renew a driver's license to any person:

(a) If the department is satisfied that the applicant is not entitled to the license under this code.

(b) If the applicant has failed to furnish the department the information required in the application or reasonable additional information requested by the department.

(c) If the department determines that the applicant has made or permitted unlawful use of any driver's license.

(d) If the department determines that the applicant has used a false or fictitious name in any application for a license, or has knowingly made a false statement or knowingly concealed a material fact, or otherwise committed any fraud in any such application.

(e) If the department determines that the applicant is a negligent or incompetent operator of a motor vehicle.

(f) If the applicant is convicted of any offense involving the use or possession of narcotics under Division 10 (commencing with Section 11000) of the Health and Safety Code.

CHAPTER 1846

An act to amend Sections 29201 and 35414 of the Vehicle Code, relating to vehicle loads and lengths.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 29201 of the Vehicle Code is amended to read:

29201. The provisions of this chapter do not apply to the transportation of poles on a pole dolly by public utility companies or local public agencies engaged in the business of supplying electricity or telephone service, by the Department of Public Works, or by a licensed contractor in the performance of work for a utility, the department, or a local public agency, when such transportation is between storage yards or between a storage yard and job location where such poles are to be used, but in no event shall more than nine poles be transported on any dolly if any such pole exceeds a length of 30 feet. If poles 30 feet or less in length are transported by pole or pipe dolly, not more than 18 poles shall be so transported. Poles shall be adequately secured when being transported on a dolly to prevent shifting or spilling of loads.

Exemption of pole dolly

SEC. 2. Section 35414 of said code is amended to read:

35414. (a) The limitations of this chapter as to length of vehicles and loads shall not apply when only poles, timbers, pipes, or integral structural materials not exceeding 80 feet in length are being transported upon a pole or pipe dolly or otherwise lawful trailer used as a pole or pipe dolly in connection with a motor vehicle.

Poles

(b) Tools and materials incidental to the work to be performed may be transported on a single-axle pole or pipe dolly or otherwise lawful single-axle semitrailer used as a pole or pipe dolly, transporting not more than three poles not exceeding 80 feet in length and when used by public utility companies or local public agencies engaged in the business of supplying electricity or telephone service, by the Department of Public Works, or by a licensed contractor in the performance of work for a utility, the department, or a local public agency, when such transportation is between a storage yard and job location where such tools and materials are to be used, in which event the limitations of this chapter as to length of vehicles and loads shall not apply.

CHAPTER 1847

An act to amend Section 20985 of, and to add Chapter 11.5 (commencing with Section 21900) to Division 8 of, the Business and Professions Code, relating to the sale, standards, and labeling of automatic transmission fluid and preparations for use in the transmission systems of vehicles, and making an appropriation.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 20985 of the Business and Professions Code is amended to read:

Expenditure of moneys in Department of Agriculture Fund

20985. Any moneys in the Department of Agriculture Fund derived under any of the provisions of Chapters 7 (commencing with Section 20700), 10 (commencing with Section 21700), 11 (commencing with Section 21800), and 11.5 (commencing with Section 21900) of Division 8 of this code may be expended for the administration and enforcement of any or all of the provisions of said chapters, notwithstanding any other provision of law limiting the expenditure of any such moneys to the specific purposes or to the administration or enforcement of each of said chapters separately.

SEC. 2. Chapter 11.5 (commencing with Section 21900) is added to Division 8 of said code, to read:

CHAPTER 11.5. AUTOMATIC TRANSMISSION FLUID

Article 1. General Provisions

"Automatic transmission fluid"

21900. (a) "Automatic transmission fluid," as used in this chapter, means a product intended for use in a passenger vehicle other than a bus as either a lubricant, coolant, or liquid medium in any type of fluid automatic transmission, or any other type of unit through which or by which, force, energy, or power is transferred from a motor vehicle engine by hydraulic means to the driving assembly.

Additives to automatic transmission fluids

(b) Any material offered for sale or sold as an additive to automatic transmission fluids shall be compatible with the automatic transmission fluid to which it is added, and the resulting mixture shall not fall below the minimum specifications for automatic transmission fluids, as established by the Department of Agriculture.

"Department"

21901. "Department," as used in this chapter, means the Department of Agriculture, acting through the Bureau of Weights and Measures.

"Person"

21902. "Person," as used in this chapter, includes individual, firm, corporation, or association.

"Sell"

21903. "Sell," in any of its variant forms, as used in this chapter, includes barter, exchange, trade, keep for sale, offer for sale, or expose for sale, in any of their variant forms.

21904. "Labeling," as used in this chapter, includes all written, printed, or graphic representations, in any form whatsoever, imprinted upon or affixed to any container of automatic transmission fluid or accompanying any automatic transmission fluid. "Labeling"

21905. "Container," as used in this chapter, means any receptacle in which automatic transmission fluid is immediately contained when sold, but does not mean a carton or wrapping in which a number of such receptacles are shipped or stored or a tank car or truck. "Container"

21906. "Permit year," as used in this chapter, means a period of 12 months, commencing January 1st and ending on the next succeeding December 31st. "Permit year"

Article 2. Registration

21910. It is unlawful to sell or distribute any automatic transmission fluid, except any automatic transmission fluid which has been registered under this chapter by another, without first applying to the department for registration of such automatic transmission fluid to be handled by the applicant, and receiving from the department a written permit authorizing the sale of such automatic transmission fluid in this State during the period and under the condition stated in Section 21911 of this chapter. Registration and the receipt of a written permit under this section shall not be required with respect to any automatic transmission fluid which has been certified as qualified by a testing laboratory approved by the department. Registration; Permit authorizing sale; Exception

21911. Application for registration of each brand of automatic transmission fluid shall be made on forms to be supplied by the Department of Agriculture. Each applicant shall state the name and address of the applicant, the brand name, and shall certify that the automatic transmission fluid to be sold under such brand name conforms to the specifications established by the department for automatic transmission fluid. Upon receipt of the application the department shall issue to the applicant a permit authorizing the wholesale and retail sale and distribution of the automatic transmission fluid in this State during the permit year specified in the permit and, unless such permit shall be renewed by application to the department on or before the last day of said permit year, authorizing the sale at retail only by any retail dealer during the next succeeding permit year of such quantities of the automatic transmission fluid as were actually within this State and purchased by and in possession of such retail dealer during the preceding permit year Each applicant shall pay a fee of one hundred dollars ($100) with each application. A permit may be renewed by application to the department accompanied by a renewal fee of fifty dollars ($50) on or before December 31st, immediately preceding the permit year for which the permit is issued. To any fee not paid when due, there shall accrue and be added a penalty of twenty-five dollars ($25). Application for registration

Grounds for cancellation, refusal to issue, or renew

21912. The department may cancel, refuse to issue, or refuse to renew any permit, if it finds, after due notice and a hearing, that the automatic transmission fluid is adulterated or misbranded, or that the registrant has failed to comply with the provisions of this chapter or the rules and regulations of the department. No permit shall be issued or renewed where the applicant or registrant has sold or furnished adulterated or misbranded automatic transmission fluid which has been confiscated and impounded pursuant to Section 21931 unless satisfactory proof is furnished to the department showing restitution has been made to all persons suffering a loss due to the confiscating and impounding of such automatic transmission fluid. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

Article 3. Adulteration and Misbranding

Adulteration

21920. Any automatic transmission fluid is adulterated if its quality or characteristics fall below the specifications for automatic transmission fluid established by the department as minimum standards.

Specifications

21921. The department shall establish specifications for automatic transmission fluid which shall promote the public safety in the operation of automotive vehicles and may amend such specifications by regulation, after a hearing, but in no event shall the specifications for automatic transmission fluid fall below the minimum specifications, if any, established by the Society of Automotive Engineers for automatic transmission fluid.

Misbranding

21922. Automatic transmission fluid shall be deemed to be misbranded if:

(a) The container does not bear on its side or top a label on which is printed the name and place of business of the manufacturer, packer, seller, or distributor, the words "Automatic Transmission Fluid," and, if required by regulation established by the department, the duty type classification.

(b) The container does not bear on its side or top an accurate statement of the quantity of the contents in terms of liquid measure.

(c) The labeling on the container is false or misleading in any particular.

The words and letters required by this section shall appear on the label in legible type.

Article 4. Enforcement

Enforcement Samples, inspections, tests, etc

21930. The department shall enforce the provisions of this chapter, and may sample, inspect, analyze, and test any automatic transmission fluid manufactured, packed, stored, sold, or distributed within this State. The department through its

agents shall have free access by all legal means during business hours to all premises, buildings, vehicles, cars, and vessels used in the manufacture, packing, storage, sale, or transportation of automatic transmission fluid and may by legal means open any box, carton, parcel, or container of automatic transmission fluid and take therefrom samples for analysis or for evidence.

Confiscation

21931. Any enforcing officer is authorized to confiscate and impound any adulterated or misbranded automatic transmission fluid until such time as a court of competent jurisdiction shall order and direct the final disposition of the confiscated product. Such confiscation or impoundment shall not affect any rights of a retailer under a warranty of merchantability or warranty of fitness.

Rules and regulations

21932. Subject to the provisions of Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code, the department shall have authority to promulgate and enforce such rules and regulations as are necessary to carry out the provisions of this chapter.

Lists of registered brands and trademarks

21933. The department upon request shall furnish to each county sealer a list of the brands and trademarks of automatic transmission fluid registered by the department. No labeling relating to any automatic transmission fluid shall contain any statement that the automatic transmission fluid has been approved by the department, but a statement that the automatic transmission fluid has been registered by the department may be included in such labeling.

Fees: Disposition

21934. All fees collected under the provisions of this chapter shall be credited to the Department of Agriculture Fund.

Article 5. Penalties

Prohibited acts

21940. It is unlawful to sell or distribute any automatic transmission fluid which is adulterated or misbranded, or which is not registered, or without a valid permit as required by Section 21910 of this chapter.

Misdemeanor

21941. Violation of any provision of this chapter is a misdemeanor.

Article 6. Miscellaneous

Operative date

21950. The provisions of this chapter shall become operative January 1, 1962.

CHAPTER 1848

An act to amend Sections 14113, 14127, 14128, 14251, 14256, 14259, 14365, 14367, 14368, 14372, and 14410 of the Education Code, relating to Teachers' Retirement System.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 14113 of the Education Code is amended to read:

Annuity deposits for additional benefits

14113. Subject to rules prescribed by the board, any member may elect to make annuity deposits for the purpose of providing additional benefits. Annuity deposits may be (a) deducted from earned compensation, deposited in the county treasury, remitted and reported to the board, in the manner prescribed for annuity contributions or (b) remitted by the member directly to the retirement system. The member may cancel such election and later elect again at any time, but accumulated annuity deposits derived from such deposits made after June 30, 1956, may be withdrawn only as provided in Section 14151.

SEC. 2. Section 14127 of said code is amended to read:

Adjustments for improper amount of contributions

14127. If more or less than the correct amount of the contributions is paid with respect to any salary payment, including salary payments to exchange teachers for service outside of this State, proper adjustments shall be made, without interest, in connection with subsequent salary payments, or adjustments may be made by direct cash payments between the member and the county superintendent of schools, employer, or the Retirement Board. Adjustments to correct any other errors in payments to or by the Retirement Board may be made in the same manner. If the board determines that an amount is due the system from a person who has retired, including one who has applied for retirement but has not received his first retirement warrant, and that the person is unable to pay the amount due, the board may withhold all or part of subsequent payments due the member, or on his account, until the amounts so withheld equal the amount due plus interest at the rate in use under the system.

SEC. 3. Section 14128 of said code is amended to read:

Claims for advances on retirement allowances

14128. Whenever the board determines that payments to a member who has applied for retirement cannot be made until after the first day of the month following that month for which such payments are due, the board may present claims for advances on retirement allowances which would normally be due a retired member of the system estimated on preliminary information in the possession of the board, and the State Controller shall draw warrants in payment of such claims. Any loss incurred in connection with an advance payment shall be a charge against the fund from which the payment was derived. Such advances to an individual may not be made in excess of the amount of Permanent Fund contributions and accumulated Retirement Annuity Fund contributions credited to his account and shall be a lien on said contributions until otherwise accounted for.

Upon the mailing of the first warrant drawn pursuant to this section, the member shall be considered as a retired person and subject to all of the provisions of this chapter which apply to such persons, except that any additional amount due pursuant to the provisions of Section 14106 for service rendered after July 1, 1944, shall be due and payable when the system has mailed to the member a statement of the amount so due,

and also except that any refund due the member pursuant to the provisions of Section 14107 shall be made not later than 90 days after termination of payments under this section.

If any such advances are more or less than the correct amount due to the member, or beneficiary of the member receiving the advances, the difference between such correct amount and the advance shall be adjusted in subsequent payments to such retired member or beneficiary, or the State Controller may state an account with the member or beneficiary, pursuant to Government Code Section 12419.

SEC. 4. Section 14251 of said code is amended to read:

Payments to beneficiary

14251. Except as provided in Sections 14364, 14365, or 14366, upon receipt of proof of a member's death which occurred before the effective date of his retirement or after said date but before the date upon which the warrant for his first retirement allowance is mailed, including a warrant for an advance payment as permitted by Section 14128, and within four months after the termination of the member's employment in a status requisite for membership in this retirement system, or while the member was physically or mentally incapacitated for performance of his duty, if such incapacity had been continuous from said termination, there shall be paid to such beneficiary as he has nominated by written designation duly filed with the Retirement Board:

(a) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(b) The accumulated annuity contributions standing to the credit of his individual account in the Retirement Annuity Fund.

(c) Any moneys standing to the credit of his individual account in the Annuity Deposit Fund pursuant to Section 13906, together with the interest accumulated thereon.

(d) An amount, provided from contributions by the State, and payable from the Retirement Annuity Fund, for each completed year of service as a member, not to exceed six and excluding those years of service with respect to which contributions have been refunded and the member had not elected to redeposit pursuant to Section 14155, equal to one-twelfth of the salary which would have been earned by the member at the rate of salary at which he was last employed preceding death, assuming engagement in duties for the number of school days during the school year in which said employment existed From the amount determined under the sentence next preceding, there shall be deducted an amount equal to that portion of the benefit payable on account of said death by a local retirement system or the State Employees' Retirement System, which is provided from contributions of the employer, and is in addition to the portion of the benefit payable by said systems which is made up of the accumulated contributions of the member, and independently of any optional election made by said person at the time of his retire-

ment, under which he received a reduced retirement allowance and a benefit was provided at his death.

SEC. 5. Section 14256 of said code is amended to read:

Survivors' benefits for members dying after September 30, 1959

14256. If the member at the time of death which occurs after September 30, 1959, was entitled to be credited with one or more years of service, and, if there has been a break in the member's employment of more than one year, one-half year of such service having been rendered after the end of the last such break, and on account of whose death the benefit provided by Section 14251 is payable (a) the surviving wife or surviving dependent husband of the member, who has the care of unmarried children, including stepchildren, of the member who are under 18 years of age or are incapacitated because of a disability which began before and has continued without interruption after attainment of such age, or if there is no such spouse, then (b) the guardian of surviving unmarried children, including stepchildren, of the member who are under 18 years of age or so incapacitated, if any, or if none, then (c) the surviving wife or surviving dependent husband of the member, who does not qualify under (a) of this paragraph, if any, or if none, then (d) each surviving parent of the member, shall be paid regardless of the beneficiary designated by the member under Section 14251, the following applicable survivor allowance, under the conditions stated and from contributions of the State:

(1) A widow, or a widower receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member under 18 years of age or so incapacitated, shall be paid one hundred eighty dollars ($180) per month if there is one such child, or two hundred fifty dollars ($250) per month if there are two or more such children. If there also are such children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph assuming that these children were in the care of the surviving spouse, which is in excess of ninety dollars ($90) per month, shall be divided equally among all such children and payments made to the spouse and such other children, as the case may be.

(2) If there is no such surviving spouse, or if such surviving spouse dies or remarries and if there are unmarried children, including stepchildren, of the deceased member under 18 years of age or so incapacitated, or if there are such children not in the care of the surviving spouse, such children shall be paid an allowance as follows:

(a) If there is only one such child, such child shall be paid ninety dollars ($90) per month;

(b) If there are two such children, such children shall be paid one hundred eighty dollars ($180) per month divided equally between them; and

(c) If there are three or more such children, such children shall be paid two hundred fifty dollars ($250) per month divided equally among them.

(3) A widow who has attained or attains the age of 62 years, or a widower who has attained or attains the age of 65 years and was receiving at least one-half of his support from the deceased member at the time of the member's death, and, with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has not remarried subsequent to the member's death, shall be paid ninety dollars ($90) per month. No allowance shall be paid under this paragraph while the surviving spouse is receiving an allowance under paragraph (1) of this section, or while an allowance is being paid under subparagraph (c), paragraph (2) of this section. The allowance paid under this paragraph shall be seventy dollars ($70) per month while an allowance is being paid under subparagraph (b), paragraph (2) of this section.

(4) If there is no surviving spouse, or surviving children who qualify for a survivor allowance, or if such surviving spouse dies or remarries, or if such children reach age 18 or die or marry prior thereto, or cease to be disabled after reaching such age, each of the member's dependent mother and father who has attained or attains the age of 62 or 65, respectively, and who received at least one-half of his support from the member at the time of the member's death, shall be paid ninety dollars ($90) per month.

SEC. 6. Section 14259 of said code is amended to read:

Effect of earnings of beneficiary

14259. If, during any calendar year, a surviving spouse or parent to and on account of whom a survivor allowance is payable, earns at least two thousand four hundred dollars ($2,400), or at least two hundred dollars ($200) multiplied by the months, if less than twelve (12), of a calendar year during which such allowance is payable, the allowance thereafter during that year, shall be withheld and not paid the same as if never payable, for any month during which such person thereafter during that year, earns at least two hundred dollars ($200). If the survivor allowance to a widow, or dependent widower, is reduced under this section the benefit payable on account of surviving children shall be paid in amounts provided by subparagraph (2) of Section 14256.

SEC. 7. Section 14365 of said code is amended to read:

Election of options, etc

14365. Any member who has qualified for service retirement under Section 14301, may elect, as provided in Section 14363, and without right of revocation or change after approval of the election by the retirement board, to receive the actuarial equivalent as of the date of his retirement, of the retirement allowance payable to him when and if he retires for service or disability in a reduced retirement allowance according to the provisions of either Option 2 or Option 3 as stated in Section 14363. If such a member at the time of making the election has a living spouse who would qualify

for an allowance under Section 14366, the election under this Section 14365 shall be invalid and of no effect unless and until the consent of such spouse to it, is filed at the office of the Retirement System in Sacramento, California. If the death of such member occurs within 30 days after the date upon which the election is received in the office of the Retirement System in Sacramento, California, then the election shall be void and of no effect and he shall be considered as an active member at the time of death.

Upon such member's death at least 30 days after the date upon which the election is received in the office of the retirement system in Sacramento, California, and prior to the effective date of his retirement, the person who was nominated by him under the option he elected and who survives him, shall receive an allowance calculated under such option, upon the assumption that such member retired for service on the date of his death and died immediately thereafter. The payment of such allowance to such person shall be in lieu of both the death benefit provided by Section 14251 or Section 14151 and the allowance provided by Section 14366, and no such death benefit or such allowance shall be paid on account of such death to any person or beneficiary, regardless of whether the person nominated under the option elected, survives the member.

If such member subsequently retires for service or disability, he shall receive, regardless of whether the person nominated by him under the option elected, is then living, a reduced allowance according to the provisions of Section 14363 and the option elected, and he shall be subject to Section 14364.

The amount of the allowance prior to optional modification, shall be calculated on the basis of the member's age at death before retirement, or at retirement, as the case may be, but the reduction of such allowance under the option elected, shall be based on the ages of such member and the person nominated by him under such option, at the effective date of such election.

SEC. 8. Section 14367 of said code is amended to read:

Death before retirement

14367. The allowance provided by Section 14366 shall be paid from the Retirement Annuity Fund, and shall begin to accrue on the day next following the date of death of the member, and payments to a surviving spouse shall continue only until death or remarriage, and to or on account of children with respect to each child, until the attainment of age 18 or prior marriage.

If payment of the allowance provided by Section 14366 is stopped because of remarriage of the surviving spouse, or the attainment of the age of 18 years by a child, before the sum of the monthly payments made, equals the death benefit provided by Section 14251, exclusive of accumulated annuity deposits, a lump sum equal to the difference shall be paid to the remarried spouse, or if there is no such spouse, to the surviving children of the member, share and share alike.

From the monthly allowance payable under Section 14366, there shall be deducted a total amount equal to that portion of the benefit payable on account of said death by a local retirement system, which is provided from contributions of the district operating said system, and is in addition to the portion of the benefit payable by said local system which is made up of the accumulated contributions of the member, and no monthly allowance shall be paid under this section until the total amount deducted equals said portion provided by district contributions.

SEC. 9. Section 14368 of said code is amended to read:

Election to deposit by survivor

14368. If the member, on account of whose death an allowance is payable under Section 14365 or 14366, was a member of a local retirement system, the person who was nominated by him under Section 14365, or, if no option was elected under that section, then under Section 14366 his surviving spouse who is eligible to receive said allowance, or, if none, the guardian of his children under 18 years of age, shall have the right to elect to deposit in the Retirement Annuity Fund, an amount equal to that which the member would have had the right to deposit if he had retired for service and then had ceased to be entitled to benefits from the local retirement system on the day of his death. In the event that said person, or the surviving spouse or the guardian, as the case may be, (a) makes or (b) does not make such deposit within 90 days after the date a notice of the right to make such deposit is mailed to the person having the right to make the deposit, the monthly retirement allowance prior to optional modification, which the member would have been entitled to receive if he had retired for service on the date of his death, shall be calculated as if he had ceased to be entitled to retirement benefits from the local retirement system, and (c) had deposited, with respect to (a), or had not deposited, with respect to (b), such contributions in such fund. Any amount so deposited shall be included as having been made by the member, in determining the death benefit provided by Section 14251.

SEC. 10. Section 14372 of said code is amended to read:

Retirement after prior retirement

14372. When a member who has been retired and has thereafter re-entered membership in the retirement system, subsequently retires and the prior and subsequent retirements were either both for service or disability or if the prior retirement was for service and the subsequent retirement is for disability, he shall not receive the full retirement annuities specified in subdivision (b) of Section 14355, or 14369, according to whether retirement is for service or disability, but shall receive (1) an annuity, based upon his salary earned in service from the date of re-entry into the retirement system to the date of his subsequent retirement, and calculated under Section 14355 or 14369, as the case may be, plus (2) annuities equal to the annuities he received next preceding his re-entry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances

made after said re-entry and applicable to allowances being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his re-entry, at least one year of service credited under the retirement system; otherwise, plus (3) annuities based on the same salary and service as that upon which the annuities he received next preceding said re-entry were based, but calculated under Section 14355 or 14369, as the case may be, on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement; provided, however, that if the subsequent retirement is for disability such adjusted age shall not be less than the age at which the member would have received 90 percent of the benefit payable for retirement at age 60 if the retirement had been for service. If the member renders five years of service after his re-entry into membership, the salary earnable by him after his re-entry shall be used in the calculation of benefits due for service rendered prior to such re-entry into membership.

Such a member likewise shall not receive the full retirement salary specified in subdivision (a) of Section 14355 or 14369, according to whether retirement is for service or disability, but shall receive (1) a retirement salary, based upon his credited service from the date of re-entry into the retirement system to the date of his subsequent retirement, and calculated under Section 14355 or 14369, as the case may be, plus (2) a retirement salary equal to the retirement salary he received next preceding his re-entry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after said re-entry and applicable to allowances being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his re-entry, at least one year of service credited under the retirement system; otherwise, plus (3) a retirement salary based on the same service as that upon which the retirement salary he received next preceding said re-entry was based, but calculated under Section 14355, or 14369, as the case may be, on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement.

SEC. 11. Section 14410 of said code is amended to read:

Unclaimed warrants

14410. Notwithstanding any provision in this or any other code to the contrary, whenever any warrant drawn in payment of contributions or accumulated contributions or benefits under this retirement system, remains unclaimed or the claimant cannot be found, the proceeds of such warrant shall be redeposited in the fund, and held for the claimant without further accumulation of interest, and such redeposit shall not operate to reinstate the membership of the claimant in this system. Said proceeds, whether heretofore or hereafter redeposited, shall revert to and become a part of the contributions of the State for

the respective year, and shall be applied to meet the liabilities of the State on account of which said contributions were made.

The board may credit the proceeds of any unclaimed benefit due under this chapter directly to the contributions of the State for the respective year if it determines that the legal claimant to the benefit cannot be located. Any amount credited by the board under this authority shall be administered as though a warrant had been written and the proceeds credited to state contributions.

The provisions of this section apply to warrants drawn under this retirement system and canceled by the Controller pursuant to Section 17070 of the Government Code, except that upon notice of cancellation, the proceeds shall revert to and become a part of the contributions of the State, for the respective year, and shall be applied to meet the liabilities of the State on account of which said contributions were made.

The board may at any time, after reversion of proceeds to the State, and upon receipt of proper information satisfactory to it, return from state contributions, an amount equal to such proceeds, to the credit of the claimant to be administered in the manner provided under this retirement system.

CHAPTER 1849

An act to amend Section 3271 of the Unemployment Insurance Code, relating to disability insurance.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 3271 of the Unemployment Insurance Code is amended to read:

3271. Until January 1, 1964, the director shall approve any amendment to a voluntary plan adjusting the provisions thereof as to periods after the effective date of the amendment as to which he finds that the plan as amended will conform to the standards set forth in Section 3254 and that either of the following exist:

(a) A majority of the employees covered by the plan have consented in writing to the amendment.

(b) All of the employees covered by the plan who are adversely affected by the amendment have consented in writing to the amendment.

(c) The insurer of such plan, if any, has certified to the director that notice of the amendment either separately or as a part of a new certificate or statement of coverage, has, at least 10 days prior to the effective date of the proposed amendment, been delivered to the employer for distribution to his employees within 10 days thereafter and has further certified

that such notice specifically included notification to the employees covered by the plan of their right to withdraw from the plan.

Nothing contained in this section is intended to deny or limit the right of the director to make regulations supplementary thereto, nor on the general subject of requirements for amendments of voluntary plans subsequent to January 1, 1964.

CHAPTER 1850

An act to amend Sections 7320, 7333, 7334, 7370, 7381, 7383, 7391, 7393, and 7442 of, to amend and renumber Section 7393.1 of, to add Section 7393.1 to, and to repeal Section 7439 of, the Business and Professions Code, to amend Section 7393 of the Business and Professions Code as proposed by Assembly Bill No. 1658 of the 1961 Regular Session, and to amend Section 7445 of the Business and Professions Code as proposed by Senate Bill No. 471 of the 1961 Regular Session, relating to cosmetology.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 7320 of the Business and Professions Code is amended to read:

License required

7320. No person, firm or corporation shall conduct or operate a cosmetological establishment, school of cosmetology, hairdressing shop, beauty parlor or any other place of business in which the art of cosmetology or any of its branches is taught or practiced, except the branch of manicuring as practiced in a barbershop, unless licensed under the provisions of this chapter and complying with the provisions of this chapter relating to sanitation. Any violation of this section is a misdemeanor.

SEC. 2. Section 7333 of said code is amended to read:

Qualifications Junior operator

7333. Every person applying to the board for a license as a junior operator upon the proper application form accompanied by two photographs, size 3 by 3 inches, and paying the fee required by this chapter, shall be issued a license as a junior operator, if he is qualified as follows:

(a) Is of good moral character and temperate habits.

(b) Is over the age of 16 years.

(c) Has completed the 10th grade in the public schools of this State or its equivalent.

Every junior operator shall take the next succeeding examination following the completion of his period of required service, unless the board permits a waiver for good cause. If he fails such examination and wishes to take a second examination, he shall do so within one year after issuance of the results

of the first examination. If he fails the second examination he shall not be eligible for further examination until he has completed a course of training of not less than 500 hours extending over a period of not less than three months in a school of cosmetology approved by the board.

SEC. 3. Section 7334 of said code is amended to read:

Functions Junior operator

7334. A licensed junior operator may engage in any one occupation of a cosmetologist upon a patron who is paying for service or materials, under the immediate supervision of a licensed cosmetologist in a licensed cosmetological establishment only after he has had 350 hours of instruction.

The license of a junior operator shall expire upon the expiration of three years from the date such license was issued, or on the date his license as a cosmetologist is issued, or on the date the results of his second examination are issued, if he fails such examination, whichever first occurs.

SEC. 4 Section 7370 of said code is amended to read:

Applications: Cosmetologist

7370. Every application for admission to examination, and every application for license as a cosmetologist, or in any branch of cosmetology, shall be in writing, on blanks prepared and furnished by the board.

Each application shall be accompanied by the required fee, and shall contain proof of the qualifications of the applicant for examination for registration and license. It shall be verified by the oath of the applicant, and shall also be accompanied by two photographs of the applicant, taken within 90 days prior to date of application, size of photograph to be 5 inches by 3 inches.

SEC. 5. Section 7381 of said code is amended to read:

Application Cosmetological establishment

7381. Any person, firm or corporation desiring to operate a cosmetological establishment shall make an application to the board for a certificate of registration and license, accompanied by the registration fee prescribed by this chapter. The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall possess good character. A certificate issued pursuant to this section shall authorize the operation of the establishment only at the location shown on the certificate. Operation of the establishment at any other location shall be unlawful unless a certificate for the new location has been obtained upon compliance with the provisions of this section applicable to the issuance of a certificate in the first instance.

SEC. 6. Section 7383 of said code is amended to read:

Unlawful to employ, etc., unlicensed personnel

7383. It is unlawful for any person to employ, or allow to be employed, or permit to work, in or about a cosmetological establishment as a cosmetologist, as a junior operator, as an electrologist, as a junior electrologist or as a manicurist, any person not duly registered or licensed by the board

Any person violating the provisions of this section is guilty of a misdemeanor.

SEC. 7. Section 7391 of said code is amended to read:

Application. School of cosmetology, etc.

7391. Any person, firm or corporation desiring to conduct a school of cosmetology or a school of electrology shall make an application to the board for a certificate of registration and license. The application shall be accompanied by the school application fee and the school inspection fee prescribed by this chapter.

If the board determines after completion of the inspections required by this chapter that the applicant is entitled to the issuance of the license sought, it shall issue such license upon the payment of the annual registration fee prescribed by this chapter, prorated in accordance with the number of months remaining in the license year, commencing with and including the month in which the license is issued.

SEC. 8. Section 7393 of said code is amended to read:

Supervision by licensed cosmetologist

7393. Every school of cosmetology shall, at all times, be in charge of and under the immediate supervision of a licensed cosmetologist, who has had at least a total of three years' practical experience in the practice or teaching of all of the branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment or a licensed school of cosmetology and who holds an instructor's license.

Instructors

Every person who instructs students in a school of cosmetology shall be a licensed cosmetologist (1) who has had either (a) one year of practical experience in all branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment or (b) 600 hours of teacher training in a school of cosmetology and (2) who has passed an instructor's examination given by the board and has received an instructor's license. In order to take the instructor's examination, the instructor's examination fee shall be paid.

All instructors shall be continuously engaged in teaching students in theoretical or practical work. Except when instructing a student and the student is doing the manual work, no instructor may practice upon a patron and any instructor who does so is subject to disciplinary action by the board.

Before any school of cosmetology license, as provided herein shall be finally granted, a second inspection shall be made after the equipment has been installed and before the school is permitted to begin operation.

Equipment

No applicant shall be granted a license to operate a school of cosmetology unless, in the opinion of the board, sufficient equipment has been installed for the requirements of enrolling a minimum of not less than 25 bona fide students; and provided further, that the floor space shall provide a separate lecture room and a separate locker room with sufficient space for the proper placement of said equipment.

Ownership

No school of cosmetology shall be licensed until the board has had ample opportunity to verify sworn statements as to the actual ownership and in this respect, if false statements are submitted to the board in connection with said application, this in itself shall constitute sufficient grounds for the

refusal to grant any application hereunder, or if an application is granted and thereafter the board discovers that false statements were made in connection therewith, this shall constitute sufficient grounds for the cancellation of said school of cosmetology license even though it is detected after a license has been issued.

The board reserves the right to deny a school of cosmetology license to any applicant who fails to present satisfactory evidence of personal integrity and moral responsibility, and in the event that the said applicant is a corporation, this shall apply to all the officers thereof; provided further, that no school of cosmetology license shall be issued until the real owner files with the department a statement definitely designating who is authorized to accept service of notice from the said board and to transact all business negotiations in behalf of said school, including answers to citations for hearing, and compliance with rulings issued by the said board.

Advertisements

No school of cosmetology shall advertise student work to the public for pay through any medium including radio, unless the work advertised is expressly designated as student work.

SEC. 9. Section 7393.1 of said code is amended and renumbered to read:

Instructors in electrology

7393.2. Every person employed in a school to instruct students in the subject of electrology shall be licensed as an electrology instructor.

SEC. 10. Section 7393.1 is added to said code, to read:

Corporate holder of cosmetology school license Change of officers

7393.1. A corporation which holds a cosmetology school license shall notify the board in writing within 15 days after a person becomes an officer of the corporation who was not an officer at the time the license was issued to the corporation. If, after proceedings conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, to which the corporation shall be made a party, the board determines that any fact or condition exists as to the new officer which would be grounds for the suspension or revocation of a license under this chapter, it may order the corporation to remove the officer. Failure of the corporation to comply with such order within 15 days after the order is served upon it shall result in the automatic suspension of its license until the officer is removed.

Repeal

SEC. 11. Section 7439 of said code is repealed.

SEC. 12. Section 7442 of said code is amended to read:

Fees

7442. The amount of the fees required by this chapter is that fixed by the following schedule:

(a) The fee for examination as a cosmetologist shall be set by the board annually at not more than fifteen dollars ($15) and not less than five dollars ($5).

(b) The fee for examination as an electrologist shall be set by the board annually at not more than fifteen dollars ($15) and not less than five dollars ($5).

(c) The fee for examination as a manicurist shall be set by the board annually at not more than eight dollars ($8) and not less than two dollars ($2).

(d) The application fee for a junior operator shall be set by the board annually at not more than four dollars ($4) and not less than one dollar ($1).

(e) The application fee for junior electrologist shall be set by the board annually at not more than four dollars ($4) and not less than one dollar ($1).

(f) The issuance fee for a duplicate license is one dollar ($1).

(g) The annual renewal fee for an individual license shall be set annually by the board at not more than five dollars ($5) and not less than one dollar ($1).

(h) The delinquency fee is one dollar ($1).

(i) The annual registration fee for a cosmetological establishment shall be set annually by the board at not more than five dollars ($5) and not less than two dollars ($2).

(j) The application fee for a school of cosmetology or a school of electrology shall be set by the board annually at not more than sixty dollars ($60) and not less than thirty dollars ($30).

(k) The inspection fee for a school of cosmetology or a school of electrology shall be set by the board annually at not more than sixty dollars ($60) and not less than thirty dollars ($30).

(*l*) The annual registration fee for a school of cosmetology or a school of electrology shall be set by the board annually at not more than one hundred fifty dollars ($150) and not less than one hundred dollars ($100).

(m) The fee for the instructors' examination shall be set by the board annually at not more than twenty-five dollars ($25) and not less than fifteen dollars ($15).

(n) The fee for an electrology instructor's examination shall be set by the board annually at not more than twenty dollars ($20) and not less than ten dollars ($10).

(o) The fee for examination as a permanent waver shall be set by the board annually at not more than eight dollars ($8) and not less than two dollars ($2).

(p) The reinstatement fee is twice the amount of the fee set by the board for the particular type of license involved for each year in which the license was not renewed or reinstated within the time prescribed by this article.

SEC. 12. Section 7393 of said code, as proposed by Assembly Bill No. 1658 of the 1961 Regular Session is amended to read:

Supervision by licensed cosmetologist

7393. Every school of cosmetology shall, at all times, be in charge of and under the immediate supervision of a licensed cosmetologist, who has had in the last five years at least a total of three years' practical experience in the practice or teaching of all of the branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment or a

licensed school of cosmetology and who holds an instructor's license.

Instructors

Every person who instructs students in a school of cosmetology shall be a licensed cosmetologist (1) who has had either (a) one year of practical experience in all branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment or (b) 600 hours of teacher training in a school of cosmetology and (2) who has passed an instructor's examination given by the board and has received an instructor's license. In order to take the instructor's examination, the instructor's examination fee shall be paid.

All instructors shall be continuously engaged in teaching students in theoretical or practical work. Except when instructing a student and the student is doing the manual work, no instructor may practice upon a patron and any instructor who does so is subject to disciplinary action by the board.

Before any school of cosmetology license, as provided herein shall be finally granted, a second inspection shall be made after the equipment has been installed and before the school is permitted to begin operation.

Equipment

No applicant shall be granted a license to operate a school of cosmetology unless, in the opinion of the board, sufficient equipment has been installed for the requirements of enrolling a minimum of not less than 25 bona fide students; and provided further, that the floorspace shall provide a separate lecture room and a separate locker room with sufficient space for the proper placement of said equipment.

Ownership

No school of cosmetology shall be licensed until the board has had ample opportunity to verify sworn statements as to the actual ownership and in this respect, if false statements are submitted to the board in connection with said application, this in itself shall constitute sufficient grounds for the refusal to grant any application hereunder, or if an application is granted and thereafter the board discovers that false statements were made in connection therewith, this shall constitute sufficient grounds for the cancellation of said school of cosmetology license even though it is detected after a license has been issued.

The board reserves the right to deny a school of cosmetology license to any applicant who fails to present satisfactory evidence of personal integrity and moral responsibility, and in the event that the said applicant is a corporation, this shall apply to all the officers thereof; provided further, that no school of cosmetology license shall be issued until the real owner files with the department a statement definitely designating who is authorized to accept service of notice from the said board and to transact all business negotiations in behalf of said school, including answers to citations for hearing, and compliance with rulings issued by the said board.

Advertisements

No school of cosmetology shall advertise student work to the public for pay through any medium including radio, unless the work advertised is expressly designated as student work.

Effect: Assembly Bill No 1658

SEC. 13. Section 12 of this act shall become operative only if Assembly Bill No. 1658 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as said Assembly Bill No. 1658 becomes operative, at which time Section 8 of this act is repealed.

SEC. 14. Section 7445 of said code, as proposed by Senate Bill No. 471 of the 1961 Regular Session is amended to read:

Fees

7445. The amount of the fees required by this chapter relating to licenses to conduct schools is as follows:

(a) The application fee for a school of cosmetology or a school of electrology shall be set by the board annually at not more than sixty dollars ($60) and not less than thirty dollars ($30).

(b) The inspection fee for a school of cosmetology or a school of electrology shall be set by the board annually at not more than sixty dollars ($60) and not less than thirty dollars ($30).

(c) The annual registration fee for a school of cosmetology or a school of electrology shall be set by the board annually at not more than one hundred fifty dollars ($150) and not less than one hundred dollars ($100).

(d) The delinquency fee is five dollars ($5).

Effect: Stats 1961, Ch 1635

SEC. 15. Section 14 of this act shall become operative only if Senate Bill No. 471 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as said Senate Bill No. 471 becomes operative, at which time Section 12 of this act is repealed.

CHAPTER 1851

An act authorizing the Director of Finance to dispose of property belonging to the State and repealing Chapter 724 of the Statutes of 1947, relating to the disposition of certain state property.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

Disposition of real property Parcels

SECTION 1. The Director of Finance is hereby authorized to sell, exchange, or otherwise dispose of, for current market value and upon such terms and conditions and with such reservations and exceptions, as in his opinion may be for the best interest of the State, all or any part of the following real property:

Parcel 1. Approximately 1 acre of real property on the north side of Highway 99 between Beaumont and Banning, located in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 12, Township 3 South, Range 1 West, S.B.B. & M., in the County of Riverside, State of California, known as the Beaumont-Banning Inspection Station of the Department of Agriculture

Parcel 2. Approximately 25 acres of real property being a portion of Acker Island, located within Section 29, Township 2 North, Range 5 East, M.D.B. & M, also within Swamp and Overflowed Land Survey No. 1276 of San Joaquin County, and further known as Parcel 15A-S of the Stockton Deep Water Channel project lying above the natural line of mean high tide, in the County of San Joaquin, State of California.

Parcel. 3. Approximately 8.3 acres of real property located in Section 27, Township 2 South, Range 8 West, S.B.B. & M., in the County of San Bernardino, State of California, being a portion of Los Serranos Game Farm.

Parcel 4. Approximately 300 acres of real property being a portion of the W $\frac{1}{2}$ of Section 11, Township 10 South, Range 13 East, S.B.B. & M., in the County of Imperial, State of California, being a portion of the Imperial Waterfowl Management Area.

Parcel 5. Approximately 250 acres of real property near Crescent City, being the E $\frac{1}{2}$ of the E $\frac{1}{2}$ and the E $\frac{1}{2}$ of the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of Section 13 and the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, Township 16 North, Range 1 West, H.B. & M., in the County of Del Norte, State of California, originally obtained for an armory site.

Parcel 6. Approximately 35 acres of real property described as a portion of Parcel 2 and all of Parcel 4 of Deed No. 64-00184 dated the fourth day of December 1945. The property includes that area lying east of the proposed extension of the county road and south of the rancho line, being a portion of the Los Guilucos School for Girls, in the County of Sonoma, State of California.

Parcel 7. Approximately 40 acres of real property being a portion of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14, Township 26 South, Range 12 East, M.D B & M, in the County of San Luis Obispo, State of California, being a portion of the Paso Robles School for Boys.

Parcel 8. Approximately 1.13 acres of real property being a portion of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 20, Township 2 South, Range 1 West, S.B.B. & M., being a portion of the Nelles School for Boys lying on the south side of Whittier Boulevard.

Parcel 9. Approximately 11.45 acres of real property described as being a portion of Rancho Paso De Bartolo as shown on map recorded in Book 23, pages 55 and 56 in the Office of the County Recorder of Los Angeles County, being a portion of the Nelles School for Boys located in the Southeast portion of the institution contiguous to the Presbyterian Inter-Community Hospital.

Parcel 10. The Director of Finance is authorized to quitclaim to Horace F. Pierce and Shirley H. Pierce or their heirs at no cost to said grantees mineral rights conveyed to the State by Horace F. Pierce and Shirley H. Pierce under quitclaim deed dated February 26, 1960, recorded in Book 1856, page

218, Official Records of Ventura County, said rights having been conveyed by them to the State through inadvertence and mistake.

Parcel 11. Lots 3 and 4 in the block bounded by Eleventh, Twelfth, "R," and "S" Streets in the City of Sacramento, being a former state warehouse site.

Parcel 12. That portion of the Pomona Armory property within the boundaries of Sixth Street in the City of Pomona.

Costs, expenses

SEC. 2. Any costs or expenses incurred in the sale or other disposition of any parcel herein referred to shall be reimbursed from the proceeds of such sale or disposition.

Deed to State Lands Commission

SEC. 3. A copy of each deed of conveyance executed and delivered by the Director of Finance pursuant to this act, shall be delivered to the State Lands Commission.

Notice of sale

SEC. 4. Prior to the sale of parcels of property for value pursuant to this act, notice thereof shall be posted on the property to be sold and shall be published pursuant to Government Code Section 6061 in a newspaper published in the county in which the real property to be sold is situated; provided, the requirement shall not be applicable to the disposition of said parcels to any federal, state or local governmental agency.

Disposition of proceeds

SEC. 5. Subject to Section 2 hereof, any moneys received from the sale or other disposition of said property shall be paid into the General Fund, except that proceeds from the sale or other disposition of Parcel 3 above shall be paid into the Fish and Game Preservation Fund and the proceeds from Parcel 4 above shall be paid into the Wildlife Restoration Fund.

Repeal

SEC. 6 Chapter 724 of the Statutes of 1947 is repealed; provided, however, that no right or interest excepted or reserved to the State under Section 5 thereof shall be affected by this repeal.

Quitclaim to City of Marysville

SEC. 7. The Director of Finance is authorized to quitclaim to the City of Marysville, at no cost to the city, all that real property situate in the City of Marysville, County of Yuba, State of California, described as follows:

Lots 1, 2, 3, and 4, in Block 16, Range "A", as shown upon the official map of the City of Marysville, approved March 22, 1856, and now on file in the office of the County Recorder of the County of Yuba, State of California.

The City of Marysville, by deed dated February 15, 1954 granted this property to the State for an armory, upon condition that the property would revert to the city if construction of the armory was not commenced within five years from the date of the deed. Construction was not commenced within such period and the property has reverted to the city pursuant to the terms of the grant. The quitclaim by the State to city of the property is, however, necessary to clear the title of the City of Marysville to the property.

CHAPTER 1852

An act to amend Sections 31460, 31468, 31526, 31733, 31737 and 31810 of the Government Code, relating to retirement.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 31460 of the Government Code is amended to read:

31460. "Compensation" means the remuneration paid in cash out of county or district funds and shall not include the monetary value of board, lodging, fuel, laundry, or other advantages furnished to a member. "Compensation"

SEC. 2. Section 31468 of said code is amended to read:

31468. (a) "District" means a district, formed under the laws of the State, located wholly or partially within the county other than a school district. "District"

(b) "District" also includes any institution operated by two or more counties, in one of which there has been adopted an ordinance placing this chapter in operation.

(c) "District" also includes any organization or association authorized by Chapter 26, Statutes of 1935, as amended by Chapter 30, Statutes of 1941, or by Section 50024 of this code, which organization or association is maintained and supported entirely from funds derived from counties, and the board of any retirement system is authorized to receive the officers and employees of such organization or association into the retirement system managed by the board.

(d) "District" also includes, but is not limited to, any sanitary district formed under Part 1 (commencing at Section 6400), Division 6 of the Health and Safety Code

SEC. 3. Section 31526 of said code is amended to read:

31526. The regulations shall include provisions:

(a) For the election of officers, their terms, meetings, and all other matters relating to the administrative procedure of the board Regulations Scope

(b) For the filing of a sworn statement by every person who is or becomes a member, showing date of birth, nature and duration of employment with the county, compensation received, and such other information as is required by the board.

(c) For forms of annuity certificates and for such other forms as are required.

SEC. 4. Section 31733 of said code is amended to read:

31733. If a disability beneficiary is determined by the board to be no longer incapacitated and re-enters the service of a public agency covered by the retirement system under which he retired, his disability retirement allowance shall cease immediately upon such re-entry. If such disability beneficiary Disability beneficiary Re-entry into service

again becomes a member of the retirement system, his rate of contribution for future years is that established for his age at the time of his re-entry into the system. His individual account shall be credited with an amount which is the actuarial equivalent of his annuity at that time, as based upon the mortality table adopted by the board of supervisors for disabled lives, less any amount that has been refunded to him under Section 31737. The amount shall not exceed the amount of his accumulated contributions at the time of his retirement for disability. He shall also receive credit for his service as it existed at the time of his disability retirement.

Cancellation of retirement allowance

SEC. 5. Section 31737 of said code is amended to read:

31737. If the retirement allowance of any disability beneficiary is canceled for any cause other than under Section 31733, he shall be paid his accumulated contributions, less the annuity payments made to him.

Retirement prior to eligibility under federal system

SEC. 6. Section 31810 of said code is amended to read:

31810. A member who retires for service prior to the age of becoming eligible for retirement payments under the federal system and who at the time of retiring is fully insured under the federal system, may, with the approval of the Retirement Board, elect to have his unmodified retirement allowance increased prior to such eligible age and reduced after such age by amounts which have equivalent actuarial values. This modification is for the purpose of co-ordinating a member's retirement allowance with benefits receivable from the federal system.

CHAPTER 1853

An act to add Section 1013 to the Fish and Game Code, relating to fish screens.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 1013 is added to the Fish and Game Code, to read:

1013. In any lease, easement, or right-of-way entered into whereby the department leases real property or obtains a grant of easement or right-of-way in real property for the purpose of constructing, operating, or maintaining a fish screen, fish ladder, fish weir, or fish trap, the department may agree to indemnify and hold harmless the lessor or grantor by reason of the uses authorized by such lease, easement, or right-of-way. Insurance may be purchased by the Department of Finance to protect the department against loss or expense arising out of such a lease, easement, or right-of-way.

CHAPTER 1854

An act to amend Section 1191 of the Military and Veterans Code, relating to veterans' buildings and memorials.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 1191 of the Military and Veterans Code is amended to read:

1191. Every district may:

(a) Provide and maintain memorial halls, assembly halls, buildings, or meeting places, together with suitable indoor and outdoor park and recreation facilities including swimming pools, picnic areas and playgrounds, for the use of veteran soldiers, sailors and marines who have honorably served the United States in any wars or campaigns recognized by law for the purposes of Section 1¼ of Article XIII of the Constitution, or for the use of patriotic, fraternal, or benevolent associations of such persons; provided, that no district shall provide and maintain indoor and outdoor park and recreation facilities including swimming pools, picnic areas and playgrounds, unless such projects have been approved by a majority of the voters at either the general district election or at a special election called for that purpose The question of whether the district shall provide and maintain indoor and outdoor park and recreation facilities may be submitted to the electors of the district by the board on its own motion and shall be submitted by the board upon petition signed by 8 percent of the registered electors of the district, at either the general district election or at a special election called for that purpose If submitted at a special election the election shall be called, conducted, governed, and regulated in the same manner as the general district election.

All plans for indoor and outdoor park and recreation facilities, including swimming pools, picnic areas and playgrounds, shall be approved initially by the board of supervisors.

(b) Purchase, receive by donation, condemn, lease, or acquire real or personal property necessary or convenient for the construction or maintenance of such halls, buildings, meeting places and facilities and improve, preserve, manage and control the same.

(c) Purchase, construct, lease, build, furnish, or repair such halls, buildings, meeting places and facilities upon sites owned or leased by the district or made available to the district; and provide custodians, employees, attendants, and supplies for the proper maintenance, care and management thereof.

(d) Furnish sites for such halls, buildings, meeting places, or facilities, to be built either by the district or by or for patriotic, fraternal or benevolent associations of veterans, the funds for such sites to be supplied by the district or from other sources.

(e) Enter into agreements with county, municipal, school, park, or other public authorities or agencies, conveying, leasing, or making available to the district either gratuitously or for compensation, sites upon public lands, for the construction, maintenance, and management thereon by the district of such assembly or memorial halls, buildings or meeting places, or facilities; and construct and maintain thereon such halls, buildings, meeting places or facilities.

(f) Sell or lease any district property; provided, that any sale or lease shall be to the highest responsible bidder as determined by the board, except as provided in Section 1191.3. The board shall, prior to any sale, make a call for bids and advertise such call pursuant to Section 6062 of the Government Code in a newspaper of general circulation in the district, inviting sealed bids for the sale or lease of the property. The board may either accept the highest responsible bid or reject all bids. The board may require the successful bidder to file with the board good and sufficient undertaking to be approved by the board to insure faithful performance of the contract of sale or lease. No sales or lease shall be transacted, however, if a petition has been filed with the board requesting them not to enter into the sales or leasing of the property. Such petition shall:

(1) Have affixed thereto, as petitioners, the signatures, indicating place of residence and place of signing, of the electors of the district in a number equal to at least ten percent (10%) of the votes cast in the district at the last preceding general election held in the State.

(2) Should the petition be found to meet the requirements of (1) above, as determined by the records of the county clerk or registrar of voters for the county or counties in which said district lies, the board shall not convey the property or shall submit to the electors of the district to be voted upon at the next primary or general election, or at a special election called for the purpose to ratify or reject the action of the district to sell or lease the property.

(g) Sell or lease any district property to any political subdivision in which the district lies, or any portion thereof, to be used for the purpose of roads, streets or highways, or for the improvements thereof, without regard to the highest responsible bidder but otherwise meeting the requirements in paragraphs (1) and (2) of subdivision (f) above.

(h) Adopt, from time to time, reasonable rules and regulations for the use of such halls, buildings, meeting places and facilities by veterans or by organizations thereof, and to allow such halls, buildings, meeting places and facilities to be used for lawful purposes consistent with the objects hereof by persons or organizations other than veterans either free of charge or for stated compensation to aid in defraying the cost of maintenance thereof, but only when such use will not interfere with use of the facilities by veterans' associations.

CHAPTER 1855

An act to add Section 25009 to the Government Code, relating to county supervisorial districts.

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 25009 is added to the Government Code, to read:

25009. The board of supervisors of each county, on or before March 1, 1962, shall appoint a committee composed of residents of the county to study the matter of changing the boundaries of the county supervisorial districts. Within six months thereafter, the committee shall report to the board its recommendations on the need for a change of boundaries, and the change suggested.

Thereafter, such a committee shall be appointed and shall make its report within one year after the final population figures determined in each federal decennial census have been released.

Recommendations of the committee are advisory only.

CHAPTER 1856

An act to amend Sections 7888, 8011 and 8021 of, add Sections 8023 and 8024 to, and repeal Sections 7922 and 8017 of, the Fish and Game Code, relating to reports and records.

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 7888 of the Fish and Game Code is amended to read:

7888. The statement shall include the following: Statement. Contents

(a) The owner's name and address.

(b) The operator's name and address.

(c) The name, if any, of the vessel.

(d) The Department of Fish and Game registration number.

(e) The State of California or United States document number.

(f) The length and breadth over all.

(g) The home port.

(h) The year built.

(i) The horsepower, if propelled by motive power.

(j) The type of gear.

SEC. 2. Section 7922 of said code is repealed. Repeal

SEC. 3. Section 8011 of said code is amended to read:

Fish receipts: Contents

8011. Every person engaged in the business of buying, canning, curing, or preserving fish, or manufacturing fish meal, fish oil, or fish fertilizer, or dealing in fish, who receives fish from fishermen, other than persons engaged in the taking, transportation, or sale of live fresh-water fish for bait, shall make a legible record in the form of a receipt in quadruplicate on forms to be furnished by the department.

The receipt shall show:

(a) The weight of each species of fish received.

(b) The name of the fisherman.

(c) The Department of Fish and Game registration number of the boat.

(d) The name of the recipient.

(e) The date of receipt.

(f) The price paid.

Repeal

SEC. 4. Section 8017 of said code is repealed.

SEC. 5. Section 8021 of said code is amended to read:

Fishery products report Contents

8021. Every person engaged in canning, curing, or preserving fish or manufacturing fishery products from fish or fish offal, shall render, on or before January 15th of each year, a statement for the preceding calendar year, on forms to be furnished by the department, showing:

(a) His name.

(b) The location of his plant.

(c) The number of months in operation.

(d) The amount of each kind of fishery products canned, preserved, or manufactured.

SEC. 6. Section 8023 is added to said code, to read:

Canning, etc., receipt Contents

8023. Every person engaged in the business of canning, curing or preserving fish, or manufacturing fish meal, fish oil, or fish fertilizer, who receives fish other than from fishermen, shall make a legible record in the form of a receipt in triplicate on forms to be furnished by the department. The receipt shall show:

(a) The weight of each species of fish received.

(b) The name of the person from whom the fish were received.

(c) The name of the recipient.

(d) The date of receipt.

(e) The price paid.

The receipt shall also state whether the fish are intended to be sold fresh or to be canned, cured, made into fish meal or fertilizer, or otherwise disposed of. If a commercial distinction is made between different sizes or qualities of any species or variety, that shall be so stated on the receipt.

The names used in the receipt for designating the species of fish dealt with shall be those in common usage, and may be designated by the department.

SEC. 7. Section 8024 is added to said code, to read:

Copies of Receipts. Delivery, disposition

8024. The original signed copy of the receipt required by Section 8023 shall be delivered to the person from whom the

fish are received at the time of the purchase or receipt of the fish. The duplicate copy shall be kept by the dealer or person receiving the fish for a period of six months and shall be available for inspection at any time within that period by the department and the triplicate copy shall be delivered to the department on or before the 1st and 16th day of each month.

CHAPTER 1857

An act to amend Section 6630 of the Business and Professions Code and to amend Sections 6632 and 6633 and repeal Section 6631 of the Business and Professions Code, as proposed by Senate Bill No. 468 of the 1961 Regular Session, relating to the practice of barbering.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 6630 of the Business and Professions Code is amended to read:

6630. The amount of fees prescribed by this chapter is that fixed by the following schedule: Fees

(a) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering is twenty dollars ($20) and for the issuance of the certificate five dollars ($5).

(b) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is ten dollars ($10) and for the issuance of a certificate three dollars ($3).

(c) The fee to be paid for the renewal of a certificate of registration to practice barbering shall be set by the board annually at not more than five dollars ($5) and not less than two dollars ($2).

(d) The fee to be paid for the renewal of a certificate of registration to practice as an apprentice shall be set by the board annually at not more than three dollars ($3) and not less than one dollar ($1).

(e) The inspection fee to be paid by an applicant to conduct a new barbershop or an existing shop at a new location is twenty-five dollars ($25). The fee to be paid by an applicant to conduct an existing barbershop under new ownership is three dollars ($3). The fee to be paid for the annual renewal of a certificate to conduct a barbershop is three dollars ($3).

(f) The fee for the issuance of a certificate of registration for a barber college is one hundred dollars ($100). The annual renewal fee for such certificate is one hundred dollars ($100).

(g) The examination fee for a certificate of registration as an instructor in a barber college is twenty-five dollars ($25) and for the issuance of a certificate ten dollars ($10). The annual renewal fee for such certificate is ten dollars ($10).

(h) The fee for restoration of an expired certificate is twice the amount of the renewal fee in effect for such certificate on the date the application for restoration is filed.

A duplicate certificate will be issued upon the filing of a statement covering the loss of a certificate, verified by the oath of the applicant, the submission of two signed photographs, and the payment of a fee of one dollar ($1) for the issuance of the certificate. Each duplicate certificate shall have the word "Duplicate" stamped across the face thereof, and bear the same number as the certificate in lieu of which it is issued.

Repeal

SEC. 2. Section 6631 of the Business and Professions Code as proposed by Senate Bill No. 468 of the 1961 Regular Session is repealed.

SEC. 3. Section 6632 of the Business and Professions Code as proposed by Senate Bill No. 468 of the 1961 Regular Session is amended to read:

Fees

6632. The amount of the fees payable in connection with certificates of registration to practice barbering is as follows:

(a) The examination fee is twenty dollars ($20).

(b) The fee for issuance of the certificate is:

(1) For certificates issued before October 1, 1963, five dollars ($5).

(2) For certificates issued after September 30, 1963, an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than one year after its issuance, then the fee is fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued.

(c) The renewal fee shall be fixed by the board at not more than ten dollars ($10) nor less than four dollars ($4) for the biennial renewal period ending on September 30, 1965, and not more nor less than those amounts respectively for each biennial renewal period thereafter, and at not more than five dollars ($5) nor less than two dollars ($2) for each of the renewal periods ending on August 31, 1962, and September 30, 1963.

(d) The restoration fee is an amount equal to twice the renewal fee in effect when the application for restoration is filed.

SEC. 4. Section 6633 of the Business and Professions Code as proposed by Senate Bill No. 468 of the 1961 Regular Session is amended to read:

Fees

6633. The amount of the fees payable in connection with certificates of registration to practice as an apprentice is as follows:

(a) The examination fee is ten dollars ($10).

(b) The fee for issuance of the certificate is:

(1) For certificates issued before October 1, 1963, three dollars ($3).

(2) For certificates issued after September 30, 1963, an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than one year after its issuance, then the fee is fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued.

(c) The renewal fee shall be fixed by the board at not more than six dollars ($6) nor less than two dollars ($2) for the biennial renewal period ending on September 30, 1965, and not more nor less than those amounts respectively for each biennial renewal period thereafter; and at not more than three dollars ($3) nor less than one dollar ($1) for each of the renewal periods ending on August 31, 1962, and September 30, 1963.

(d) The restoration fee is an amount equal to twice the renewal fee in effect when the application for restoration is filed.

SEC. 5. Sections 2, 3, and 4 of this act shall become operative only if Senate Bill No. 468 is enacted by the Legislature, at its 1961 Regular Session, and in such case at the same time as said Senate Bill No. 468 becomes operative, at which time Section 1 of this act is repealed.

Effect: Stats 1961, Ch 365

CHAPTER 1858

An act to add Section 163 to the Business and Professions Code, relating to the fee for certification of records, documents, or other papers.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 163 is added to the Business and Professions Code, to read:

163. Except as otherwise expressly provided by law, each board in the department shall charge a fee of two dollars ($2) for the certification of a copy of any record, document, or paper in its custody.

CHAPTER 1859

An act to add Section 20930.6 to the Government Code, relating to the State Employees' Retirement System.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 20930.6 is added to the Government Code, to read:

20930.6. As used in this article (commencing with Section 20930), "local service" also means military service which was rendered by a person who left employment with a public agency because of his military service, and upon termination of his military service entered state service without intervening employment of any type. This section shall apply only to a member who elected, prior to October 1, 1958, to receive credit under this article for all of his service with the public agency and who elects, prior to April 1, 1962, to make the contributions for such period of military service required under this article.

CHAPTER 1860

An act to amend Section 641.1 of the Welfare and Institutions Code, and to amend Section 580 proposed to be added to the Welfare and Institutions Code by Senate Bill No. 332, relating to probation officers.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 641.1 of the Welfare and Institutions Code is amended to read:

Receipt of money, etc.

641.1. The probation officer is authorized to receive money, give his receipt therefor, deposit such money as soon as practicable either in the county treasury or in a commercial bank account designated and approved for such a purpose by the board of supervisors and direct the disbursement thereof, in any of the following instances:

1. Money payable to a spouse or child in an action for divorce, separate maintenance or similar action, together with court costs and attorney's fees, upon order of a court of competent jurisdiction. Instead of designating the probation officer to act as court trustee for the receipt and disbursement of money payable to a spouse or child under this subdivision, the court may designate in its order a bonded employee of the court to act as court trustee for that purpose.

2. Money payable to or on behalf of a ward of the juvenile court or a person concerning whom a petition has been filed in the juvenile court.

3. Money payable to, by or on behalf of probationers under the supervision of the probation officer.

4. Money payable to a child, wife or indigent parent when it has been alleged or claimed that there has been a violation of either Section 270, 270a or 270c of the Penal Code and the matter has been referred to the probation officer by the district attorney.

5. Gifts of money made to the county to assist in the prevention or correction of delinquency or crime, when the donor requests the probation officer to disburse such funds for such purposes and the board of supervisors accepts the gift upon such conditions.

6. Other similar cases.

In addition to the foregoing the probation officer is authorized to receive money payable to the county when ordered so to do by a court of competent jurisdiction Such money shall be deposited in the same manner as the other items set forth in this section.

If a bank account is authorized pursuant to this section, the probation officer must pay into the county treasury all money collected by him or under his control during the preceding month that is payable into the treasury in conformity with Section 24353 of the Government Code.

SEC. 2. Section 580, proposed to be added to the Welfare and Institutions Code by Senate Bill No. 332, is amended to read:

580. In addition to the powers and duties of the probation officer elsewhere prescribed in this chapter, he is authorized to receive money, give his receipt therefor, deposit such money as soon as practicable either in the county treasury or in a commercial bank account designated and approved for such a purpose by the board of supervisors and direct the disbursement thereof, in any of the following instances: Receipt of money, etc.

(a) Money payable to spouse or child in an action for divorce, separate maintenance, or similar action, together with court costs and attorney's fees, upon order of a court of competent jurisdiction. Instead of designating the probation officer to act as court trustee for the receipt and disbursement of money payable to a spouse or child under this subdivision, the court may designate in its order a bonded employee of the court to act as court trustee for that purpose.

(b) Money payable to or on behalf of a ward or dependent child of the juvenile court or a person concerning whom a petition has been filed in the juvenile court.

(c) Money payable to, by, or on behalf of probationers under the supervision of the probation officer.

(d) Money payable to a child, wife, or indigent parent when it has been alleged or claimed that there has been a violation

of either Section 270, 270a, or 270c of the Penal Code and the matter has been referred to the probation officer by the district attorney.

(e) Gifts of money made to the county to assist in the prevention or correction of delinquency or crime when the donor requests the probation officer to disburse such funds for such purposes and the board of supervisors accepts the gift upon such conditions.

(f) Other similar cases.

In addition to the foregoing, the probation officer is authorized to receive money payable to the county when ordered so to do by a court of competent jurisdiction. Such money shall be deposited in the same manner as the other items set forth in this section.

If a bank account is authorized pursuant to this section, the probation officer must pay into the county treasury all money collected by him or under his control during the preceding month that is payable into the treasury in conformity with Section 24353 of the Government Code.

Effect: Stats 1961, Ch 1616

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 332 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Senate Bill No. 332 takes effect; at which time Section 641.1 of the Welfare and Institutions Code as amended by Section 1 of this act is repealed.

CHAPTER 1861

An act to add Section 16310.5 to the Government Code, relating to transfers between funds.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 16310.5 is added to the Government Code, to read:

16310.5. When the Controller pursuant to Section 16310 directs the transfer of money from a fund which is subject to investment, other than the Division of Architecture Revolving Fund, there shall be returned to that fund, in addition to the amount transferred, and as soon as there is sufficient money in the fund to which the transfer was made, interest on the amount transferred computed at a rate determined by the Department of Finance to be the maximum rate of interest allowed interest bearing time deposits in banks at the time the money was transferred.

CHAPTER 1862

An act to amend Sections 25760 and 25761 of the Health and Safety Code, relating to the Advisory Council on Atomic Energy Development and Radiation Protection.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 25760 of the Health and Safety Code is amended to read:

25760. There is in the state government an Advisory Council on Atomic Energy Development and Radiation Protection, consisting of the Co-ordinator of Atomic Energy Development and Radiation Protection and 10 members appointed by the Governor. One member shall be appointed from each of the following fields: industry, labor, medicine, dentistry, education, science and technology, agriculture, insurance, city government, and county government.

Advisory Council on Atomic Energy Development and Radiation Protection

SEC. 2. Section 25761 of said code is amended to read:

25761. Of the members first appointed four shall be appointed by the Governor to serve a term which shall expire on October 1, 1960, and five shall be appointed to serve a term which shall expire on October 1, 1961. The first member appointed from the field of dentistry shall serve a term which shall expire on October 1, 1962. Thereafter all members shall be appointed for terms of two years, except that members appointed to fill vacancies prior to the expiration of a term shall be appointed for the remainder of such term. The chairman shall be selected by the Governor, and the co-ordinator shall act as secretary to the council.

Term of appointment

CHAPTER 1863

An act to amend Section 841 of the Penal Code, relating to arrest.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 841 of the Penal Code is amended to read:

841. The person making the arrest must inform the person to be arrested of the intention to arrest him, of the cause of the arrest, and the authority to make it, except when the person making the arrest has reasonable cause to believe that the person to be arrested is actually engaged in the commission of or an attempt to commit an offense, or the person to be arrested is pursued immediately after its commission, or after an escape.

The person making the arrest must, on request of the person he is arresting, inform the latter of the offense for which he is being arrested.

CHAPTER 1864

An act to amend Section 710 of the Code of Civil Procedure, relating to judgment debtors.

In effect September 15, 1961

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 710 of the Code of Civil Procedure is amended to read:

710. (a) Whenever a judgment for the payment of money is rendered by any court of this State against a defendant to whom money is owing and unpaid by this State or by any county, city and county, city or municipality, quasi-municipality or public corporation, the judgment creditor may file a duly authenticated abstract or transcript of such judgment together with an affidavit stating the exact amount then due, owing and unpaid thereon and that he desires to avail himself of the provisions of this section in the manner as follows:

1. If such money, wages or salary is owing and unpaid by this State to such judgment debtor, said judgment creditor shall file said abstract or transcript and affidavit with the state department, board, office or commission owing such money, wages or salary to said judgment debtor prior to the time such state department, board, office or commission presents the claim of such judgment debtor therefor to the State Controller or to the State Personnel Board. Said state department, board, office or commission in presenting such claim of such judgment debtor to said State Controller shall note thereunder the fact that the filing of such abstract or transcript and affidavit and state the amount unpaid on said judgment as shown by said affidavit and shall also note any amounts advanced to the judgment debtor by, or which the judgment debtor owes to, the State of California by reason of advances for expenses or for any other purpose. Thereupon the State Controller, to discharge such claim of such judgment debtor, shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due such judgment debtor on such claim, after deducting from such claim an amount sufficient to reimburse the state department, board, officer or commission for any amounts advanced to said judgment debtor or by him owed to the State of California, and after deducting therefrom an amount equal to one-half the salary or wages owing to the judgment debtor for his personal services to the State rendered at any time within 30 days next

preceding the filing of such abstract or transcript, as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

2. If such money, wages or salary is owing and unpaid to such judgment debtor by any county, city and county, city or municipality, quasi-municipality or public corporation, said judgment creditor shall file said abstract or transcript and affidavit with the auditor of such county, city and county, city or municipality, quasi-municipality or public corporation (and in case there be no auditor then with the official whose duty corresponds to that of auditor). Thereupon said auditor (or other official) to discharge such claim of such judgment debtor shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due on such claim of such judgment debtor, less an amount equal to one-half the salary or wages owing by the county, city and county, city, municipality, quasi-municipality, or public corporation to the judgment debtor for his personal services to such public body rendered at any time within 30 days next preceding the filing of such abstract or transcript, as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

(b) The judgment creditor upon filing such abstract or transcript and affidavit shall pay a fee of two dollars and fifty cents ($2.50) to the person or agency with whom the same is filed.

(c) Whenever a court receives any money hereunder, it shall pay as much thereof as is not exempt from execution under this code to the judgment creditor and the balance thereof, if any, to the judgment debtor. The procedure for determining the claim of exemption shall be governed by the procedure set forth in 690.26 of this code.

(d) In the event the moneys owing to a judgment debtor by any governmental agency mentioned in this section are owing by reason of an award made in a condemnation proceeding brought by the governmental agency, such governmental agency may pay the amount of the award to the clerk of the court in which such condemnation proceeding was tried, and shall file therewith the abstract or transcript of judgment and the affidavit filed with it by the judgment creditor. Such payment into court shall constitute payment of the condemnation award within the meaning of Section 1251 of this code. Upon such payment into court and the filing with the county clerk of such abstract or transcript of judgment and affidavit, the county clerk shall notify by mail, through their attorneys, if any, all parties interested in said award of the time and place at which the court which tried the condemnation proceeding will determine the conflicting claims to said award. At said time and place the court shall make such

determination and order the distribution of the money held by the county clerk in accordance therewith.

(e) The judgment creditor may state in the affidavit any fact or facts tending to establish the identity of the judgment debtor. No public officer or employee shall be liable for failure to perform any duty imposed by this section unless sufficient information is furnished by the abstract or transcript together with the affidavit to enable him in the exercise of reasonable diligence to ascertain such identity therefrom and from the papers and records on file in the office in which he works. The word "office" as used herein does not include any branch or subordinate office located in a different city.

(f) Nothing in this section shall authorize the filing of any abstract or transcript and affidavit against any wages, or salary owing to any elective officer of this State whose salary is fixed by Section 19 of Article V of the State Constitution.

(g) Any fees received by a state agency under this section shall be deposited to the credit of the fund from which payments were, or would be, made on account of a garnishment under this section. For the purpose of this paragraph, payments from the State Pay Roll Revolving Fund shall be deemed payments made from the fund out of which moneys to meet such payments were transferred to said revolving fund.

CHAPTER 1865

An act to amend Section 5838 of the Streets and Highways Code, relating to county maintenance districts.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 5838 of the Streets and Highways Code is amended to read:

5838. The board of supervisors shall cause notice of the time, place and purpose of the hearing to be given by post card mailed to each owner whose name and address appears on the last equalized assessment roll and who owns real property within the boundaries of the territory sought to be annexed and within the district to which such territory is proposed to be annexed. The person directed by the board of supervisors to mail the post card notices shall file, upon the completion of the mailing, an affidavit setting forth the time and manner of the compliance with this section.

In addition, the board of supervisors shall cause notices of the hearing to be posted in three conspicuous places within the territory proposed to be annexed and within the maintenance district to which such territory is proposed to be annexed.

The notices shall be headed "Notice of hearing" in letters not less than one inch in height and shall contain a description of the territory proposed to be annexed and a statement of the time and place of the hearing. In lieu of the description the boundaries of territory proposed to be annexed may be shown by means of a diagram printed upon the notice. The notice shall be posted not less than 10 days prior to the date set for the hearing.

In proceedings for annexation to sewer maintenance districts and lighting maintenance districts, or in proceedings for annexation to, or for additional improvements in, county maintenance districts formed pursuant to this chapter, the board of supervisors shall direct its clerk to publish a notice once a week for two successive weeks in the newspaper of general circulation that the board deems most likely to give notice of hearing to the inhabitants. Said notice shall state the time and place of the hearing and shall contain a description of the territory proposed to be annexed or in lieu of such description the boundaries of the territory proposed to be annexed may be shown by means of a diagram. Such publication together with the posting of notices of hearing shall be deemed adequate notice and no mailed notice shall be required except that in proceedings for annexation of territory to a county maintenance district a post card notice as provided in this section shall be mailed to each inhabitant of the territory sought to be annexed.

CHAPTER 1866

An act to amend Sections 2607 and 2703 of the Revenue and Taxation Code, relating to payment of taxes on the secured roll.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 2607 of the Revenue and Taxation Code is amended to read:

2607. The entire tax on real property may be paid when the first installment is due. The second installment may be paid separately only if the first installment has been paid. Unless accompanied by the payment of the second installment, payment of the first installment shall not be accepted after the second installment has become delinquent.

Time payable

SEC. 2. Section 2703 of the Revenue and Taxation Code is amended to read:

2703. The entire tax on the secured roll may be paid when the first half is due. The second half may be paid separately only if the first half has been paid. Unless accompanied by the payment of the second half, payment of the first half shall not be accepted after the second half has become delinquent.

Time payable

CHAPTER 1867

An act to add Article 10 (commencing with Section 50260) to Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, relating to the promotion of better understanding and more harmonious relationships among persons of different races, religions, and national origins for the purpose of preserving and promoting the public peace, health, and general welfare.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Article 10 (commencing with Section 50260) is added to Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, to read:

Article 10. Human Relations

Purpose

50260. The purpose of this article is to promote the establishment in counties and cities and counties throughout the State of commissions designed to foster peaceful relations in the interest of preserving the public peace among citizens of different races, religions and national origins.

Legislative findings

50261. It is hereby found that the promotion of positive human relations for the purpose of insuring public peace, health, safety, and general welfare of all the people of this State is a principal governmental concern and responsibility, and counties and cities and counties are hereby authorized to expend public funds to attain these objectives.

Citizens commission: Responsibilities

50262. The board of supervisors in any county with a population of more than 2,000,000 may, by ordinance, establish a commission of citizens, which shall carry out the following responsibilities:

(a) Engage in research and education for the purpose of lessening racial and religious prejudice and of fostering attitudes among the various groups within its jurisdiction which lead to civic peace and intergroup understanding.

(b) Develop and administer programs and plans designed to promote the full acceptance of all citizens in the community in all aspects of community life, without regard to race, religion or national origin.

CHAPTER 1868

An act to amend Sections 28700 and 28702 of, and to add Section 28720.5 to, the Health and Safety Code, relating to frozen food locker plants.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 28700 of the Health and Safety Code is amended to read:

28700. When used in this chapter, unless the context otherwise requires: Definitions

(a) "Food" means any article used by man for food, drink, confectionery or condiment, or which enters into the composition thereof, whether simple, blended, mixed or compounded.

(b) "Locker" means the individual sections or compartments of a capacity of not to exceed 25 cubic feet in the locker room of a frozen food locker plant.

(c) "Frozen food locker plant" means an establishment in which space in such individual lockers is rented, leased or loaned to individuals, firms or corporations, for the storage of food for their own use and which is artificially cooled for the purpose of preserving such food. The term includes service locker plant, storage locker plant and branch locker plant.

(d) "Service locker plant" means a frozen food locker plant in which patrons' foods are prepared or packaged by the operator of such plant before such foods are placed in the lockers for storage.

(e) "Storage locker plant" means a frozen food locker plant, the operator of which does not prepare or package the foods of patrons.

(f) "Branch locker plant" means a frozen food locker plant in any location or establishment artificially cooled in which space in individual lockers are rented, leased or loaned to individuals, firms or corporations for the storage of food for their own use after preparation for storage in a central or parent plant.

(g) "Frozen" means food frozen in a room or compartment in which the temperature is plus 5 degrees F. or lower.

(h) "Temperature" means the average air temperature in refrigerated rooms.

(i) "Department" means the State Department of Public Health.

(j) "Operator" means any person, firm or corporation operating or maintaining a frozen food locker plant.

(k) "Processor" means an establishment in which, for compensation directly or indirectly, meat or meat products are cut, wrapped, or frozen to be delivered for frozen storage by the ultimate consumer.

SEC. 2. Section 28702 of said code is amended to read:

28702. The annual license fee for a frozen food locker plant shall be twenty-five dollars ($25). Such fees shall be paid into the General Fund. Annual license fee

SEC. 3. Section 28720.5 is added to said code, to read:

28720.5. The licensing provisions of this chapter shall not apply to retail premises in which individual frozen food lockers are not rented, leased, loaned or otherwise furnished to individuals, firms or corporations, or processors. Exemptions

CHAPTER 1869

An act to add Section 69905 to the Government Code, relating to superior court officers and attaches.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 69905 is added to the Government Code, to read:

69905. In any county a majority of the judges of the superior court may, with the approval of a majority of the board of supervisors, appoint research assistants. The number and compensation of research assistants shall be set by the board of supervisors. The compensation of such research assistants shall be paid by the county in which they serve.

CHAPTER 1870

An act to amend Sections 35270, 35305, 35402.1, 35402.3 and 35407 of, and to add Sections 35402.4 and 35432 to, the Streets and Highways Code, relating to the Parking District Law of 1951.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 35270 of the Streets and Highways Code is amended to read:

Notice of boundary changes

35270. The legislative body shall not change any boundaries or acquisitions and improvements, except after notice of intention to do so is published pursuant to Section 6066 of the Government Code in the newspaper in which the resolution of intention was published. The notice shall specify a time for hearing objections to the proposed change, which shall be not less than twenty (20) days after the first publication of the notice. If a change proposed is to include additional real property in the district, the clerk of the legislative body shall also mail a copy of the notice, postage prepaid, to each person to whom real property in the area proposed to be added is assessed as shown on the last equalized assessment roll, at his address as shown upon the roll, and to each person, whether owner in fee or having a lien upon, or legal or equitable interest in, any such real property, whose name and address and a designation of the real property in which he is interested is on file in the office of the clerk. The notice shall be mailed at least 20 days prior to the time set for hearing objections.

SEC. 2. Section 35305 of said code is amended to read:

35305. Whenever an ordinance is adopted pursuant to this section, whether in response to a proposal made in the petition or otherwise, the legislative body may, at the hearing on the resolution of intention or subsequent thereto, increase, decrease, eliminate, change or otherwise modify the lands to be so held, used and treated, the improvements to be made or constructed thereon, or the compensation to be paid the city for said city lands, in the same manner and by the same procedure as provided in this part for increasing, decreasing, changing or otherwise modifying the acquisitions and improvements to be made, and in that event the legislative body shall adopt a new ordinance pursuant to this chapter consistent with such changes and repealing the prior ordinance or shall amend the prior ordinance. No such increase, decrease, elimination, change or other modification shall be made in violation of the provisions of any ordinance, resolution or indenture providing for bonds already issued. Modification of lands

SEC. 3. Section 35402.1 of said code is amended to read:

35402.1. As an alternate procedure to that prescribed in Sections 35400 and 35402, the legislative body may issue bonds as provided in this part when the city has contracted or obtained options for the purchase of, or has obtained condemnation judgments covering, a portion of the land, property and rights-of-way to be acquired. Before issuing bonds under this section the legislative body shall give notice of its intention to do so by publication pursuant to Section 6066 of the Government Code in the newspaper in which the resolution of intention was published. Said notice shall specify a time for hearing objections to proceedings under this section which shall not be less than twenty (20) days after the first publication. At said hearing the legislative body shall hear and pass upon all objections and shall not issue bonds under this section unless following such hearing it shall determine that all of the territory within the district will be benefited by the acquisition of that portion of the land, property and rights-of-way which the city so has under contract, option or condemnation judgment. The decisions of the legislative body shall be final and conclusive. The legislative body may then by ordinance, resolution or indenture provide for the issuance of bonds of the district in an amount estimated to be necessary to make all of the proposed acquisitions and improvements and to pay the additional items specified in Section 35402. Alternate procedure

SEC. 4. Section 35402.3 of said code is amended to read:

35402.3. If at any time, either before or after issuing bonds, the legislative body so determines, it may at one time or from time to time add to, eliminate, change or otherwise modify any of the proposed acquisitions and improvements after notice and hearing in the same manner as provided in Sections 35270 to Modification, etc.

35272 but no such addition, elimination, change or modification shall be made unless following such hearing the legislative body shall determine that all of the territory within the district as originally formed or as changed pursuant to Section 35402.4, as the case may be, will be benefited by the acquisitions and improvements remaining after such addition, elimination, change or modification. Any such addition, elimination, change or modification shall be effected by an ordinance amending the ordinance declaring the district formed and describing the acquisitions and improvements to be made. If a condemnation action has been brought on any property eliminated, such action may be dismissed as to the property eliminated even though a judgment has been entered, and a further condemnation action may be brought as to any property added. No such addition, elimination, change or modification shall be made in violation of the provisions of any ordinance, resolution or indenture providing for bonds already issued.

SEC. 5. Section 35402.4 is added to said code, to read:

Change of district boundaries

35402.4. At any time prior to the issuance of bonds, the legislative body may change the boundaries of the district after notice and hearing in the same manner as provided in Sections 35270 to 35272, but no such change shall be made unless following such hearing the legislative body shall determine that all of the territory within the district as changed will be benefited by the acquisitions and improvements originally ordered or the acquisitions and improvements as changed pursuant to Section 35402.3, as the case may be. Any such change in boundaries shall be effected by an ordinance amending the ordinance declaring the district formed. Proceedings under this section may be combined with proceedings under Section 35402.3.

SEC. 6 Section 35407 of said code is amended to read:

Signatures

35407. The bonds shall be signed by the mayor of the city or by such other officer as the legislative body in the ordinance, resolution or indenture authorizes and designates for that purpose and by the treasurer, and countersigned by the clerk.

SEC. 7. Section 35432 is added to said code, to read:

Bonds Security

35432. The bonds issued under Section 35430 to provide additional public parking facilities for the district may in part be secured by those net revenues from parking meters on public ways within the district which were allocated and pledged to the payment of bonds previously issued to the extent the allocation and pledge of such revenues to the payment of the additional bonds is not prohibited by the ordinance, resolution or indenture providing for the bonds previously issued.

CHAPTER 1871

An act to amend Section 65806 of the Government Code, relating to local planning.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 65806 of the Government Code is amended to read:

65806. If the planning commission, or the department of planning, in good faith, is conducting or intends to conduct studies within a reasonable time for the purpose of, or holding a hearing for the purpose of, or has held a hearing and has recommended to the legislative body the adoption of any zoning ordinance or amendment or addition thereto, or in the event that new territory may be annexed to a city, the legislative body to protect the public safety, health and welfare, may adopt, as an urgency measure, a temporary interim zoning ordinance prohibiting such and any other uses which may be in conflict with such zoning ordinance. Such urgency measure shall require a two-thirds vote of the legislative body for adoption. Such temporary zoning ordinance shall be of no further force and effect one year from the date of adoption thereof; provided, however, that after notice pursuant to Section 6061, and public hearing, the legislative body may by a four-fifths vote extend such temporary ordinance for one year. No more than two such extensions may be adopted. When such temporary zoning ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or a part of the same property, shall automatically terminate and be of no further force or effect one year after the date of the adoption of the first such ordinance.

CHAPTER 1872

An act to amend Sections 206.5 and 206.7 of the Civil Code, relating to an action by deserted child for relief from duty to support parent.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 206.5 of the Civil Code is hereby amended to read as follows: Petition alleging abandonment of minor

206.5. Any adult person may file in the superior court of the county where his parent resides a verified petition alleging

that, while he was a minor, he was abandoned by such parent, and such abandonment continued for a period of two or more years prior to the time such person reached the age of 18 years, and such parent during such period was physically and mentally able to support such person, and praying the court to free such person from the obligation otherwise imposed by law to support such parent. The clerk shall thereupon set the same for hearing by the court and issue a citation directed to said parent and to his guardian or conservator, if any, or, if said parent be deceased, to the personal representative of his estate, setting forth the time and place of hearing so fixed by him. The citation and a copy of the petition shall be personally served on the parent and guardian or conservator, if any, or, if said parent be deceased, on the personal representative of his estate in the same manner as provided by law for the service of summons at least five days before the time of hearing. If, upon hearing, the court determines that the allegations in the petition are true it shall issue a decree granting the relief prayed for.

A person released from the obligation to support a parent as provided in this section shall be deemed to be so released with respect to any state law under which a child is required to pay for the support, care, maintenance, and the like of a parent, or to reimburse the State or a local public agency for furnishing such support, care, maintenance, or the like.

SEC. 2. Section 206.7 of said code is amended to read:

Applicant or recipient of aid

206.7 In the event that the parent of a person seeking to maintain an action pursuant to Section 206.5 is or has been an applicant for or recipient of aid under Chapter 1 of Division 3, Chapter 2 of Division 4, Chapter 1 of Part 1 of Division 5, Chapter 3 of Part 1 of Division 5, or Chapter 1 of Part 2 of Division 5 of the Welfare and Institutions Code, the person seeking to maintain the action shall first make application to the board of supervisors of the county responsible for granting such aid for an order freeing him from responsibility for the support of his parent. At the time of making such application, the person shall produce proof, either by a person who was in a position to know the facts, other than the parent against whom relief is sought, or by documentary or other reliable evidence, that while he was a minor he was abandoned by the parent for a period of two or more years and that during such period the parent was physically and mentally able to support him. If the board denies his request or fails to act upon such request within 30 days, such person shall be entitled to file an action pursuant to Section 206.5. In the event such an action is filed, such person shall serve a copy of the petition on the clerk of the board at least 10 days prior to the hearing.

CHAPTER 1873

An act to amend Section 4204 of the Government Code, relating to bonds of contractors on public works projects.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 4204 of the Government Code is amended to read:

4204. To be approved, the contractor's bond shall provide that if the person or his subcontractors, fail to pay for any materials, provisions, provender or other supplies, or teams, used in, upon, for or about the performance of the work contracted to be done, or for any work or labor thereon of any kind, or for amounts due under the Unemployment Insurance Code with respect to such work or labor, that the surety or sureties will pay for the same, in an amount not exceeding the sum specified in the bond, and also, in case suit is brought upon the bond, a reasonable attorney's fee, to be fixed by the court. The contractor may require of his subcontractors a bond to indemnify the contractor for any loss sustained by the contractor because of any default by the subcontractors under this section.

CHAPTER 1874

An act to amend Section 211a of the Penal Code, relating to degrees of robbery.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 211a of the Penal Code is amended to read:

211a. All robbery which is perpetrated by torture or by a person being armed with a dangerous or deadly weapon, and the robbery of any person who is performing his duties as operator of any motor vehicle, streetcar, or trackless trolley used for the transportation of persons for hire, is robbery in the first degree. All other kinds of robbery are of the second degree.

CHAPTER 1875

An act to repeal Section 1295.5 of the Penal Code, relating to surety bonds

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 1295 5 of the Penal Code is repealed.

CHAPTER 1876

An act to add Article 8.5 (commencing with Section 31691) to Chapter 3, Part 3, Division 4, Title 3 of the Government Code, relating to County Employees Retirement Law.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Article 8.5 (commencing with Section 31691) is added to Chapter 3, Part 3, Division 4, Title 3 of the Government Code, to read:

Article 8.5. Group Insurance

Contribution by county toward premiums

31691. The board of supervisors of any county by ordinance or the governing body of any district under the County Employees Retirement Law may by ordinance or resolution provide for the contribution by the county or district from its funds and not from the retirement fund toward the payment of all or a portion of the premiums on a policy or certificate of life insurance or disability insurance issued by an admitted insurer, or toward the payment of all or part of the consideration for any hospital service or medical service corporation, including any corporation lawfully operating under Section 9201 of the Corporations Code, contract, or for any combination thereof, for the benefit of any member heretofore or hereafter retired or his dependents. At least one of these plans shall include free choice of physician and surgeon.

The benefits provided by this section are in addition to any other benefits provided by this chapter (commencing with Section 31450).

Effect of ordinance or resolution

31692. The adoption of an ordinance or resolution pursuant to Section 31691 shall give no vested right to any member or retired member, and the board of supervisors or the governing body of the district may amend or repeal the ordinance or resolution at any time except that as to any member who is retired at the time of such an amendment or repeal, the amendment or repeal shall not be operative until ninety (90) days after the board or governing body notifies the member in writing of the amendment or repeal.

CHAPTER 1877

An act to add Section 53 to the Civil Code, relating to civil rights.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 53 is added to the Civil Code, to read:

53. (a) Every provision in a written instrument relating to real property which purports to forbid or restrict the con-

veyance, encumbrance, leasing, or mortgaging of such real property to any person of a specified race, color, religion, ancestry, or national origin, is void and every restriction or prohibition as to the use or occupation of real property because of the user's or occupier's race, color, religion, ancestry, or national origin is void.

(b) Every restriction or prohibition, whether by way of covenant, condition upon use or occupation, or upon transfer of title to real property, which restriction or prohibition directly or indirectly limits the acquisition, use or occupation of such property because of the acquirer's, user's, or occupier's race, color, religion, ancestry, or national origin is void.

(c) In any action to declare that a restriction or prohibition specified in subdivision (a) or (b) of this section is void, the court may take judicial notice of the recorded instrument or instruments containing such prohibitions or restrictions.

CHAPTER 1878

An act to amend Section 34312 of the Government Code, relating to the boundaries of new cities.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 34312 of the Government Code is amended to read:

34312. Establishment of the boundaries and determination of the size and shape of a proposed city are matters for the sound discretion of the board of supervisors.

In establishing the boundaries of a proposed city the board of supervisors shall not include any territory which is dependent for contiguity with other territory of the proposed city on a strip of land over 300 feet long and less than 200 feet wide, such width to be exclusive of highways

The board of supervisors shall not establish the boundaries of a proposed city in such a manner that, as a result of the incorporation, (1) unincorporated territory is completely surrounded by the new city; (2) unincorporated territory, less than one square mile in area, is completely surrounded by the new city and any other adjacent city or cities; (3) a strip of unincorporated territory more than 300 feet long and less than 200 feet wide, such width to be exclusive of highways, is created; or (4) a strip of unincorporated territory consisting solely of a highway or portion thereof is created.

CHAPTER 1879

An act to amend Section 6481 of the Streets and Highways Code, relating to application fees for issuance of new bonds under the Improvement Act of 1911 (Division 7, commencing with Section 5010, of the Streets and Highways Code).

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 6481 of the Streets and Highways Code is amended to read:

6481. When it is desired that new bonds be issued, an application therefor in writing signed by the owner of any interest in any of the lots or parcel into which the original lot or parcel has been divided shall be filed with the street superintendent. The application shall indicate how the original lot or parcel has been divided, request the street superintendent to apportion the amount remaining unpaid on the assessment in accordance with the division, and be accompanied by a fee of five dollars ($5) for each separate part or parcel of land into which the original lot or parcel has been divided. If the legislative body determines that the fee set forth above is not sufficient to reimburse the city for the necessary administrative costs in processing applications under this chapter, the legislative body by resolution may fix a fee in an amount that will reimburse the city for the necessary costs in processing applications under this chapter. The street superintendent shall deposit all such fees in the treasury.

CHAPTER 1880

An act to amend Sections 14095 and 14455.5 of the Health and Safety Code, and Section 13855 of the Health and Safety Code as added by Chapter 565, Statutes 1961 Regular Session, and to add Section 17004.5 to the Vehicle Code, relating to civil liability of private firms or corporations entering into mutual aid agreements concerning fire protection.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 14095 of the Health and Safety Code is amended to read:

Mutual aid agreements: Civil liability

14095. The district board may contract with other governmental agencies. The district board may also enter into mutual aid agreements with other fire protection districts, the United

States and agencies thereof, and any private firm or corporation which is engaged in the manufacture of materials or equipment for national defense under contract with the United States, or any agency thereof, and which maintains a full-time fire department.

Any such private firm or corporation which enters into a mutual aid agreement pursuant to this section, or any employee thereof, shall have the same immunity from liability for civil damages on account of personal injury to or death of any person or damage to property resulting from acts or omissions of its fire department personnel in the performance of the provisions of the mutual aid agreement as is provided by law for local fire districts and their employees, except when such act or omission occurs on property under the control of such firm or corporation.

SEC. 2. Section 14455.5 of said code is amended to read:

Joint use of fire apparatus, etc · Civil liability

14455.5. The commission may enter into contracts with cities or other fire protection districts regarding the joint use of fire apparatus and equipment. The commission may also enter into mutual aid agreements with other fire protection districts, the United States and agencies thereof, and any private firm or corporation which is engaged in the manufacture of materials or equipment for national defense under contract with the United States, or any agency thereof, and which maintains a full-time fire department.

Any such private firm or corporation which enters into a mutual aid agreement pursuant to this section, or any employee thereof, shall have the same immunity from liability for civil damages on account of personal injury to or death of any person or damage to property resulting from acts or omissions of its fire department personnel in the performance of the provisions of the mutual aid agreement as is provided by law for county fire protection districts and their employees, except when such act or omission occurs on property under the control of such firm or corporation

SEC. 3. Section 13855 of said code, as added by Chapter 565, Statutes 1961 Regular Session, is amended to read:

Mutual aid agreements: Civil liability

13855. The district board may contract with other governmental agencies. The district board may also enter into mutual aid agreements with other fire protection districts, the United States and agencies thereof, and any private firm or corporation which is engaged in the manufacture of materials or equipment for national defense under contract with the United States, or any agency thereof, and which maintains a full-time fire department.

Any such private firm or corporation which enters into a mutual aid agreement pursuant to this section, or any employee thereof, shall have the same immunity from liability for civil damages on account of personal injury to or death of

any person or damage to property resulting from acts or omissions of its fire department personnel in the performance of the provisions of the mutual aid agreement as is provided by law for districts organized and operating pursuant to this part and their employees, except when such act or omission occurs on property under the control of such firm or corporation.

SEC. 4. Section 17004.5 is added to the Vehicle Code, to read:

Private operation of authorized emergency vehicle: Civil liability

17004.5. Any private firm or corporation, or employee thereof, which maintains a fire department and has entered into a mutual aid agreement pursuant to Section 14095 or 14455.5 of the Health and Safety Code shall have the same immunity from liability for civil damages on account of personal injury to or death of any person or damage to property resulting from the operation of an authorized emergency vehicle while responding to, but not upon returning from, a fire alarm or other emergency call as is provided by law for the district and its employees with which the firm or corporation has entered into a mutual aid agreement, except when the act or omission causing the personal injury to or death of any person or damage to property occurs on property under the control of such firm or corporation.

SEC. 5. Section 17004.5 is added to the Vehicle Code, to read:

Mutual aid agreements: Civil liability

17004.5. Any private firm or corporation, or employee thereof, which maintains a fire department and has entered into a mutual aid agreement pursuant to Section 13855, 14095, or 14455.5 of the Health and Safety Code shall have the same immunity from liability for civil damages on account of personal injury to or death of any person or damage to property resulting from the operation of an authorized emergency vehicle while responding to, but not upon returning from, a fire alarm or other emergency call as is provided by law for the district and its employees with which the firm or corporation has entered into a mutual aid agreement, except when the act or omission causing the personal injury to or death of any person or damage to property occurs on property under the control of such firm or corporation.

Effect Stats 1961, Ch 565

SEC. 6. Section 3 of this act shall become operative only if Chapter 565, Statutes 1961 Regular Session becomes effective, and in such case, at the same time as Chapter 565, Statutes 1961 Regular Session, takes effect.

Effect: Stats 1961, Ch 565

SEC. 7. Section 5 of this act shall become operative only if Chapter 565, Statutes 1961 Regular Session becomes effective, and in such case, at the same time as Chapter 565, Statutes 1961 Regular Session becomes effective; at which time Section 17004.5 of the Vehicle Code as added by Section 4 of this act is repealed.

CHAPTER 1881

An act to add Section 510 to the Health and Safety Code, relating to fee for local health officers.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 510 is added to the Health and Safety Code, to read:

510. Whenever the governing body of any city, county, or city and county determines that the expenses of its health officer in the enforcement of any statute, order, quarantine, rule or regulation prescribed by a state officer or department relating to public health, are not met by any fees prescribed by the State, such governing body may adopt an ordinance prescribing such fees as will pay the reasonable expenses of such officer incurred in such enforcement. The schedule of fees prescribed by ordinance of the governing body shall be applicable in the area in which the health officer enforces any statute, order, quarantine, rule or regulation prescribed by a state health officer or department relating to public health.

CHAPTER 1882

An act to amend Section 4.9 of the Los Angeles Metropolitan Transit Authority Act of 1957 (Chapter 547, Statutes 1957), relating to the Los Angeles Metropolitan Transit Authority.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 4.9 of the Los Angeles Metropolitan Transit Authority Act of 1957 is amended to read:

Sec. 4.9. The authority may fix rates, fares, tolls, charges, rents or other charges for the use of the system acquired, constructed, operated or maintained by the authority and may alter, change or modify the same, all subject to the covenants in any revenue bond indenture pursuant to which revenue bonds have been issued and are outstanding which contains covenants entered into by the authority with respect to the fixing of such rates, fares, tolls, charges and rents. The authority shall not increase its passenger tariffs until it shall first have held a public hearing, at which hearing members of the public who woud be affected by such increase shall have been given an opportunity to be heard. Notice of such hearing shall be published once in a newspaper of general circulation in the metropolitan area not less than 10 days in advance of such hearing, which notice shall state the time, place, and purpose of such hearing.

CHAPTER 1883

An act to add Chapter 5.5 (commencing with Section 425) to Division 1 of, to amend Sections 2004, 2112.5, 3002, and 3401.5 of, and to repeal Sections 1505, 1507, 1526, 1528, 2003, 2006, 2009, 2112.6, 2113, 2200, 3001, 3008, 3090, 3092, 3401, 3402, 3407, 3463, 3450, 4004, and 4190 of, the Welfare and Institutions Code, relating to public assistance.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Chapter 5.5 (commencing with Section 425) is added to Division 1 of the Welfare and Institutions Code, to read:

CHAPTER 5.5. PUBLIC ASSISTANCE

Article 1. General Provisions

Application of provisions

425. Unless otherwise stated, the provisions of this chapter shall apply to any public assistance program established by this code for which federal funds are received by this State, and shall also apply to the aid to the potentially self-supporting blind program established under Chapter 3 (commencing with Section 3400) of Part 1 of Division 5 of this code. The terms "applicant" and "recipient," as used in this chapter, refer to any person applying for or receiving aid under any such public assistance program.

Definitions

Liberal construction

426. The provisions of law relating to a public assistance program shall be liberally construed to effect the stated objects and purposes of the program.

References to indigency, etc.

427. No person receiving aid under a public assistance program shall be considered a pauper or an indigent by reason thereof, and no warrant drawn in payment of the aid given shall contain any reference to indigency or pauperism.

Aid absolutely inalienable

428. All aid given under a public assistance program shall be absolutely inalienable by any assignment, sale, attachment, execution, or otherwise and in case of bankruptcy the aid shall not pass through any trustee or other person acting on behalf of creditors.

Conduct of administrators

429. Every person administering aid under any public assistance program shall conduct himself with courtesy, consideration, and respect toward applicants for and recipients of aid under that program, and shall endeavor at all times to perform his duties in such manner as to secure for every person the maximum amount of aid to which he is entitled, without attempting to elicit any information not necessary to carry out the provisions of law applicable to the program, and without comment or criticism of any fact concerning applicants or recipients not directly related to the administration of the program.

430 If a dispute occurs between counties as to the responsibility for an applicant or recipient, either county may submit the dispute to the State Department of Social Welfare. The decision of the department shall be final. Disputes between counties

431. No person concerned with the administration of a public assistance program shall dictate how any recipient shall expend the aid granted to him. Expenditures by recipient

432. County residence is not a qualification for aid under any public assistance program. County responsibility for aid

County responsibility for making aid payments is determined as follows:

(a) The county where the applicant lives shall accept the application and shall be responsible for paying the aid.

(b) Responsibility for payment of aid to any person qualifying for and receiving aid from any county who removes to another county in this State to make his home, shall be transferred to the second county as soon as administratively possible but not later than the first day of the month following 60 days after notification to the second county.

SEC. 2. Section 1505 of said code is repealed. Repeal

SEC. 3. Section 1507 of said code is repealed. Repeal

SEC. 3.5. Section 1526 of said code is repealed. Repeal

SEC. 4. Section 1528 of said code is repealed. Repeal

SEC. 5. Section 2003 of said code is repealed. Repeal

SEC. 6. Section 2004 of said code is amended to read:

2004. Nothing in this chapter shall be construed as repealing any act or part of an act providing for the support of the poor except insofar as inconsistent therewith. Inconsistent acts

SEC. 7. Section 2006 of said code is repealed. Repeal

SEC. 8. Section 2009 of said code is repealed. Repeal

SEC. 9. Section 2142.5 of said code is amended to read:

2142.5. The State Department of Social Welfare shall adopt no rule, regulation, or order which would limit the period of time required by an applicant or recipient to pay for physician services, medical needs and hospitalization not covered by the medical care program established under Chapter 1 (commencing at Section 4500) of Part 3 of Division 5 of this code. Prohibited rules or regulations

SEC. 10. Section 2142.6 of said code is repealed. Repeal

SEC. 11. Section 2143 of said code is repealed. Repeal

SEC. 12. Section 2200 of said code is repealed. Repeal

SEC. 13. Section 3001 of said code is repealed. Repeal

SEC. 14. Section 3002 of said code is amended to read:

3002. This chapter shall be construed separate and apart from any provisions of law for the aid and relief of indigents. It is recognized that the needs of blind persons may be different from the needs of aged persons. Chapter construed separately

SEC. 15. Section 3008 of said code is repealed. Repeal

SEC. 16. Section 3090 of said code is repealed. Repeal

SEC. 17. Section 3092 of said code is repealed. Repeal

SEC. 18. Section 3401 of said code is repealed. Repeal

SEC. 19. Section 3401.5 of said code is amended to read:

Chapter construed separately

3401.5. This chapter shall be construed separate and apart from any provisions of law for the aid and relief of indigents. It is recognized that the needs of blind persons may be different from the needs of aged persons.

Repeal SEC. 20. Section 3402 of said code is repealed.

Repeal SEC. 21. Section 3407 of said code is repealed.

Repeal SEC. 22. Section 3463 of said code is repealed.

Repeal SEC. 23. Section 3450 of said code is repealed.

Repeal SEC. 24. Section 4004 of said code is repealed.

Repeal SEC. 25. Section 4190 of said code is repealed.

CHAPTER 1884

An act to add Section 29007.3 to the Education Code, relating to private higher education.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 29007.3 is added to the Education Code, to read:

29007.3. No person, either on his own behalf or as the representative of any privately conducted correspondence school or of any private person, firm, association, partnership, or corporation whatever, shall, by personal contact, in California, solicit the sale of or solicit and sell any correspondence course of study beyond high school, of high school level, or below high school level, for a remuneration or other consideration to be provided for such course, unless he holds a valid permit to engage in such activity issued by the State Board of Education.

The State Board of Education shall promptly cause to be prepared, and shall, pursuant to this section, issue appropriate permits authorizing the holder to engage in the solicitation of sales and the selling of such courses of study.

No person shall be issued a permit except upon the submission of satisfactory evidence of good moral character.

A permit shall be valid for the calendar year in which it is issued unless sooner revoked or suspended by the State Board of Education for fraud or misrepresentation in connection with the solicitation for the sale or the sale of any course of study, or for the existence of any condition in respect to the permittee or the school he represents which, if in existence at the time the permit was issued would have been ground for denial of the permit.

The application for a permit shall be made by the person who proposes to engage in the activities of soliciting or selling in those cases where such activities are to be conducted in the

person's own behalf. Where the person for whom the issuance of a permit is sought is to engage in the activities as a representative, the application shall be made by the correspondence school or other person, firm, association, partnership, or corporation for and on behalf of the person to serve as its representative. Applications shall be submitted on forms to be furnished by the Bureau of Readjustment Education of the Department of Education. The application shall be accompanied by an application fee of five dollars ($5), which fee shall be deposited in the General Fund in the State Treasury and shall be nonrefundable irrespective of whether or not a permit is subsequently issued.

The application shall be accompanied by a bond executed by good and sufficient sureties making provision for full indemnification of any person for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study. The term of the bond shall extend over the period of the permit. The bond may be supplied by the correspondence school or other person, firm, association, partnership, or corporation, or by the person for whom issuance of the permit is sought, and may extend to cover either an individual such person or to provide blanket coverage for all persons to be engaged as representatives of a correspondence school or other person, firm, association, partnership or corporation in the solicitation for sale or the sale of correspondence courses of study in California. Any bond shall provide for liability in the penal sum of one thousand dollars ($1,000) for each representative to whom coverage is extended by its terms. Neither the principal nor surety on a bond may terminate the coverage of the bond except upon giving 30 days' prior written notice to the State Board of Education.

The judgment rendered in any action maintained for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study shall, if the plaintiff is the prevailing party, include court costs including a reasonable attorney's fee fixed by the court.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the State Board of Education made pursuant to this section.

The issuance of a permit pursuant to this section shall not be interpreted as, and it shall be unlawful for any individual holding any such permit to expressly or impliedly represent by any means whatever that the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education has made, any evaluation, recognition, accreditation or endorsement of any correspondence course of study being offered for sale by the individual.

It shall be unlawful for any individual holding a permit under this section to expressly or impliedly represent by any means whatever that the issuance of the permit constitutes an assurance by the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education that any correspondence course of study being offered for sale by the individual will provide and require of the student a course of education or training necessary to reach a professional, educational, or vocational objective, or will result in employment or personal earnings for the student.

The issuance of a permit under this section, and the possession thereof, by an individual, shall be evidence only that the surety bond prescribed by this section has been issued with respect to the possessor and that he has submitted satisfactory evidence of good moral character.

CHAPTER 1885

An act to add Section 25550.7 to the Government Code, relating to succession of property in cities.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 25550.7 is added to the Government Code, to read:

25550.7. Any property transferred to a city by a county pursuant to agreement or condition that said area be developed or maintained or both as a park, recreation or amusement area, whether under Section 25550 or Section 25550.5, may be modified by agreement of the city and county releasing said area in whole or part from such agreement or condition if the city agrees to devote said land so released to public purposes and the city also agrees to acquire, develop and maintain in perpetuity land mutually agreeable to the city and county of substantially the same value and develop and maintain the same exclusively to such purposes. Nothing contained in this section shall prohibit a city from purchasing or condemning any property interest of the county retained under Section 25550 or Section 25550.5. The county's interest in said land shall be valued for the purpose of sale or acquisition through condemnation at fee value of the land. Any money received by the county from such a transfer shall be used for park and recreation purposes.

CHAPTER 1886

An act to add Section 5556 to the Education Code, relating to school district nursing programs.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 5556 is added to the Education Code, to read:

5556. The governing board of any district offering a nursing program, either in regular graded classes or in classes for adults, may maintain classes in such a program at hospitals located within or without the district for the purpose of providing the hospital training for students in such classes.

CHAPTER 1887

An act to add Section 14303.1 to the Education Code, relating to the State Teachers' Retirement System and the providing for changing service to disability retirement therein.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 14303.1 is added to the Education Code, to read:

14303.1. Any person who, on October 1, 1961, is entitled to receive a service retirement allowance, and who was retired prior to October 1, 1953, when service retirement was mandatory for a member who at the time of his retirement was entitled to be credited with at least 30 years of service, regardless of any incapacity for performance of duty then existing, shall have the right to request, upon a form furnished by the retirement system, and filed not later than March 31, 1962, in the office of the system in Sacramento, California, that his service retirement be changed to disability retirement. Such request shall not be granted by the board, except upon determination by it, on the basis of competent medical opinion and other available evidence, that such person was incapacitated for performance of his duty at the time of his service retirement, and that the incapacity then was of permanent or extended and uncertain duration. If the board grants such request, his retirement shall be changed from service to disability, and his retirement allowance shall be adjusted to the amount which it would be if the retirement originally had been for disability instead of service. The adjusted allowance shall be effective on the first day of the month next following receipt of such

request in the system's office, and shall be paid from and after that date, but nothing shall be included in such adjusted allowance for time prior to such date or because of any allowance payments made prior thereto.

CHAPTER 1888

An act to amend Sections 58856 and 58858 of the Government Code, relating to overlapping boundaries of districts and statements of county boundary commissions with respect thereto.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 58856 of the Government Code is amended to read:

58856. In considering the proposal, the county boundary commission shall:

(a) Compare the proposed boundaries of the district with those of other districts within the county.

(b) Ascertain the extent to which overlapping or conflicting boundaries may result from the proposal.

(c) Ascertain other factors that the commission regards inimical to the public interest.

If the adoption of the proposal would result in two or more districts possessing, in any common territory, the authority to perform the same or similar functions, the county boundary commission report shall contain a statement describing such facts and such area, and shall also include a statement of the provisions of Section 53064 of this code.

CHAPTER 1889

An act to amend Section 25174 of the Government Code, relating to subpoenas issued by boards of supervisors.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 25174 of the Government Code is amended to read:

25174. Upon receipt of the report, the judge of the superior court shall issue an attachment directed to any sheriff, marshal, constable, or police chief in the State of California, commanding him to attach such person and forthwith bring him before the judge who ordered the attachment issued.

CHAPTER 1890

An act to amend Section 50022.1 of the Government Code, relating to the enactment of codes by local agencies.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 50022.1 of the Government Code is amended to read:

50022.1. (a) "Code," as used in this article, means any statute, or any published compilation of rules, regulations or standards adopted by the federal government or the State of California, or by any agency of either of them. It shall include any codification or compilation of existing ordinances of the adopting local agency. It shall include any nationally recognized or approved published compilations of proposed rules, regulations or standards of any private organization or institution which has been in existence for a period of at least three years.

(b) "Primary code," as used in this article, means any code which is directly adopted by reference, in whole or in part, by any ordinance passed pursuant to this article.

(c) "Secondary code," as used in this article, means any code which is incorporated by reference, directly or indirectly, in whole or in part, in any primary code or in any secondary code.

(d) "Published," as used in this article, means issued in printed, lithographed, multigraphed, mimeographed or similar form.

(e) "Approved," as used in this article, means the approval of the legislative body of the local agency, as the result of investigation and tests conducted by such agency or by reason of the accepted principles or tests by recognized national or state authorities, technical, or scientific organizations.

CHAPTER 1891

An act to amend Section 65951 of the Government Code, relating to zoning.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 65951 of the Government Code is amended to read:

65951. Whenever an application for a variance, exception, or conditional use permit, or for revocation or modification of same, is submitted to the body charged with conducting a public hearing thereon, notice of hearing shall be given by notice through the United States mails, with postage prepaid and using addresses from the last adopted tax roll, or by

publication in a newspaper of general circulation in accordance with Section 65651 and posting said notice in conspicuous places close to the property Procedure for mailing or posting of said notices shall be governed by the conditions of the local ordinance.

CHAPTER 1892

An act to add Section 3093 to the Labor Code, relating to on-the-job training programs.

In effect September 15, 1961

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

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

SECTION 1. Section 3093 is added to the Labor Code, to read:

3093. (a) The provisions of this section will apply only when voluntarily requested by the parties to a collective bargaining agreement or by an employer, his association, or a union, or its representative where there is no collective bargaining agreement.

(b) Nothing in this section may be construed in any way so as to compel, regulate, interfere with, or duplicate the provisions of any established training programs which are operated under the terms of any collective bargaining agreements or unilaterally by any employer or bona fide labor union.

(c) Services contemplated under this section may be provided only when voluntarily requested and shall be denied when it is found that existing prevailing conditions in the area and industry would in any way be lowered or adversely affected.

(d) The California Apprenticeship Council in co-operation with the Departments of Education and Employment may foster and promote on-the-job training programs other than apprenticeship as follows: (1) programs for journeymen in the apprenticeable occupations to keep them abreast of current techniques, methods and materials and opportunities for advancement in their industries; (2) programs in other than apprenticeable occupations for workers entering the labor market for the first time or workers entering new occupations by reason of having been displaced from former occupations by reason of economic, industrial, technological scientific changes or developments; (3) such programs shall be in accord with and agreed to by the parties to any applicable collective bargaining agreements and where appropriate will include joint employer-employee co-operation in the programs

(e) The Division of Apprenticeship Standards when requested may foster and promote voluntary on-the-job training programs in accordance with this section, and assist employers, employees and other interested persons and agencies in the development and carrying out of such programs. The Division of Apprenticeship Standards shall co-operate in these func-

tions with the Departments of Education and Employment and other governmental agencies. The Division of Apprenticeship Standards may co-operate with the Departments of Corrections and the Youth Authority in the development of training programs for inmates and releasees of correctional institutions.

(f) The programs, where appropriate, may include related and supplemental classroom instruction offered and administered by state and local boards responsible for vocational education.

(g) The activities and services of the Division of Apprenticeship Standards in training programs under this section shall be performed without curtailing or in any way interfering with the division's activities and services in apprenticeship.

(h) The Division of Apprenticeship Standards may contract with, and receive reimbursements from, appropriate federal, state and other governmental agencies.

(i) The vocational education activities and services of the Department of Education and local public school districts shall not be abridged or abrogated through implementation of this section.

(j) "On-the-job training" as used in this section refers exclusively to training confined to the needs of a specific occupation and conducted at the jobsite for employed workers.

(k) The term journeyman, as used in this section, means a person who has either (1) completed an accredited apprenticeship in his craft, or (2) who has completed the equivalent of an apprenticeship in length and content of work experience and all other requirements in the apprenticeship standards for the craft which has workers classified as journeymen in an apprenticeable occupation.

(*l*) Nothing in this section shall be construed to require prior approval, ratification, or reference of any training program to the Division of Apprenticeship Standards or the Department of Industrial Relations.

CHAPTER 1893

An act to add Section 20802.6 to the Education Code, relating to school district taxation.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 20802.6 is added to the Education Code, to read:

20802.6. The maximum tax rate of any school district whose boundaries are coterminous with the boundaries of a city and county is hereby increased by such amount as will produce the amount necessary to pay the district's share of the premiums payable for medical and hospitalization insurance or service coverage afforded to employees of the district,

less any unencumbered balances remaining at the end of the preceding fiscal year derived from the increase in the rate of tax provided by this section.

CHAPTER 1894

An act to amend Section 28158 of the Government Code, relating to compensation for public services in counties.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 28158 of the Government Code is amended to read:

28158. In a county of the 58th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, two thousand six hundred dollars ($2,600) a year.

(b) The district attorney, three thousand nine hundred dollars ($3,900) a year.

(c) Each supervisor, one thousand two hundred dollars ($1,200) a year, and twenty cents ($0.20) a mile for traveling from his residence to the county seat, going only. Only one mileage shall be allowed for any regular session of the board.

(d) Each grand juror, seven dollars ($7), and each trial juror in the superior court five dollars ($5) for each day's attendance, and thirty cents ($0.30) for each mile actually traveled one way as such juror. The per diem and mileage of the jurors shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the superior court.

CHAPTER 1895

An act to add Article 2.5 (commencing with Section 378.1) to Chapter 3 of Division 3 of the Agricultural Code, relating to poultry.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Article 2.5 (commencing with Section 378.1) is added to Chapter 3 of Division 3 of the Agricultural Code, to read:

Article 2.5. Retail Sale of Poultry Meat

Definitions

378.1. As used in this article:

(a) "Poultry" means domesticated fowl to be used for human food, and includes chickens, turkeys, ducks, geese, and other domesticated birds.

(b) "Spoilage retardant compound" means any compound, drug, or antibiotic added to poultry meat which retards or limits spoilage. Seasonings, spices, or flavorings, such as salt or smoke, shall not be considered chemical preservatives.

Spoilage retardant compound. Marking

378 2. Before being offered for either wholesale or retail sale, whole carcasses of poultry meat to which a spoilage retardant compound has been added shall be marked to indicate the retardant used. Such markings shall be affixed to the whole carcass of poultry meat or on the package in which it is offered for sale.

Marking before sale

378.3. No whole carcass of poultry meat shall be sold or offered for sale unless conspicuously and accurately marked in accordance with the requirements of this chapter.

Misdemeanor

378 4. Any person who violates the provisions of this article or the regulations made under this article is guilty of a misdemeanor.

Enforcement

378.5. The director shall enforce the provisions of this article where any poultry meat is packed, repacked, cut up or recut. The director and the commissioners of each county under the supervision of the director shall enforce the provisions of this article where any poultry meat is offered for sale or sold.

Rules and regulations

378.6. The director shall in accordance with Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2 of the Government Code promulgate and adopt rules and regulations for carrying out the provisions of this article.

CHAPTER 1896

An act to create the Alpine County Water Agency, to develop and promote the beneficial use and regulation of the water resources of Alpine County, prescribing the agency's powers and duties, providing for its organization, operation and management and authorizing the acquisition of property and works to carry out the purposes of the agency, authorizing the incurrence of indebtedness, providing for the issuance of bonds payable solely from revenues, providing for the levy and collection of taxes for the payment of general agency expenses, and for co-operation and contracts with any entity.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

Alpine County Water Agency

SECTION 1. A county water agency is hereby created to be known as the Alpine County Water Agency. Said agency shall consist of all the territory lying within the exterior boundaries of the County of Alpine.

Definitions

SEC. 2. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" is the Alpine County Water Agency.

(b) "County" is the County of Alpine of the State of California.

(c) "United States" is the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes dams and dam sites, reservoirs and reservoir sites, and all conduits and other facilities useful in the control, conservation, diversion and transmission facilities; any replacement, renovation or improvement of the foregoing; and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing.

(f) "District" means any of the following: irrigation districts, county water districts, water conservation districts, water districts, soil conservation districts, municipalities, flood control districts, and any other districts or political subdivisions of the State.

(g) "Public agency" means the United States, the State or any district.

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" means any elector of the county qualified under the laws of the State of California to vote in the county at general elections.

(i) "May" is permissive and "shall" is mandatory.

(j) "Board" means the board of directors of the agency.

(k) "Commission" means "Districts Securities Commission"

Powers: Board of directors

SEC. 3. The Alpine County Water Agency is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act and such other powers as the law may provide. The powers of the agency shall, except as otherwise provided, be exercised by the board of directors thereof.

Perpetual succession

SEC. 4 The agency shall have perpetual succession.

Seal

SEC. 5. The agency shall have the power to adopt a seal and alter it at its pleasure.

Suits

SEC. 6. The agency shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, boards and tribunals of competent jurisdiction.

Eminent domain

SEC. 7. The agency shall have the power of eminent domain to acquire within or without the agency by condemnation in the manner and to the extent prescribed in Article I, Section 14 of the Constitution of the State of California and Title 7,

commencing with Section 1237, of Part 3 of the Code of Civil Procedure all property or interest therein necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulations and control of the State of California in the manner prescribed by law. Notwithstanding any other provisions of this act or any other law, no property shall be taken except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it already has been appropriated. In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

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

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Alpine shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

Real or personal property

SEC. 8. The agency shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, lease, or otherwise, with or without the privilege of purchasing, real or personal property of any kind, or any interest in real or personal property, within or without the agency, necessary to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 11.

Contracts

SEC. 9. The agency shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board may cause construction or other work to be performed or carried out by contracts or by the agency under its own supervision.

Other acts, etc.

SEC. 10. The agency shall have the power as limited in this act to do any and every lawful act necessary in order

that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency, including, but not limited to irrigation, domestic, fire protection, municipal, commercial, industrial, recreational, and all other beneficial uses and purposes.

Construction, etc., of projects

SEC. 11. The agency shall have the power to construct, operate and maintain works to develop hydroelectric energy as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diversion and transmission of water and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale rates to any public agency or private entity engaged in the sale or use of electric energy, or to the federal or state government.

Control of flood and storm waters

SEC. 12. The agency shall have the power to control the flood and storm waters of the agency and the flood and storm waters of streams that have their sources outside of the agency, which streams and floodwaters flow into the agency, and to conserve such waters for beneficial and useful purposes of said agency by spreading, storing, retaining and causing to percolate into the soil within or without said agency, or to save or conserve in any manner all or any such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said agency, and the watercourses outside of the agency of streams flowing into the agency.

Water storage, etc.

SEC. 13. The agency shall have the power to store water in surface or underground reservoirs within or outside of the agency for the common benefit of the agency; to conserve and reclaim water for present and future use within the agency; to appropriate and acquire water and water rights, and import water into the agency and to conserve and utilize, within or outside of the agency, water for any purpose useful to the agency; to commence, maintain, intervene in, defend or compromise, in the name of the agency in behalf of the landowners therein, or otherwise, and to assume the costs and expense of any action or proceeding involving or affecting the ownership or use of waters or water rights, within or without the agency, used or useful for any purpose of the agency or of common benefit to any land situate therein or involving the wasteful use of water therein, or to prevent the interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the agency or of common benefit to the lands within the agency or to its inhabitants or to prevent unlawful exportation of water from said agency, or to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said agency, and to commence, maintain and defend actions and proceedings to prevent any such interference with such waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the agency; except that the agency shall have no power to intervene or take part in, or to pay the costs

or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the agency.

Water and water rights

SEC. 14. The agency shall have the power within or outside the agency to construct, purchase, lease, or otherwise acquire works and to purchase, lease, appropriate or otherwise acquire water and water rights useful or necessary to make use of water for any purposes authorized by this act.

Operation, etc., of works

SEC. 15. The agency shall have the power to operate, repair, improve, maintain, renew, replace, and extend all works and property of the agency.

Technical investigations, etc.

SEC. 16. The agency shall have the power to carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said agency relating to watercourses or streams flowing in or into said agency.

Construction of conduits, etc

SEC. 17. The agency shall have the power to construct its pipes, pipelines, flumes and tunnels and other conduits, including facilities for the transmission of electric energy, along, under or across any public road, street, alley, avenue, highway, or sidewalk, or across any stream of water, watercourse, railway, canal, ditch, or flume which the route of said pipes, pipelines, canals, flumes, tunnels, or other conduits may intersect or cross, except that such works shall be constructed in compliance with any applicable laws and in such manner as to afford security for life and property and the agency shall restore at its own expense any such crossings and intersections to their former state as nearly as may be or to an extent which does not unnecessarily impair their usefulness.

Right-of-way over public lands

SEC. 18. There is hereby granted to the agency the right-of-way for the location, construction, and maintenance of works authorized under the provisions of this act in, over and across public lands of the State of California, not otherwise disposed of or in use, but not in any case exceeding an area which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the agency, the board shall transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands selected, giving the extent thereof and the uses for which the same is claimed or desired, verified by the board. If the State Lands Commission approves the selections so made it shall endorse its approval upon the plat and issue to the agency a permit to use such right-of-way and lands.

Relocation of property subject to public use, etc

SEC. 19. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights-of-way and other

property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 7 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.

(b) In the event the agency and any common carrier railroad or other public utility fails to agree as to the character or location or new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (commencing with Section 1201) of Part 1 of Division 1 of the Public Utilities Code.

Reimbursement of county

SEC. 20. The agency may reimburse the county for any funds expended by the county in investigations, elections, or other acts incidental to the establishment and purposes of the agency.

Distribution of electric energy

SEC. 21. In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

Water service

SEC. 22. The agency shall have the power to enter into contracts with any public or private entity formed and existing exclusively to provide water service within the agency whenever such contract appears to the board to be in the public interest.

Indebtedness, revenue bonds, etc.

SEC. 23. The agency shall have power to borrow money, incur indebtedness and issue revenue bonds or other evidence of such indebtedness in the manner provided herein. The agency shall have no power to issue general obligation bonds.

Borrowing money

SEC. 23.5. When authorized by the board the agency shall have the power to borrow money with repayment to commence at a future date from revenues of the agency.

Sale, etc., of water

SEC. 24. Any water or rights to the use of the works of the agency for the conservation, control or transportation of water may be sold, leased or transferred for use outside the agency unless the board determines that the water or works involved will be needed for use within the agency. Nothing contained in this act shall deprive a county in which water originates of any water necessary for the development of such county.

Contracts with districts

SEC. 25. The agency may enter into contracts with any districts for any of the following purposes:

(a) The lease, purchase, or other acquisition by the agency of any of the works of such district.

(b) The construction of works by the agency for the conservation, regulation or transmission of water for the benefit of such district or the furnishing or sale by the agency to such district or by such district to the agency of water or a water supply for any purpose.

(c) The sale, lease, or other disposition of water, a water supply, water rights, or water storage facilities or any interests in any thereof for any purpose by the agency to any district or by any district to the agency.

(d) The operation of works and the delivery of water by the agency to any district or by any district to the agency.

Suspension of water deliveries

SEC. 26. The agency in its discretion may suspend delivery of water conserved by the agency or obtained by or on behalf of the agency to any district during the period in which said district is delinquent in its payment for or obligations due in respect to such water under any contract entered into by it with the agency.

Co-operation, contracts with United States under Federal Reclamation Act

SEC. 27. The agency shall have the power to co-operate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof and supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting co-operation or contract for the purposes of construction or works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation and maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the agency, and for said purposes the agency shall have, in addition to the powers set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing with Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

United States contract fund

SEC. 28. All money collected in pursuance of contract with the United States shall be paid into the county treasury to the credit of the agency and shall be held in a fund to be known as the "United States contract fund" to be used for payments due to the United States under contract.

Other contracts

SEC. 29. The agency may co-operate and set in conjunction and contract with the United States, State of California, any municipality, district, public or private corporation, or any person, in the purchase and sale of water, in the acquisition of water or a water supply, in the construction of any works for the controlling of flood or storm waters in the agency, or for the protection of property, watersheds, watercourses, highways and life, or for the purpose of conserving and transporting said waters for beneficial uses and purposes, including recreational uses and the generation of electric energy, and

for the use, operation and management and ownership of such works. The agency also may make and perform any agreement with the United States, the State, any county, municipality, district, public or private corporation, or any property works, water or water supply of a kind which might be acquired, disposed of, or operated by the agency. Any irrigation district, California water district, public utility district, municipal utility district, soil conservation district, county water district, water conservation district, municipality, flood control district, mutual water company and any other district or political subdivision of the State empowered by law to appropriate water and deliver water to users may:

(a) Co-operate, act in conjunction with and enter into contracts with the agency for all the purposes for which the agency is empowered to act.

(b) Carry out the terms of such contracts.

Board of directors

SEC. 30. The board of supervisors of Alpine County shall be ex officio the board of directors of the agency.

Compensation

SEC. 31. Each director shall receive such sum as may be fixed by the board not exceeding twenty dollars ($20) for each meeting of the board attended by him, not exceeding three meetings in any calendar month

Expenses

SEC. 32. If allowed by the board a director shall also receive for performing duties for the district other than attending board meetings:

(a) Not to exceed twenty dollars ($20) for each day.

(b) Traveling and other expenses incurred by him in his employment.

Chairman

SEC. 33. The board of directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their records, select one of their number to act as temporary chairman. Any member of the board may administer oaths when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, but no act of the board shall be valid or binding unless a majority of all members concur therein.

Quorum

Advisory council

SEC. 34. There shall be created an advisory council to advise the board of directors. Said council shall consist of one member to be appointed by the governing body of each district within the agency as defined herein.

Prohibited interest in contracts Misdemeanor

SEC. 35. No director of the agency shall be interested in any manner, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom. A violation of this section is a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail for not exceeding six months, or both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of office. This section shall not apply to a contract in which a director has a remote

interest as that therein is defined in Section 1091 of the Government Code as now enacted or as hereinafter amended.

Liability of directors for acts or omissions of appointees

SEC. 36. No director shall be liable for any act or omission of any appointee of such employee appointed or employed by him in his official capacity, whether such employment or appointment was made singly or in conjunction with other members of the board, and no officer, agent or employee of the agency shall be liable for any act or omission of any agent or employee appointed or employed by him except when the director, officer or agent making such appointment or employment knew or had actual notice that the person appointed or employed was inefficient or incompetent to perform or render the services for which he was appointed or employed, or retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.

Liabilities, etc.

SEC. 37. Nothing contained in Section 36 shall be considered as creating any liability or responsibility unless the same would have existed without the enactment of said section, nor shall the provisions of said section be deemed to amend, modify or repeal the provisions of Chapter 6 (commencing with Section 1950) of Division 4 of Title 1 of the Government Code.

Judgments against director, officer, etc

SEC. 38. If a judgment is entered against a director, officer, agent, or employee of the agency for any act or omission in his official capacity, except in case of actual fraud or malice, the agency shall pay the judgment without obligation for repayment by the director, officer, agent, or employee.

County officers, employees Duties for agency

SEC. 39. All officers of the county, and their assistants, deputies, clerks, and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of the agency, and shall perform, unless otherwise provided by the board, the same duties for the agency as performed for this county; except that if the county surveyor is a registered civil engineer and is employed to supervise the engineering work of the agency, the board may provide compensation for his services in addition to his salary as county surveyor which shall be payable from the funds of the agency.

Employment of agents, etc., by board

SEC. 40. The board may employ agents, superintendents, engineers, attorneys, and employees necessary to carry out the provisions of this act. The board may appoint a secretary and such other officers, agents and employees for the board or agency as in its judgment may be deemed necessary, prescribe their duties and fix their compensation. Such officers, agents and employees so appointed shall hold their respective offices or positions at the pleasure of the board

Legislative acts of agency

SEC. 41. All ordinances, resolutions and other legislative acts of the agency shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts of the county. The initiative and referendum powers are hereby granted to the electors of the agency to be exercised in relation to the enactment or rejection of agency ordinances in accordance with the proced-

ure established by the laws of this State for the exercise of such powers in relation to counties.

Claims

SEC. 42. Claims against the agency shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the laws of the State of California, now or hereinafter enacted, for the preparing, presenting, auditing, and allowance or disallowance of claims against counties.

Legal title

SEC. 43. The legal title to all property acquired under the provisions of this act shall be in the agency and shall be held for the uses and purposes of this act. The board may hold, use, acquire, manage, occupy and possess such property and, after declaring by resolution entered in the minutes that any real or personal property held by the agency is no longer necessary, may sell or otherwise dispose of such property, or lease the same, in the manner provided by law for the disposition and sale of property by counties.

Bids

SEC. 44. All contracts for any improvement or unit of work, when the cost according to the estimate of the engineer will exceed five thousand dollars ($5,000) shall be let to the lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract shall be let as a single unit for the whole of the work, or divided into several convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material. The bonds shall comply with Chapter 3 (commencing with Section 4200) of Division 5 of Title 1 of the Government Code. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost of the work does not exceed five thousand dollars ($5,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property, the board may have the work done by force account without advertising for bids. In such event a majority vote of all board members shall be required. The board may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account.

Tax levy

SEC. 45. If from any cause, the revenues of the agency shall be, or in the judgment of the board are likely to be, inadequate for any lawful purpose of the agency, the board shall have the power in any year to levy an ad valorem tax

upon all taxable property in the agency for such purposes except that the aggregate taxes or assessments levied for any one fiscal year shall not exceed five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of the taxable property within the agency. Such taxes shall be levied and collected with and not separately from taxes for county purposes, and the revenue derived from said agency taxes shall be paid into the county treasury to the credit of the agency, and the board shall have the power to control and order the expenditure thereof for any lawful purposes of the agency.

Tax laws applicable

SEC. 46. The provisions of law of this State, prescribing the priority, time, and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are hereby adopted for the agency and made a part hereof, so far as they are applicable and not in conflict with this act. Such officers shall be liable upon their official bond for the faithful discharge of the duties imposed upon them by this act.

Sale of real property for taxes

SEC. 47. Whenever any real property situated in the agency and has been sold for taxes due to the agency and has been redeemed, the money paid for redemption shall be apportioned and paid to the agency by the county auditor receiving it in accordance with the provisions of Chapter 1c (commencing with Section 4656) of Part 8 of Division 1 of the Revenue and Taxation Code.

Revenue bonds

SEC. 48. The agency may borrow money to provide funds to pay all costs of any public improvement as defined and authorized under Sections 11 to 17 inclusive, herein, by the issuance of revenue bonds. Such revenue bonds shall be issued pursuant to the Revenue Bond Law of 1941. Chapter 6 (commencing with Section 54300) of Division 2 of Title 5 of the Government Code, except as otherwise provided in this act. However, notwithstanding the provisions of Government Code Section 54310, the board shall have the power, subject to the limitations of Section 11, to borrow money and issue revenue bonds for, and to define "enterprise" to include, systems, plants, works or undertakings for the generation, production, transmission and sale of hydroelectric energy. Notwithstanding the provisions of Section 54400 of the Government Code, the board may determine and provide, in any resolution for the issuance of revenue bonds, for maturity dates of the revenue bonds not exceeding 50 years from their date of issuance.

(a) Such revenue bonds shall constitute special obligations and evidence a special indebtedness of the agency which shall be a charge upon, and payable, as to the principal thereof, interest thereon, and any premiums upon the redemption of any thereof, solely from, such revenues and funds as are specified therein and in the proceeding for their issuance. They shall not constitute general obligations of the agency and they shall neither constitute obligations nor evidence any indebted-

ness of any other public agency of which the agency may be a part, or of the State.

(b) All such bonds shall recite upon their face the substance of the preceding portions of this section and shall also recite upon their face that they are issued under this provision.

Improvement districts

SEC. 49. Improvement districts may be formed within the agency in the same manner as improvement districts are formed in irrigation districts. When formed, such improvement districts shall be governed in the same manner as improvement districts in irrigation districts.

Inclusion of land

SEC. 50. Land not a part of the agency whether or not contiguous to it may be included within the agency in the same manner as provided under Chapter 2 (commencing with Section 26875) of Part 11 of Division 11 of the Water Code.

Legislative intent

SEC. 51. Neither the establishment of the agency nor any provision of this act shall affect, restrict nor supersede the existence, property, right or power of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the agency for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water or electric energy. The Legislature, hereby expressly declares its intent to permit within the limits of the Alpine County Water Agency, the existence of more than one district, municipality or combination thereof, having similar power over similar territory in regard to flood control, reclamation and water conservation, storage, distribution, sale, use, development of water or electric energy.

There shall be no encroachment or overlapping by the agency of water applications, water rights, or proposed projects for the development of water for irrigation and domestic uses and electric energy of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the agency.

Revenues from electric energy shall be used by the agency for the benefit of the entire agency, and no financial obligation shall be placed upon the areas within the boundaries of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the agency for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water or electric energy unless a direct benefit is derived by the lands located therein.

Vested rights

SEC. 52. Neither the formation of the agency nor this act shall impair the vested right of any person, association, corporation, municipality or public district in or to any water or the use thereof or any electric energy or the use thereof.

Dissolution of agency

SEC. 53. The agency may be dissolved in the manner provided for the dissolution of districts by Chapter 4 (commencing with Section 58950) of Division 1 of Title 6 of the Government Code, and the agency shall be considered a district within the meaning of all of the provisions of said chapter.

SEC. 54. The Legislature hereby finds that water problems in the County of Alpine require countywide water conservation, flood control and development of water resources; that all land within the county will be benefited thereby; that the solution of these problems lies within and is peculiar to the area to be included in the Alpine County Water Agency; that the county has caused to be made private investigations and engineering surveys of the county's water resources, water consumption and future water needs; state and federal engineers have also made such surveys; a publicly appointed County Water Resources Board has conducted water studies for years; that such investigations have shown that water conditions in Alpine County are peculiar to it and that these problems are not general nor statewide; that the county cannot be supplied with water from a common source or by a common system of works; that county water districts, municipalities, irrigation districts and soil conservation districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply and control the floods of said county, and for such reason it is necessary to have a political entity at least coextensive with the geographical limits of the entire county. It is therefore hereby declared that a general law cannot be made applicable to said county, and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein. Legislative findings

SEC. 55. If any provision of this act is declared unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect. Constitutionality

SEC. 56. This act may be designated and referred to as the Alpine County Water Agency Act, and any reference thereto by such designation shall be sufficient for all purposes. Short title

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CHAPTER 1897

An act to amend Sections 9359 and 9359.1 of, and to add Sections 9355.7, 9359.16, and 9360.7 to, the Government Code, relating to the Legislators' Retirement System.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 9359 of the Government Code is amended to read:

9359. Upon his written application therefor to the Board of Administration, (a) any member of this system who was a Eligibility

member on the effective date of this amendment who has attained age 60, (b) any member who hereafter becomes a member of this system who has attained age 60 and who is entitled to be credited with four (4) or more years of service, or (c) any member, regardless of age, who is entitled to be credited with twenty (20) or more years of service, shall be retired, and thereafter shall receive for life the retirement allowance provided in this chapter.

Application

A written application for retirement may be filed at any time during the term of office of the member, or within thirty (30) days after the expiration of his term of office. Any application which does not specify a different date as the effective date of retirement applied for shall be deemed to be an application for retirement as of the day following the expiration of the term of office of the member.

SEC. 2. Section 9359.1 of said code is amended to read:

Benefits

9359.1. (a) The retirement allowance for a member all of whose credited service was rendered as a Member of the Senate or Assembly is an annual amount equal to five percent (5%) of the compensation payable, at the time payments of the allowance fall due, to incumbent Members of the Senate or Assembly, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed fifteen (15) years. In no event shall any retirement allowance payable under this chapter to any such member exceed the compensation payable to Members of the Legislature at the time the payment of the allowance is made, except that the retirement allowance of any such member who serves more than 15 years shall be increased by 2 percent for each year or fraction of a year in excess of 15 years.

(b) The retirement allowance for a member all of whose credited service was rendered as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly) is an annual amount equal to five percent (5%) of the compensation payable at the time payments of the allowance fall due, to the officer holding the office which the retired member last held prior to his retirement, or five percent (5%) of the highest compensation fixed for such office during the member's last term or any subsequent term prior to his retirement, whichever is greater, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years.

(c) The retirement allowance for a member part of whose credited service was rendered as a Member of the Senate or Assembly and part of whose credited service was rendered as an elective officer of the State whose office is provided for by the Constitution, other than a judge (and other than a Member of the Senate or Assembly) is an annual amount equal to

five percent (5%) of all the compensation, at the time payment of the allowance falls due, to the officer holding the highest salaried office which the member held at any time during his service prior to retirement, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years. If, however, the member would be entitled to receive a greater allowance under subdivision (a) or subdivision (b) of this section if all of his credited service had been rendered as a Member of the Senate or Assembly or as an elective officer of the State whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly), then all of his credited service shall be deemed to have been rendered as a Member of the Senate or Assembly or as such other elective officer, and he shall receive a retirement allowance computed under subdivision (a) or subdivision (b) of this section, whichever is greater.

SEC. 3. Section 9359 16 is added to said code, to read:

Retirement before age 60 Reduction in benefits

9359.16. Notwithstanding the provisions of Section 9359, a member of this system who is under age 60 and who is entitled to be credited with fifteen (15) or more, but less than twenty (20) years of service as a Member of the Senate or Assembly shall be retired upon his written application therefor to the Board of Administration, and thereafter shall receive for life the retirement allowance provided by this section. The allowance shall be equal to the retirement allowance which he would receive under subdivision (a) of Section 9359.1 reduced by two percent (2%) for each year by which the member's age at the time of retirement is below age 60.

SEC. 4. Section 9355.7 is added to said code, to read:

Appointment or election to another public office

9355.7. Any member who while serving a term of office as a Member of the Senate or Assembly is elected or appointed to another public office and resigns his office as Member of the Senate or Assembly shall be credited with a period of service equal to the remainder of his term as Member of the Senate or Assembly if he makes contributions therefor to the Legislators' Retirement Fund. Such contributions shall be in an amount equal to four percent (4%) of the compensation he would have received as a Member of the Senate or Assembly during the remainder of his term.

SEC. 5. Section 9360.7 is added to said code, to read:

Election by surviving spouse

9360 7. Any Member of the Senate or Assembly who after the effective date of this section retires for service or disability shall receive the retirement allowance provided by this chapter unmodified by any optional settlement elected pursuant to Article 7 (commencing with Section 9361) of this chapter.

The surviving spouse of such a member who dies after retirement may elect to receive an allowance under this section. Any surviving spouse making such election shall receive an allowance equal to one-half of the retirement allowance, un-

modified by any optional settlement which would be payable to the member were he living and retired under this chapter.

The surviving spouse of a member who is a Member of the Senate or Assembly and who dies before retirement but after becoming eligible for retirement may elect to receive an allowance under this section. Any surviving spouse making such election shall receive an allowance equal to one-half of the amount of the retirement allowance, unmodified by any optional settlement, that would be payable to the member were he living and retired under this chapter.

The election provided for in the section shall be made by a writing filed with the board within 60 days after the death of the member.

The allowance to a surviving spouse provided by this section is payable commencing upon the death of the member and continuing until the death or remarriage of the surviving spouse. If pursuant to this section, an allowance is paid to a surviving spouse, no payment shall be made pursuant to Section 9359.8 or pursuant to Article 7 (commencing with Section 9361) of this chapter.

CHAPTER 1898

An act to add Section 223 to the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to county clerks.

In effect September 15, 1961

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

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

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 1899

An act to add Section 6651.5 to, and to amend Section 6655 of, the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to the filling of vacancies in candidacies for congressional offices.

In effect September 15, 1961

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

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

NOTE: The sections of the Elections Code affected by this chapter appear in their proper places in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 1900

An act to amend Section 4833 of the Revenue and Taxation Code, relating to tax collectors' and assessors' errors.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 4833 of the Revenue and Taxation Code is amended to read:

4833. Any uncollected delinquent penalty, cost, redemption penalty, interest, or redemption fee, heretofore or hereafter attached, may upon satisfactory proof submitted by the tax collector or the assessor, be canceled by the auditor on order of the board of supervisors with the written consent of the district attorney upon a showing that such delinquent penalty, cost, redemption penalty, interest, or redemption fee has attached because of an error of the tax collector or the assessor.

CHAPTER 1901

An act to add Section 21107.5 to the Vehicle Code, relating to regulation of private roads and ways.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 21107.5 is added to the Vehicle Code, to read:

21107.5. Any city may, by ordinance or resolution, find and declare that there are privately owned and maintained roads as described in said ordinance within the city that are generally held open for use of the public for purposes of vehicular traffic and which so connect with highways that the public cannot determine that the privately owned and maintained roads are not highways. No such ordinance shall be enacted without a public hearing thereon and prior 10 days written notice to the owner of said privately owned and maintained roads. Upon enactment of such an ordinance or resolution, the provisions of this code shall apply to any such privately owned and maintained road unless there is posted on such road a notice of such size, shape, and color as to be readily legible during daylight hours from a distance of 100 feet to the effect that the road is privately owned and maintained and that it is not subject to public traffic regulation and control.

CHAPTER 1902

An act to add Section 2025.01 to the Welfare and Institutions Code, relating to old age assistance.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 2025.01 is added to the Welfare and Institutions Code.

2025.01. For the purposes of this chapter, interest received by a recipient on money on deposit in a savings account in a bank, savings and loan association, or other institution authorized by law to accept savings deposits by members of the public shall be considered an inconsequential resource of the recipient.

CHAPTER 1903

An act to add Sections 23121, 23122, 23123, 23124, and 23125 to the Vehicle Code, relating to alcoholic beverages in vehicles.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 23121 is added to the Vehicle Code, to read:

Drinking alcoholic beverage

23121. No person shall drink any alcoholic beverage in any motor vehicle when such vehicle is upon any highway. As used in this chapter, alcoholic beverage shall have the same meaning as in Section 23004 of the Business and Professions Code.

SEC. 2. Section 23122 is added to said code, to read:

Open container in motor vehicle

23122. No person shall have in his possession on his person, while in a privately owned motor vehicle upon a highway, any bottle, can, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed.

SEC. 3. Section 23123 is added to said code, to read:

Same. In trunk

23123. It is unlawful for the registered owner of any privately owned motor vehicle or the driver, if the registered owner is not then present in the vehicle, to keep in a motor vehicle, when such vehicle is upon any highway, any bottle, can, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, unless such bottle, can, or other receptacle is kept in the trunk of the vehicle, if such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the

driver or passengers, if the vehicle is not equipped with a trunk A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

SEC. 4 Section 23124 is added to said code, to read:

"Motor vehicle"

23124 As used in Sections 23121, 23122, and 23123 of this chapter, "motor vehicle" shall not include those motor vehicles operated by a common carrier or a publicly owned transit system.

SEC. 5. Section 23125 is added to said code, to read:

Persons to whom inapplicable

23125. The provisions of Sections 23121, 23122, and 23123 shall not apply to any person who, upon the recommendation of a doctor, carries alcoholic beverages in his motor vehicle for medicinal purposes. Such sections shall also not apply to any clergyman who carries alcoholic beverages in his motor vehicle for religious purposes.

CHAPTER 1904

An act to amend Sections 1502, 1504, 1506, 1510, 1512, 1513, 1514, and 1521 of the Code of Civil Procedure, relating to abandoned property.

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

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

SECTION 1. Section 1502 of the Code of Civil Procedure is amended to read:

Property presumed abandoned

1502. The following property held or owing by a banking or financial organization or business association is presumed abandoned:

(a) Any demand, savings, or matured time deposit made in this State with a banking organization, together with any interest or dividends thereon, excluding any reasonable service charges which may lawfully be withheld and which do not exceed those set forth in schedules filed by the banking organization from time to time with the State Controller, unless the owner has, within 15 years:

(1) Increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest; or

(2) Corresponded in writing with the banking organization concerning the deposit; or

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization.

(b) Any funds paid in this State toward the purchase of shares or other interest in a financial organization or any deposit made therewith in this State, and any interest or dividends thereon, excluding any reasonable service charges which may lawfully be withheld and which do not exceed those set

forth in schedules filed by the financial organization from time to time with the State Controller, unless the owner has within 15 years:

(1) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposit; or

(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization.

(c) Any sum payable on travelers checks issued in this State by a business association maintaining its principal place of business in this State, or issued in this State by a banking or financial organization, that has been outstanding for more than 15 years from the date of its issuance, unless the owner has within 15 years corresponded in writing with the business association or banking or financial organization concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with such organization or association.

(d) Any sum payable on any other written instruments issued in this State on which a banking or financial organization is directly liable, including, by way of illustration but not of limitation, drafts, certified checks, and money orders, that has been outstanding for more than seven years from the date it was payable, or from the date of its issuance if payable on demand, excluding any charges that may lawfully be withheld, unless the owner has within seven years corresponded in writing with the banking or financial organization concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization.

(e) Any funds or other personal property, tangible or intangible, after discharge of any lien or liens for storage charges, removed from a safe deposit box or any other safekeeping repository or agency or collateral deposit box in this State on which the lease or rental period has expired due to nonpayment of rental charges or other reason, that have been unclaimed by the owner for more than seven years from the date on which the lease or rental period expired.

Nothing in this section shall be construed to relate to any instrument held or payable only outside the limits of the United States or payable only in currency other than United States currency, nor to any funds held only in or payable only in a foreign country.

SEC. 2. Section 1504 of said code is amended to read:

Same

1504. (a) Any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to its shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a co-operative, who has not claimed it, or corresponded in writing with the business association concerning

it, within seven years after the date prescribed for payment or delivery, is presumed abandoned if:

(1) It is held or owing by a business association organized under the laws of or created in this State; or

(2) It is held or owing by a business association doing business in this State, including a national banking association, but not organized under the laws of or created in this State, and the records of the business association indicate that the last known address of the person entitled thereto is in this State.

(b) Any intangible interest in a business association, as evidenced by the stock records or membership records of the association, owned by a person who has not claimed a dividend presumed abandoned under paragraph (a) of this section, and who has not corresponded in writing with the business association concerning such interest for 15 years following the time such dividend was presumed abandoned, is presumed abandoned if:

(1) The business association was organized under the laws of or created in this State; or

(2) The business association is doing business in this State, including a national banking association, but was not organized under the laws of or created in this State, and the records of the business association indicate that the last known address of the person entitled to such interest is in this State.

For the purposes of this chapter the business association with respect to such interest shall be deemed a holder.

(c) Any dividends or other distributions held for or owing to a person at the time the stock or other security to which they attach became presumptively abandoned are also presumed abandoned as of the same time.

SEC. 3. Section 1506 of said code is amended to read:

Same

1506. All intangible personal property and any income or increment thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within seven years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary:

(a) If the property is held by a business association, banking organization, or financial organization organized under the laws of or created in this State; or

(b) If it is held by a business association, banking organization, or financial organization (including a national banking association) doing business in this State, but not organized under the laws of or created in this State, and the records of the business association, banking organization, or financial organization indicate that the last known address of the person entitled thereto is in this State; or

(c) If it is held in this State by another person.

For the purpose of this section, when a banking organization (including a national banking association), a business association, or a person holds the above described property as an agent for a business association, such holder shall be deemed to hold such property in a fiduciary capacity for the business association alone, unless the agreement between such a holder and such a business association clearly provides the contrary. In the event such property is deemed held for the business association alone such association shall be deemed the holder of such property for all purposes contemplated by this chapter.

SEC. 4. Section 1510 of said code is amended to read:

Report with respect to abandoned property

1510. (a) Every person holding funds or other property, tangible or intangible, presumed abandoned under this chapter shall report to the State Controller with respect to the property as hereinafter provided.

(b) The report shall be verified and shall include:

(1) The name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of value of ten dollars ($10) or more presumed abandoned under this chapter;

(2) In case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and his last known address according to the life insurance corporation's records;

(3) In case of money or other personal property removed from a safe deposit box or other repository or agency, reference to such property. The report shall set forth any amounts owing to the holder for unpaid rent and for the cost of opening the safe deposit box.

(4) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under ten dollars ($10) each may be reported in aggregate;

(5) The date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property; and

(6) Other information which the State Controller prescribes by rule as necessary for the administration of this chapter.

(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November 1st of each year as of June 30th or fiscal year-end next preceding, but the report of life insurance corporations shall be filed before May 1st of each year as of December 31st next preceding. The State Controller may postpone the reporting date upon his own motion or upon written request by any person required to file a report.

(e) If the holder of property presumed abandoned under this chapter knows the whereabouts of the owner and if the owner's claim has not been barred by the statute of limitations, the holder shall, before filing the annual report, communicate with the owner and take necessary steps to prevent abandonment from being presumed. The holder shall exercise reasonable diligence to ascertain the whereabouts of the owner.

(f) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

(g) The initial report filed under this chapter shall include all items of property held for another person which are ascertainable from the available records of the holder, which items of property would have been presumed abandoned if this chapter had been in effect at and after the time such property first became payable, demandable or returnable; provided, that only such moneys which first became unclaimed funds, as that term is defined in this chapter, within three years preceding the effective date of this chapter must be included within the initial report and any other moneys constituting unclaimed funds as thus defined may be included within the initial or any subsequent report and if so included the holder shall be entitled to the protection afforded by Section 1513. All items of property, less proper charges and offsets, other than unclaimed funds, which on January 1, 1949 appeared from the available records to be held for another person and were thereafter without notice to the owner or without prior approval of any regulatory or licensing authority of this State transferred or credited by the holder directly to capital or surplus or undivided profits shall be deemed to be subject to the provisions of this chapter and shall be included within the initial report.

SEC. 5. Section 1512 of said code is amended to read:

Delivery to State Controller

1512. Every person who has filed a report as provided by Section 1510 shall, within seven months from the final date for filing reports as required by Section 1510, pay or deliver to the State Controller all abandoned property specified in the report; provided, that if the owner establishes his right to receive any abandoned property to the satisfaction of the holder before such property has been delivered to the State Controller, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the State Controller, but in lieu thereof shall file with the State Controller a written explanation of the proof of claim or of the error in the presumption of abandonment. The holder of any interest under Section 1504 (b) shall deliver a duplicate certificate to the State Controller. Upon delivery of a duplicate certificate to the State Controller, the holder and any transfer agent, registrar or other person acting for or on behalf of the holder in executing or delivering such duplicate

certificate shall be relieved from all liability of every kind to any person including, but not limited to, any person acquiring the certificate presumed abandoned or the certificate issued to the State Controller for any losses or damages resulting to such person by the issuance and delivery to the State Controller of such duplicate certificate.

SEC. 6. Section 1513 of said code is amended to read:

Custody and safekeeping of abandoned property

1513. Upon the payment or delivery of abandoned property to the State Controller, the State shall assume custody and shall be responsible for the safekeeping thereof. Any person who pays or delivers abandoned property to the State Controller under this chapter is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property. Property removed from a safe deposit box or other repository shall be received by the State Controller subject to any valid lien of the holder for rent and other charges, such rent and other charges to be paid out of the proceeds remaining after the State Controller has deducted therefrom his selling cost. Any holder who has paid moneys to the State Controller pursuant to this chapter may make payment to any person appearing to such holder to be entitled thereto, and upon filing proof of such payment and proof that the payee was entitled thereto, the State Controller shall forthwith reimburse the holder for the payment.

Any holder who has delivered personal property including a certificate of any interest in a business association to the State Controller pursuant to this chapter may reclaim such personal property if still in the possession of the State Controller without payment of any fee or other charges upon filing proof that the owner thereof has claimed such personal property from such holder.

SEC. 7. Section 1514 of said code is amended to read:

Owner's account

1514. When property other than money is delivered to the State Controller under this chapter, any dividends, interest or other increments realized or accruing on such property at or prior to liquidation or conversion thereof into money, shall upon receipt be credited to the owner's account by the State Controller. Except for amounts so credited the owner is not entitled to receive income or other increments on money or other property paid or delivered to the State Controller under this chapter. All interest received and other income derived from the investment of moneys deposited in the Unclaimed Property Fund under the provisions of this chapter shall, on order of the State Controller, be transferred to the General Fund.

SEC. 8. Section 1521 of said code is amended to read:

Property with no obvious commercial value

1521. Any property delivered to the State Controller pursuant to this chapter which has no obvious commercial value shall be retained by the State Controller until such time as he determines to destroy or otherwise dispose of the same. If the State Controller determines that any property delivered to him

pursuant to this chapter has no obvious commercial value, he may at any time thereafter destroy or otherwise dispose of the same, and in that event no action or proceeding shall be brought or maintained against the State or any officer thereof or against the holder for or on account of any action taken by the State Controller pursuant to this chapter with respect to said property.

CHAPTER 1905

An act to amend Sections 3254, 3254.5, 3255, and 3265 of the Unemployment Insurance Code, relating to unemployment disability insurance.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 3254 of the Unemployment Insurance Code is amended to read:

3254. The director shall approve any voluntary plan, except one filed pursuant to Section 3255, as to which he finds that there is at least one employee in employment and all of the following exist:

Voluntary plans: Exception

(a) The rights afforded to the covered employees are greater than those provided for in Chapters 2 and 3 of this part.

(b) The plan has been made available to all of the employees of the employer employed in this State or to all employees at any one distinct, separate establishment maintained by the employer in this State. "Employees" as used in this subdivision includes such individuals in partial or other forms of short-time employment and employees not in employment as the director shall prescribe by authorized regulations.

"Employees"

(c) A majority of the employees of the employer employed in this State or a majority of the employees employed at any one distinct, separate establishment maintained by the employer in this State have consented to the plan.

(d) If the plan provides for insurance the form of the insurance policies to be issued have been approved by the Insurance Commissioner and are to be issued by an admitted disability insurer.

(e) The employer has consented to the plan and has agreed to make the payroll deductions required, if any, and transmit the proceeds to the plan insurer, if any.

(f) The plan provides for the inclusion of future employees.

(g) The plan will be in effect for a period of not less than one year and thereafter continuously unless the director finds that the employer or a majority of his employees employed in this State covered by the plan have given notice of the termination of the plan. The notice shall be filed in writing with the director and shall be effective only on the anniversary

of the effective date of the plan next following the filing of the notice, but in any event not less than 30 days from the time of the filing of the notice; except that the plan may be terminated on the operative date of any law increasing the benefit amounts provided by Sections 2653, 2655, and 2801, if notice of the termination of the plan is transmitted to the director not less than 30 days prior to the operative date of such law. If the plan is not terminated on such 30 days notice because of the enactment of a law increasing benefits, the plan shall be amended to conform to such increase on the operative date of the increase.

(h) The amount of deductions from the wages of an employee in effect for any plan shall not be increased on other than an anniversary of the effective date of the plan except to the extent that any increase in the deductions from the wages of an employee allowed by Section 3260 permits such amount to exceed the amount of deductions in effect.

(i) The approval of the plan or plans will not result in a substantial selection of risks adverse to the Disability Fund.

SEC. 2. Section 3254.5 of said code is amended to read:

Effect of transfer of employing unit

3254.5. A voluntary plan in force and effect at the time a successor employing unit acquires the organization, trade, or business, or substantially all the assets thereof, or a distinct and severable portion of such organization, trade, or business, and continues its operation without substantial reduction of personnel resulting from such acquisition, shall not terminate without specific request for cancellation thereof. The successor employing unit shall be deemed to have consented to the plan, and agreed to make the payroll deductions required, if any, and transmit the proceeds to the plan insurer, if any, unless written request for cancellation is transmitted to the director within 30 days after the acquisition date. The written request for cancellation shall be effective only on the anniversary of the effective date of the plan next occurring on or after the date of acquisition, except that the plan may be terminated on the operative date of any law increasing the benefit amounts provided by Sections 2653, 2655, and 2801, if notice of the termination of the plan is transmitted to the director not less than 30 days prior to the operative date of such law. If the plan is not terminated on such 30 days notice because of the enactment of a law increasing benefits, the plan shall be amended to conform to such increase on the operative date of the increase. Promptly upon notice of change in ownership any insurer of such a plan shall prepare and issue policy forms and amendments as required, unless the plan is canceled. Nothing herein contained shall prevent future cancellation of any such plans on an anniversary of the effective date of the plan upon 30 days notice, except that the plan may be terminated on the operative date of any law increasing the benefit amounts provided by Sections 2653, 2655, and 2801, if notice of the termination of the plan is transmitted to the director not less than 30 days prior to the operative date of such law. If the plan is not terminated on such 30 days notice because of the enactment of a

law increasing benefits, the plan shall be amended to conform to such increase on the operative date of the increase.

SEC. 3. Section 3255 of said code is amended to read:

3255. When workers are engaged in an employment that normally involves working for several employers in the same industry interchangeably, and several employers or some of them co-operate to establish a plan for the payment of wages at a central place or places, and have appointed an agent under Section 1096, such agent, or a majority of workers regularly paid through such central place or places, or both, may apply to the director for approval of a voluntary plan for the payment of disability benefits applicable to all employees whose wages are paid at one or more such central place or places. The director shall approve any voluntary plan under this section as to which it finds that all of the following exist: More than one employer

(a) The rights afforded to the covered employees are greater than those provided for in Chapters 2 and 3 of this part, and are separately stated and designated "unemployment compensation disability benefits" separate and distinct from other benefits, if any.

(b) The plan applies to all employees whose wages are paid at such central place or places with respect to all employment for which wages are paid at such central place or places.

(c) Seventy-five percent of the workers regularly paid at the central place or places have consented to the plan prior to the filing of the initial application for approval.

(d) If the plan provides for insurance the form of the insurance policies to be issued have been approved by the Insurance Commissioner and are to be issued by an admitted disability insurer.

(e) All employers paying wages through the central place or places have agreed to participate in the plan and the agent appointed under Section 1096 has agreed to make the payroll deductions required, if any, and transmit the proceeds to the plan insurer, if any.

(f) The plan provides for the inclusion of all future employees paid at the central place or places.

(g) The plan is to be in effect for a period of not less than one year and, thereafter, continuously unless the director finds that the agent or a majority of the employees regularly paid at the central place or places has given written notice of termination of the plan. Such notice shall be filed in writing with the director at least 30 days before it is to become effective and, upon the filing, shall be effective only as to wages paid after the beginning of the calendar quarter next occurring on or after the anniversary of the effective date of the plan; except that the plan may be terminated on the operative date of any law increasing the benefit amounts provided by Sections 2653, 2655, and 2801, if notice of the termination of the plan is transmitted to the director not less than 30 days prior to the operative date of such law. If the plan is not terminated on such 30 days notice because of the enactment of a law increasing

benefits, the plan shall be amended to conform to such increase on the operative date of the increase.

(h) The amount of deductions from the wages of an employee in effect for any plan shall not be increased on other than an anniversary of the effective date of the plan except to the extent that any increase in the deductions from the wages of an employee allowed by Section 3260 permits such amount to exceed the amount of deductions in effect

(i) The approval of the plan or plans will not result in a substantial selection of risks adverse to the Disability Fund.

SEC. 4 Section 3265 of said code is amended to read:

Failure to make payments

3265 (a) If, on appeal, it is decided that an employee is entitled to receive disability benefits under an approved voluntary plan and the employer or insurer fails to pay the same within 15 days after notice of a decision by a referee or the Appeals Board, the director shall pay such benefits and assess the amount thereof against the employer or the insurer, and the provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to the recovery of such benefit payments. Amounts so collected shall be deposited in the Disability Fund.

(b) If an approved voluntary plan is not terminated because of the enactment of any law increasing the benefit amounts provided by Sections 2653, 2655, and 2801 and the employer or insurer fails to pay such increase under the plan, the director shall pay such benefits to an employee, if otherwise eligible, and assess the amount thereof against the employer or the insurer, and the provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to the recovery of such benefit payments. Amounts so collected shall be deposited in the Disability Fund.

Effect

SEC. 5 The provisions of this act shall be operative with respect to the cancellation of any voluntary plan and the increase of amount of deductions from the wages of an employee under any voluntary plan on and after the operative date of this legislation

Operative date

SEC. 6. The provisions of this act shall become operative on January 1, 1962.

CHAPTER 1906

An act to amend Sections 19581, 19595, 19602, and 21802 of, and to add Sections 19553.1, 19601.1, 19615.1, and 19663.5 to, the Education Code, relating to state school building aid

In effect September 15 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 19553.1 is added to the Education Code, to read:

"Grade level maintained by district"

19553.1 With respect to applications filed on and after the effective date of this section by a unified district and any apportionments and repayments made under such applications,

"grade level maintained by the district" means (1) the kindergarten, if any, and grades 1 to 12, inclusive, maintained by the district, or (2) grades 13 and 14 maintained by the district.

A unified district if otherwise eligible, may apply for and receive an apportionment for either one or both of such grade levels.

This section shall not apply to a unified district during the first three fiscal years in which the district is in existence for all purposes, if the governing board of the district transmits to the board a written notice stating the district desires to be exempted from this section during such period.

SEC. 2. Section 19581 of said code is amended to read:

Apportionment for new construction

19581. No apportionment shall be made for new construction which, when added to the area of adequate school construction existing in the applicant school district at the time of application, will provide a total area of school building construction per unit of average daily attendance of the estimated average daily attendance in excess of that computed in accordance with Sections 19583, 19585, 19586, 19587, and 19588.

As used in Sections 19583, 19585, 19586, 19587, and 19588, "maximum area" means maximum area of school building construction and "attendance unit" means unit of estimated average daily attendance.

As used in this section and Sections 19586, 19587, and 19588, "attendance center" means a school maintained or to be maintained at a given location within a district. The Department of Education shall approve or disapprove, the allocation by an applicant district of units of estimated average attendance among the attendance centers of the district.

To the building area permitted to an applicant school district by Sections 19583, 19585, 19586, 19587, and 19588, there may be added such additional building area as may be required to provide adequate facilities for exceptional children pursuant to Article 3 (Sections 19681 to 19689, inclusive) of this chapter.

No estimate of average daily attendance made by an applicant for the purpose of justifying an apportionment shall be made for a longer time than the third fiscal year beyond the fiscal year in which an application is made, except that an estimate for the purpose of justifying an apportionment for a grade level maintained by a unified district, under an application filed prior to the effective date of the amendment to this section made at the 1961 Regular Session or by a high school district composed of grades 7 to 12, inclusive, 9 to 12, inclusive, or 7 to 10, inclusive, or of justifying an apportionment for a unified district for a junior high school or high school project under an application made on or after such effective date shall not be made for a longer time than the fourth fiscal year beyond the fiscal year in which the application is made. The estimates of average daily attendance

shall be based upon the number of family dwellings under construction in the district and the number of children residing in the district. In no case shall an estimate be given effect unless approved by the Department of Education.

For the purposes of this chapter pupils attending grades 7 and 8 in an elementary district but residing in a high school district which maintains one or more junior high schools shall not be considered in determining or estimating the average daily attendance of the elementary district, unless the elementary district, is maintaining and has continuously maintained grades 7 and 8 since a date prior to January 1, 1959. When such pupils are so considered in determining or estimating the average daily attendance of the elementary district in making an apportionment to the elementary district, such pupils shall not be considered in determining or estimating average daily attendance of the high school district in making an apportionment to the high school district for junior high school purposes.

SEC. 3. Section 19595 of said code is amended to read:

Limitation

19595 No apportionment shall be made to a school district for any grade level if the estimated cost of the project, as approved by the Director of Finance, is (1) an amount which would result in an apportionment to the district exceeding the amount authorized at the district election held under Section 19590, or (2) is an amount which if raised by the issuance and sale of bonds of the district running for 25 years bearing the current going rate of interest as determined by the board and the principal of which is payable in 25 equal annual payments, would require the levy of a tax under Section 22101 upon property in the district which would, when added to the tax actually being levied upon property in the district for the grade level as determined by the Director of Finance under said section, amount to less than thirty cents ($0.30) on each one hundred dollars ($100) of assessed valuation of property in the district during the next fiscal year, or in the case of a unified district receiving an apportionment for a grade level consisting of kindergarten, if any, and grades 1 to 12, inclusive, on the basis of an application made on or after the effective date of the amendment of this section made at the 1961 Regular Session, sixty cents ($0.60) on each one hundred dollars ($100) of assessed valuation of property in the district during the next fiscal year.

SEC. 4. Section 19601.1 is added to said code, to read:

Unified school district-Application filed on or after effective date of section

19601.1. This section applies only to unified school district filing an application on or after the effective date of this section for an apportionment for a grade level consisting of kindergarten, if any, and grades 1 to 12, inclusive, and the repayments required for apportionments made under such applications.

The following definitions apply to the computation and determinations required to be made under Sections 19602, 19603, and 19604, and they apply with respect to such grade

level of a unified district for which grade level an apportionment has become final during any preceding fiscal year.

(a) "Forty-cent tax amount" means the amount that would be produced by a tax of eighty cents ($0.80) on each one hundred dollars ($100) of assessed valuation, excluding the assessed valuation of solvent credits and other intangible property, for the current fiscal year within the district;

(b) "Thirty-cent tax amount" means the amount that would be produced by a tax of sixty cents ($0 60) on each one hundred dollars ($100) of such assessed valuation; and

(c) "Ten-cent tax amount" means the amount that would be produced by a tax of twenty cents ($0 20) on each one hundred dollars ($100) of such assessed valuation.

(d) "Eligible bonded debt service" means the amount raised and to be raised by the district during the current fiscal year for the repayment of principal and interest on the portion of the bonded indebtedness of the district that was incurred for each such grade level prior to the making of the first apportionment for such grade level to said district under the provisions of this chapter computed as provided in Section 19602 plus the amount of the annual repayment under Chapter 8 (commencing with Section 19401) of this division

If the unified district's first apportionment under this chapter was for a grade level consisting of kindergarten, if any, and grades 1 to 6, inclusive, grades 1 to 8, inclusive, grades 7 to 12, inclusive, grades 9 to 12, inclusive, or 7 to 10, inclusive, "eligible bonded debt service" means the amount raised and to be raised by the district during the current fiscal year for the repayment of principal and interest on the portion of the indebtedness that was incurred for elementary and high school purposes prior to the making of such first apportionment under this chapter computed as provided in Section 19602 together with the amount of the annual repayment under Chapter 8 (commencing with Section 19401) of this division.

SEC. 5. Section 19602 of said code is amended to read:

Bonded indebtedness Determination by Director of Finance

19602. On or before the first day of December of each fiscal year, the Director of Finance shall determine for each grade level and certify to the State Controller the eligible bonded debt service for the district, as follows:

(a) He shall determine the amount of the bonded indebtedness that was incurred by the district for each grade level, when bonds were issued and sold for purposes of more than one grade level. When one or more additional apportionments have been made to a grade level of a school district, conditioned upon the issuance and sale of additional bonds of the district or upon the requirement that the proceeds of bonds issued and sold be contributed for the purposes of the application for which the apportionment is made, the Director of Finance shall determine and include in the eligible bonded debt service and in his certificate the amount raised and to be

raised by the district during the current fiscal year for the payment of principal and interest on that portion of the additional bonded indebtedness of the district that was incurred for each such grade level as a condition to receiving such additional apportionment or which was incurred for bonds issued and sold, the proceeds of which were required to be contributed for purposes for which the apportionment was made.

(b) If the Director of Finance determines in any fiscal year that the amount certified to the State Controller as the eligible bonded debt service during the last preceding fiscal year is more than the amount actually raised by the district for the repayment of principal and interest of the bonded indebtedness referred to in subdivision (d) of Section 19601 and subdivision (a) of this section, then the Director of Finance shall subtract from the amount determined as the eligible bonded debt service for the current fiscal year an amount equal to the difference between the amount actually raised by the district during the preceding fiscal year for the repayment of such bonded indebtedness and the amount so certified by the Director of Finance.

(c) If the Director of Finance determines in any fiscal year that the amount certified to the State Controller as the eligible bonded debt service during the last preceding fiscal year is less than the amount actually raised by the district for the repayment of principal and interest of the bonded indebtedness referred to in subdivision (d) of Section 19601 and subdivision (a) of this section, then the Director of Finance shall add to the amount determined as the eligible bonded debt service for the current fiscal year an amount equal to the difference between the amount actually raised by the district during the preceding fiscal year for the repayment of such bonded indebtedness and the amount so certified by the Director of Finance.

(d) If an apportionment has been made to a district for a grade level for which the district also received an apportionment pursuant to Chapter 8 (Sections 19401 to 19486, inclusive), the Controller shall determine the amount of the annual repayment, if any, due from the district during the next succeeding fiscal year for such grade level as required by Chapter 8 (Sections 19401 to 19486, inclusive) and such amount shall be included by the Controller in the eligible bonded debt service of the district for that grade level. For an apportionment to a unified district for a grade level consisting of kindergarten, if any, and grades 1 to 12, inclusive, for which an application for an apportionment was filed on or after the effective date of the amendment to this section made at the 1961 Session of the Legislature, if an apportionment had also been made to the district pursuant to Chapter 8 (commencing with Section 19401) for a grade level consisting of kinderten, if any, and grades 1 to 6, inclusive, or 1 to 8, inclusive, or grades 7 to 12, inclusive, 9 to 12, inclusive, or 7 to 10, in-

clusive, the Controller shall determine the amount of the annual repayment, if any, due from the district during the next succeeding fiscal year for all of such grade levels as required by said Chapter 8 and such amount shall be included by the Controller in the eligible bonded debt service of the district for the grade level consisting of kindergarten, if any, and grades 1 to 12, inclusive.

SEC. 6. Section 19615.1 is added to said code, to read:

"45-cent tax amount"

19615.1. For purposes of computing, under Section 19615, the portion of the annual repayment to be deferred in the case of a unified school district which has applied for and received an apportionment under Section 19553.1, the "45-cent tax amount" shall be the amount produced by a tax of ninety cents ($0.90) on each one hundred dollars ($100) of assessed valuation of the district during the year.

SEC. 7. Section 19663 5 is added to said code, to read:

Unpaid balances

19663 5. If a unified school district, after the effective date of this section, applies for and is granted an apportionment under this chapter (Sections 19551 to 19689, inclusive) on the basis of grade levels as defined in Section 19553 1, all unpaid balances of prior apportionments made to the district, subject to the provisions of Section 19663, shall be added to the balances of the apportionments made on the basis of the provisions of Section 19553.1. In such cases, no further computations or repayments under Sections 19601, 19602, 19603, 19604, and 19615 shall be made with respect to the prior apportionments alone, but such computations and repayments shall thenceforth be based solely upon the combined apportionments, and shall be made as provided in Sections 19601, 19602, 19603, 19604, and 19615.

SEC. 8. Section 21802 of said code is amended to read:

Unified school districts maintaining junior college
Bonded indebtedness

21802. Any unified school district maintaining a junior college may issue bonds not to exceed 15 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. Any unified school district not maintaining a junior college may issue bonds not to exceed 10 percent of the taxable property of the district as shown by such equalized assessment.

In computing the outstanding bonded indebtedness of any unified school district for all purposes of this section, except as provided in subdivision (b) of this section, any outstanding bonds shall be deemed to have been issued for elementary school purposes, high school purposes and junior college purposes, respectively, in the respective amounts that the proceeds of the sale of such outstanding bonds, excluding any premium and accrued interest received on said sale, were or have been allocated by the governing board of such unified school district to each of said purposes respectively.

(a) For the purposes of the State School Building Aid Law of 1952 (commencing with Section 19551) with respect to applications for apportionments and apportionments filed or made prior to the effective date of the amendment to this sec-

tion made at the 1961 Regular Session and to the repayment thereof, Sections 19401 to 19486, inclusive, only, any unified school district shall be considered to have a bonding capacity in the amount permitted by law for an elementary school district, a bonding capacity in the amount permitted by law for a high school district, and if the district maintains a junior college, a bonding capacity in the amount permitted by law for a junior college district.

(b) Except as provided in subdivision (a) of this section, for the purposes of the State School Building Aid Law of 1952 (commencing with Section 19551) only, in computing the outstanding bonded indebtedness of a unified district maintaining a junior college, outstanding bonds shall be deemed to have been issued for either (1) junior college purposes or (2) both elementary school and high school purposes, together as a single purpose, in the respective amounts that the proceeds of the sale of the outstanding bonds, excluding any premium or accrued interest received on such sale, were or have been allocated by the governing board of the unified district to each of the two purposes and no separate allocation shall be made as between elementary school purposes and high school purposes. For the purposes of such law in computing the outstanding bonded indebtedness of a unified district which does not maintain a junior college, all of such indebtedness shall be deemed to have been issued for elementary and high school purposes which shall constitute a single purpose, without allocation between elementary schools and high schools.

CHAPTER 1907

An act to amend Section 5784.5 of the Public Resources Code, relating to taxes levied by recreation and park districts.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 5784.5 of the Public Resources Code is amended to read:

5784.5. The supervising authority shall, at the time the county taxes are levied, levy a tax upon all the property taxable by the district, to meet the amount set forth in the final budget submitted by the district board. The tax shall not, however, exceed a rate of fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation, exclusive of taxes levied or required to be levied under Section 5784.30.

CHAPTER 1908

An act to add Section 31703.1 to the Water Code, relating to the Mariana Ranchos County Water District.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 31703.1 is added to the Water Code, to read:

31703.1. Upon request of the Mariana Ranchos County Water District, the board of supervisors shall levy the bond tax in proportion to the assessed valuation of the land in the district or improvement district benefited by the purposes of the bonded debt. The bond tax levied pursuant to this section constitutes a lien on all property, both real and personal, located on the land benefited by the purposes of the bonded debt.

The provisions of this section apply only with respect to bonds issued by the Mariana Ranchos County Water District, in San Bernardino County, after October 1, 1961.

This special provision is necessary because the Mariana Ranchos County Water District is located in a desert area where water primarily benefits only land.

CHAPTER 1909

An act to amend Section 9404 of the Vehicle Code, relating to station wagons.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 9404 of the Vehicle Code is amended to read:

9404. Station wagons, except those used in the transportation of passengers for hire, are exempted from the payment of weight fees provided for in Section 9400.

Any provision in this code notwithstanding, the owner of any station wagon used or maintained primarily for the transportation of property may pay the appropriate weight fees, and the department shall issue license plates of the same type as are issued to vehicles which are required to pay weight fees.

CHAPTER 1910

An act to add Article 4 (commencing with Section 13050) to Chapter 1 of Division 10, and to repeal Sections 13150 and 13292, of the Education Code, relating to personnel of the public school system.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Article 4 (commencing with Section 13050) is added to Chapter 1 of Division 10 of the Education Code, to read:

Article 4. Personnel Interchange Between Certificated and Classified Positions

Purpose of article

13050. The purpose of this article is to provide a basis of determination as to what constitutes a supervisory or administrative classified position or a position requiring certification qualifications not clearly defined in other sections of this code; to provide an interchange of qualified personnel between the certificated and classified services of the public school systems; and to secure rights and benefits to employees moving between the two services, all to the end of assuring better educational systems for the students of the public school systems.

The provisions of this article are not intended, nor may they be construed, to invalidate any other sections of this code which were enacted prior to the enactment of this article, relating to positions requiring certification qualifications or the classified service covered in Article 5 of Chapter 3 of this division, unless specifically provided herein. This article shall where appropriate apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 of Chapter 3 of this division.

Retention of benefits

13051. If a person employed by the county superintendent of schools in a position requiring certification qualifications is assigned to a position under the same superintendent not requiring certification qualifications, the employee shall retain all sickness and injury, sabbatical leave, and other rights and benefits. All seniority and tenure rights accumulated by him at the time of assignment to the position not requiring certification qualifications shall be secured to him for a period of 39 months from the time of acceptance of the classified position. His return to certificated service at any time within the 39 months shall be treated as if there had not been an interruption in his certificated service.

Same

13052. If a person employed by the county superintendent of schools in a position not requiring certification qualifications is assigned to a position under the same superintendent requiring certification qualifications, the employee shall retain all sick leave, vacation, and other rights and benefits accumulated

by him at the time of assignment to the position requiring certification qualifications. All seniority and permanency rights shall be secured to such an employee for a period of 39 months from the date of his acceptance of the certificated position. Such an employee shall be eligible to return to and assume the duties of his prior classified position at any time during the 39 months and his return shall be treated as if there had not been an interruption in his classified service.

Same

13053. If an employee of a school district, including a district having the merit system as outlined in Article 5 of Chapter 3 of this division, employed in a position requiring certification qualifications is assigned to a position in the classified service of the same district, the employee shall retain all sickness and injury, sabbatical leave, and other rights and benefits. All seniority and tenure rights accumulated by him at the time of assignment to the position in the classified service shall be secured to him for a period of 39 months from the time of acceptance of the classified position. His return to certificated service at any time within the 39 months shall be treated as if there had not been an interruption in his certificated service

Same

13054. If an employee of a school district, including a district having the merit system as outlined in Article 5 of Chapter 3 of this division, employed in a position in the classified service is assigned to a position in the same district requiring certification qualifications, the employee shall retain all sick leave, vacation, and other rights and benefits accumulated by him at the time he is assigned to a position requiring certification qualifications. All seniority and permanency rights shall be secured to such an employee for a period of 39 months and his return shall be treated as if there had not been an interruption in his classified service.

Same

13055. Any person employed by a school district, including a district having the merit system as outlined in Article 5 of Chapter 3 of this division, or by a county superintendent of schools in a position in which 50 percent or more of his duties regularly performed during the school year consist of rendering service in directing, co-ordinating, supervising or administering any portion or all of the types of functions listed below in this section shall hold a valid teaching credential issued or renewed pursuant to this code. Those persons so employed before, on, or after the effective date of this section but prior to July 1, 1963, who held or hold valid teaching credentials during the entire period of such employment shall be deemed to be or to have been certificated employees for the entire period of such employment. On and after July 1, 1963, no school district shall employ a person to render such service unless a person holds a valid teaching credential, and also holds a supervision credential or an administration credential authorizing the particular service. The State Board of Education shall, on or before January 1, 1963, determine whether a supervision credential or an administration credential shall authorize the service of directing, co-ordinating, supervising or

administering all or any portion or portions of the types of functions listed below in this section. On or before such date the board shall establish standards for and issue credentials authorizing such service if such service is not authorized by an administration or supervision credential which the board is authorized to issue under other provisions of law in effect on such date.

Functions

The list of functions is as follows:

(a) The work of instructors and the instructional program for pupils.

(b) Educational or vocational counseling and placement of students or teachers.

(c) Planning courses of study to be used in the public schools of the State.

(d) The selection, collection, preparation, classification or demonstration of instructional materials of any course of study for use in the development of the instructional program in the schools of the State.

(e) The examination, selection, inservice training, or assignment of teachers, principals or other certificated personnel involved in the instructional program.

(f) Research connected with the evaluation and efficiency of the instructional program.

(g) The school health program.

(h) Activities connected with the enforcement of the laws relating to compulsory education, co-ordination of child welfare activities involving the school and the home, and the school adjustment of pupils.

(i) The school library services.

(j) The preparation and distribution of instructional materials.

(k) The inservice training of certificated personnel.

(l) The interpretation and evaluation of the school instructional program.

(m) Supervising the preparation of budgets of funds to be used for educational purposes when this is the major function of a given position.

(n) Supervising the interpretation or evaluation from an educational standpoint of equipment, material, and housing when this is the major function of a given position.

(o) Supervising the interpretation and evaluation of school information in terms of educational significance and from an educational standpoint or viewpoint.

Persons required to hold a valid teaching credential

13056. (a) Any person employed by a school district, including a district having the merit system as outlined in Article 5 of Chapter 3 of this division, at a particular school maintained by the district, in a directing, co-ordinating, supervising, or administrative capacity, including but not limited to the capacity of dean, in connection with the instructional or guidance program for pupils or employees in positions requiring certification qualifications shall hold a valid teaching credential issued or renewed pursuant to this code.

(b) Any person employed by a school district, including a district having the merit system as outlined in Article 5 of Chapter 3 of this division, as a director, co-ordinator, or supervisor in the area of the school cocurricular program related to and an outgrowth of the instructional and guidance program of the school shall be deemed to be employed in a certificated position and shall hold a valid teaching credential issued or renewed pursuant to this code.

(c) Those persons so employed before, on, or after the effective date of this section but prior to July 1, 1963, who held or hold valid teaching credentials during the entire period of such employment shall be deemed to be or to have been certificated employees for the entire period of such employment. On and after July 1, 1963, no school district shall employ, or continue the employment of, a person to render such service unless the person holds a valid teaching credential and also holds a supervision credential authorizing such service. The State Board of Education shall, on or before January 1, 1963, establish standards for and issue supervision credentials authorizing such service, if such service is not authorized by an administration or supervision credential which the board is authorized to issue under other provisions of law in effect on such date.

Statutory requirement

13057. No governing board of any school district or a county board of education or a county superintendent of schools or other appointing authority shall require a credential or specify certification qualifications, per se, as a prerequisite for employment in any position under its jurisdiction which does not, by statute, require credentials or certification qualifications.

Persons holding credential

13058. Any person who, on the effective date of this section, is serving in a position for which a credential was issued or certification qualifications required pursuant to Section 13150 or 13292 prior to the repeal of such sections, shall be deemed to be an employee in a position requiring such credential or certification qualifications for as long as he holds such position after the effective date of this section.

Business manager

13059. (a) Any school district which, on the effective date of this section, had designated a title listed under Section 1537 of this code for the position of business manager, may continue to do so both as to current employment and future employment during the effective period of this section, provided such action is otherwise authorized by law.

(b) In any school district which, on the effective date of this section, was not using a title listed under Section 1537 of this code for its business manager shall, when employing a business manager, consider all qualified applicants without reference to certification qualifications, per se.

It may, however, after employment assign a title listed under Section 1537 of this code, provided it is otherwise authorized to do so and the person so employed is a holder of the appropriate credentials.

(c) This section shall remain in effect until the 91st day after the final adjournment of the 1963 Regular Session of the Legislature, and shall have no force or effect after that date.

Repeal

SEC. 2. Section 13150 of said code is repealed.

Repeal

SEC. 3. Section 13292 of said code is repealed.

CHAPTER 1911

An act to amend Section 7210 of the Education Code, relating to school libraries.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 7210 of the Education Code is amended to read:

7210. With the consent of the county superintendent of schools the governing board of the school district may agree with the proper authorities of the county or city to terminate the affiliation of the district with the county or city library. Either the governing board of the school district or the governing body of the county library may initiate termination proceedings. The proceedings shall be terminated prior to the first day of February of the school year in which begun and may provide for either:

(a) The complete withdrawal of affiliation effective on the first day of July next succeeding, or

(b) A gradual withdrawal over a period of not to exceed three years beginning on the first day of July next succeeding the termination of proceedings.

The governing board of the school district shall enter into a written agreement with the proper authorities of the city or county providing for the terms of the gradual withdrawal, including the period to be covered, not to exceed three years, the amount of payment for each year, and the amount of service to be rendered.

Unless otherwise provided in the withdrawal agreement, the books purchased by a school district during the period of the withdrawal become the property of the school district.

All books purchased by a school district shall be approved by the body authorized to adopt courses of study for the school districts of the county.

CHAPTER 1912

An act to amend Section 31 of the Sacramento County Water Agency Act (Chapter 10, Statutes of 1952 1st Ex. Sess.), relating to the Sacramento County Water Agency.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 31 of the Sacramento County Water Agency Act (Chapter 10, Statutes of 1952, 1st Ex. Sess.) is amended to read:

Sec. 31. Notwithstanding any other provision of this act, the agency may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code (the Revenue Bond Law of 1941) to provide funds for the acquisition, construction, improving, or financing any one or more revenue producing enterprises for the benefit of the agency, or of any zone or zones thereof, for any one or more of the purposes for which the agency has been formed. "Enterprise" as used in the section means a revenue producing system, plant, works, or undertaking used for or useful in carrying out any one or more of the powers of the agency. In connection with the authorization, issue and sale of revenue bonds pursuant to this section and so long as any of these bonds remain outstanding, the agency may exercise, in addition to the powers covered by this section, any or all of the powers of local agencies provided for in Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5 of the Government Code.

Any election to authorize the issuance of revenue bonds pursuant to this section shall be held in the agency, if the enterprise benefits the entire agency, or, if the enterprise is for the benefit of a particular zone or zones of the agency, in the zone or zones benefited by the enterprise.

CHAPTER 1913

An act to amend Section 15031 of the Corporations Code, relating to dissolution of partnerships.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 15031 of the Corporations Code is amended to read:

15031. Unless otherwise provided in a written agreement, dissolution is caused:

(1) Without violation of the agreement between the partners,

(a) By the termination of the definite term or particular undertaking specified in the agreement,

(b) By the express will of any partner when no definite term or particular undertaking is specified,

(c) By the express will of all the partners who have not assigned their interests or suffered them to be charged for their separate debts, either before or after the termination of any specified term or particular undertaking,

(d) By the expulsion of any partner from the business bona fide in accordance with such a power conferred by the agreement between the partners;

(2) In contravention of the agreement between the partners, where the circumstances do not permit a dissolution under any other provision of this section, by the express will of any partner at any time;

(3) By any event which makes it unlawful for the business of the partnership to be carried on or for the members to carry it on in partnership;

(4) By the death of any partner;

(5) By the bankruptcy of any partner or the partnership;

(6) By decree of court under Section 15032.

CHAPTER 1914

An act to amend Section 25755 of, and to add Sections 23320.1, 23399.2, 23825, 23954.6, 24072.5, and 24078 to, the Business and Professions Code, relating to alcoholic beverages.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 23320.1 is added to the Business and Professions Code, to read:

Special onsale general license Fee

23320.1. In addition to the licenses specified in Section 23320, the department may issue special onsale general licenses. The annual fee for such licenses shall be the same as the fee prescribed for onsale general licenses in Section 23320.

SEC. 2. Section 23399.2 is added to said code, to read:

Same: Clubs

23399.2. Premises for which a special onsale general license is issued may be operated only as a club by an organization which meets all the requirements of Section 23037, or by an organization which meets all of such requirements except that it is operated for pecuniary gain, or its property is not owned by its members, or both.

SEC. 3. Section 23825 is added to said code, to read:

"Onsale general license"

23825. As used in this article, "onsale general license" includes a special onsale general license; provided, that the limitation prescribed in Section 23816 shall not prohibit the exchange of an onsale general license for a special onsale general license.

SEC. 4. Section 23954.6 is added to said code, to read:

23954.6. As used in Section 23954.5, "original onsale general license" includes an original special onsale general license; provided, that the fee prescribed in Section 23954.5 shall not be required in connection with the exchange of an onsale general license for a special onsale general license. "Original onsale general license"

SEC. 5. Section 24072.5 is added to said code, to read:

24072.5. Any person who has any onsale general license may exchange his license for a special onsale general license. Such exchange may be made at any time upon the approval of the department, the payment of an exchange fee of twenty-seven dollars and fifty cents ($27.50), and compliance with the provisions of this division relating to the issuance of an original license. Exchange of licenses: Fees

SEC. 6. Section 24078 is added to said code, to read:

24078. A special onsale general license may be transferred from person to person or from premises to premises, as provided in this article, but only for the operation of the licensed premises as required by Section 23399.2. Transfer of license

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

25755. The director and the persons employed by the department for the administration and enforcement of this division have all the powers of peace officers in the enforcement of the penal provisions of this division, the rules of the department adopted under the provisions of this division, and any other penal provisions of law of this State prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding, or mislabeling of alcoholic beverages or intoxicating liquors, and such persons have all the powers of peace officers in the enforcement of any penal provisions of law while they are in, on, or about any licensed premises in the course of their employment. Department employees. Power of peace officers

The director, the persons employed by the department for the administration and enforcement of this division, and local peace officers may, in enforcing the provisions of this division, visit and inspect the premises of any licensee at any time during which the licensee is exercising the privileges authorized by his license on such premises.

CHAPTER 1915

An act to amend Section 405 of the Vehicle Code, relating to motor-driven cycles.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

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

SECTION 1. Section 405 of the Vehicle Code is amended to read:

405. A "motor-driven cycle" is any motorcycle, including every motor scooter, with a motor which produces not to exceed 15 horsepower, and every bicycle with motor attached.

CHAPTER 1916

An act to add Section 653l to the Penal Code, relating to fire bombs.

In effect September 15 .1961

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

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

SECTION 1. Section 653*l* is added to the Penal Code, to read:

653*l*. Every person who possesses a fire bomb is guilty of a misdemeanor.

For the purposes of this section a "fire bomb" is a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having a wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illumination shall be deemed to be a fire bomb for the purposes of this section.

This section shall not prohibit the authorized use or possession of such fire bomb by a member of the armed forces of the United States or by police officers, peace officers, or law enforcement officers authorized by the properly constituted authorities for the enforcement of law or ordinances; nor shall this section prohibit the use or possession of such fire bomb when used solely for scientific research or educational purposes.

CHAPTER 1917

An act to add Section 587 to the Vehicle Code, relating to stopping of vehicles.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 587 is added to the Vehicle Code, to read:

587. "Stop or stopping" when prohibited shall mean any cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or official traffic control device or signal.

CHAPTER 1918

An act making an appropriation to the State Department of Public Health for supplemental laboratory services in the control of tuberculosis.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. The sum of eighty thousand dollars ($80,000) is hereby appropriated, for expenditure during the 1961-62 and 1962-63 fiscal years, to the State Department of Public Health from the General Fund for expenditure by the state department, as a part of the program which it is authorized by Section 3279 of the Health and Safety Code to maintain for the control of tuberculosis, for supplemental laboratory services in the control of tuberculosis, including, but not limited to, any of the following:

(a) Making available to persons suffering from tuberculosis or suspected of having tuberculosis diagnostic and outpatient drug sensitivity testing by uniform and standard laboratory methods.

(b) Providing culture work in the recognition and identification of unclassified organisms relating to the tubercle bacillus.

(c) Conducting a task force training program for laboratory technologists throughout the State in workshops on uniform and standardized techniques.

CHAPTER 1919

An act to amend Section 1557 of the Penal Code, relating to return of fugitives.

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 1557 of the Penal Code is amended to read:

1557. When the Governor of this State, in the exercise of the authority conferred by Section 2, Article IV, of the Constitution of the United States, or by the laws of this State, demands from the executive authority of any state of the United States, or of any foreign government, the surrender to the authorities of this State of a fugitive from justice, who has been found and arrested in such state or foreign government, the accounts of the person employed to bring back such fugitive, including any money paid by such person to the

authorities of a sister state for statutory fees in connection with the detention and surrender of such fugitive and for the subsistence of the fugitive while detained by such sister state without payment of which, the authorities of such state refuse to surrender such fugitive, must be audited by the State Controller and paid out of the State Treasury; provided, however, that the State shall not pay the expenses of any such person so employed where the fugitive so returned is not so arraigned or placed on trial, that such expenses shall be a charge upon the county asking the requisition; provided further, that when a warrant has been issued by any magistrate after the filing of a complaint or the finding of an indictment and its presentation to the court and filing by the clerk, and the person named therein as defendant is a fugitive from justice, who has been found and arrested in any state of the United States or in any foreign government, the county auditor shall draw his warrant and the county treasurer shall pay to the person designated to return the fugitive, the amount of expenses estimated by the district attorney to be incurred in the return of such fugitive; provided further, that if the person designated to return the fugitive is a city officer, the city officer authorized to draw warrants on the city treasury shall draw his warrant and the city treasurer shall pay to such person the amount of expenses estimated by the district attorney to be incurred in the return of such fugitive; provided further, the person designated to return the fugitive shall make no disbursements from any such fund so advanced without a receipt being obtained therefor showing the amount, the purpose for which said sum is expended, place, date, and to whom paid.

Such receipts must be filed by such person with the county auditor or appropriate city officer or State Controller, as the case may be, together with an affidavit by such person that the expenditures represented by said receipts were necessarily made in the performance of duty, and when such advance has been made by the county or city treasurer to the person designated to return the fugitive, and has thereafter been audited by the State Controller, the payment thereof shall be made by the State Treasurer to the county or city treasury, which has advanced the said funds; provided further, that when no advance has been made to the person designated to return the fugitive, the sums expended by him, when audited by the State Controller, shall be paid by the State Treasurer to the said person so designated. In every case where the expenses of such person so employed to bring back such fugitive as herein provided, are less than the amount advanced on the recommendation of the district attorney, such persons so employed to bring back such fugitive shall return to the county or city treasurer, as appropriate, the difference in amount between the aggregate amount of receipts so filed by him, as herein employed, and the amount advanced to such person upon the recommendation of the district attorney.

CHAPTER 1920

An act to amend Section 34212 of the Health and Safety Code, relating to housing projects.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 34212 of the Health and Safety Code is amended to read:

34212. "Housing project" means any work or undertaking to be financed in whole or in part by the federal government or a state public body or to which the federal government or a state public body extends assistance by supplying all or part of the labor, by guaranteeing the payment of liens, or otherwise, for any one or a combination of the following purposes:

(a) To demolish, clear, or remove buildings from any slum area. Such work or undertaking may embrace the adaptation of the area to public purposes, including parks or other recreational or community purposes.

(b) To provide decent, safe, and sanitary urban or rural dwellings, apartments, or other living accommodations for persons of low income. Such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes.

"Housing projects" also includes the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

For the purposes of this section, "state public body" means the State, any city, county, city and county, borough, commission, district, authority, or other subdivision or public body of the State.

CHAPTER 1921

An act to amend Sections 73772, 73773 and 73778.5 of the Government Code, relating to municipal courts.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

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

SECTION 1. Section 73772 of the Government Code is amended to read:

73772. There shall be one clerk, who shall be secretary of the court and who shall receive a minimum salary of seven

Clerk

hundred seventy dollars ($770) monthly with increments of thirty-seven dollars ($37), thirty-nine dollars ($39), forty-one dollars ($41), and forty-three dollars ($43) to a maximum of nine hundred thirty dollars ($930) monthly.

Notwithstanding any other provision of law, in the application of the provisions of this section, as amended at the 1961 Regular Session, to the existing clerk of the court, the clerk shall receive on the effective date hereof a monthly salary computed by adding the first, second and third increments provided above to the minimum salary and, one year thereafter the clerk shall receive the fourth increment.

SEC. 2. Section 73773 of said code is amended to read:

73773. The clerk, with the approval of the judges of said court, may appoint:

Chief deputy clerk

(a) One chief deputy clerk who shall receive a minimum salary of five hundred fifty-five dollars ($555) monthly with increments of twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29) and thirty-one dollars ($31) to a maximum of six hundred sixty-nine dollars ($669) monthly.

Deputy clerks

(b) Five deputy clerks grade IV, each of whom shall receive a minimum salary of four hundred forty dollars ($440) monthly with increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of five hundred thirty dollars ($530) monthly.

Same

(c) Seven deputy clerks grade III, each of whom shall receive a minimum salary of three hundred sixty-six dollars ($366) monthly with increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) to a maximum of four hundred forty dollars ($440) monthly.

Same

(d) Five deputy clerks grade II, each of whom shall receive a minimum salary of three hundred thirty-five dollars ($335) monthly with increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18) to a maximum of four hundred one dollars ($401) monthly.

Same

(e) Six deputy clerks grade I, each of whom shall receive a minimum salary of three hundred twenty dollars ($320) monthly with increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) to a maximum of three hundred eighty-three dollars ($383) monthly.

In the application of the provisions of this section to existing officers and attaches of the court on the effective date hereof, the allocations of ranges and increments shall be made in the manner provided in Section 73778.

SEC. 3. Section 73778.5 of said code is amended to read:

Computation of increments

73778.5. In the computation of increments pursuant to the provisions of Sections 73772 and 73773 and 73778 and subject to the conditions set forth in Section 72001, the first incre-

ments shall be computed from and shall become due on the first day of the month following completion of six months' service since the date of employment, and the other increments shall become due on the first day of the month following completion of one year's service since the date of the last salary increment or promotion involving salary increase, whichever last occurred. Salary adjustments granted under Section 73779 or by amendment of Sections 73772 and 73773 are to be disregarded in determination of anniversary date. Service is to be construed as time for which compensation has been paid

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CHAPTER 1922

An act to add Section 20784 to the Business and Professions Code, relating to petroleum products.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961.

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

SECTION 1. Section 20784 is added to the Business and Professions Code, to read:

20784. In every sale of gasoline to a retailer the seller shall give the retailer an invoice for such sale showing the actual price to be paid by the retailer to the seller, adjusted for any price rebates, refunds, or unearned discounts that are known at the time of such sale.

Any person violating this section is guilty of a misdemeanor.

CHAPTER 1923

An act to add Section 22128 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961.

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

SECTION 1. Section 22128 is added to the Government Code, to read:

22128. The board shall, upon application of a public agency which applies or has applied for inclusion in the agreement of services in hospital employees' positions pursuant to Section 22127, and after compliance with Section 22203, execute a modification of the agreement or take such other action which may be necessary to include in the agreement such services of individuals employed by the public agency after December 31, 1959, in any hospital employees' positions as hereafter may be authorized under the federal system.

CHAPTER 1924

An act to amend Sections 1260 and 1263 of the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 1260 of the Unemployment Insurance Code is amended to read:

Disqualified individuals

1260. (a) An individual disqualified under Section 1256, under a determination transmitted to him by the department, is ineligible to receive unemployment compensation benefits for five consecutive weeks beginning with:

(1) The week in which the cause of his disqualification occurs, if he registers for work in that week.

(2) The week subsequent to the occurrence of the cause of his disqualification in which he first registers for work, if he does not register for work in the week in which the cause of his disqualification occurs.

(b) An individual disqualified under subdivision (b) of Section 1257, under a determination transmitted to him by the department, is ineligible to receive unemployment compensation benefits for not less than two nor more than 10 consecutive weeks beginning with:

(1) The week in which the cause of his disqualification occurs, if he registers for work in that week.

(2) The week subsequent to the occurrence of the cause of his disqualification in which he first registers for work, if he does not register for work in the week in which the cause of his disqualification occurs.

(c) An individual disqualified under Section 1256 or subdivision (b) of Section 1257 shall be required to report at a public employment office as provided in subdivision (b) of Section 1253 and an additional week of disqualification shall be imposed for each week during which he does not so report unless good cause for such failure is shown.

(d) An individual disqualified under subdivision (a) of Section 1257, under a determination transmitted to him by the department, is ineligible to receive unemployment compensation benefits for the week in which the determination is mailed to or personally served upon him, or any subsequent week, for which he is first otherwise in all respects eligible for unemployment compensation benefits and for not more than nine subsequent weeks for which he is otherwise in all respects eligible for unemployment compensation benefits. No disqualification under this subdivision shall be applied to any week if all or any portion of the week is beyond the three-year period next succeeding the date of the mailing or personal service of the determination. This subdivision shall not apply to an individual prosecuted under Section 2101.

(e) Notwithstanding the provisions of subdivision (d) of this section, an individual who is unemployed with respect to any week and is subject to a disqualification that is imposed under Section 1256 or subdivision (b) of Section 1257 may, if he has registered for work for that week as required by subdivision (b) of Section 1253, concurrently serve with respect to that week a disqualification imposed under subdivision (a) of Section 1257.

SEC. 2. Section 1263 of said code is amended to read:

Persons convicted for false statements, etc.

1263. (a) Any individual convicted under Section 2101 by any court of competent jurisdiction of willfully making a false statement or knowingly failing to disclose a material fact to obtain or increase any benefit or payment under this division shall forfeit any rights to benefits for the week in which the criminal complaint was filed and for the fifty-one (51) consecutive calendar weeks which immediately follow such week, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such individual to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty or dismissing the criminal complaint, but a forfeiture of benefits under this subdivision shall extend no later than the effective date of any such order under Section 1203.4 of the Penal Code, and, if the period of forfeiture has not previously expired, the forfeiture of benefits under this subdivision shall terminate as of the effective date of any such order.

(b) Any individual convicted under Section 2101 by any court of competent jurisdiction of willfully making a false statement or knowingly failing to disclose a material fact to obtain or increase any benefit or payment under this part or Part 3 shall, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such individual to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty or dismissing the criminal complaint, be ineligible to receive unemployment compensation or extended duration benefits for the week in which the criminal complaint was filed, or any subsequent week, for which he is first otherwise in all respects eligible for unemployment compensation or extended duration benefits and for nine subsequent weeks for which he is otherwise in all respects eligible for unemployment compensation or extended duration benefits. No disqualification under this subdivision shall be applied to any week if all or any portion of the week is beyond the three-year period next succeeding the date of the filing of the criminal complaint.

(c) The department shall, effective upon the date of the filing of a criminal complaint against an individual prosecuted under Section 2101, suspend the payment of benefits to the individual.

(d) A plea or verdict of guilty irrespective of whether an order granting probation or other order is made suspending the imposition of the sentence or whether sentence is imposed

but execution thereof is suspended, or a conviction following a plea of nolo contendere, made to a charge of an offense under Section 2101 is deemed to be a conviction within the meaning of this section.

(e) Notwithstanding the provisions of this section, an individual may during a period of forfeiture under subdivision (a) of this section meet the conditions to remove any disqualification that is imposed under Sections 1260 or 1261, or subdivision (b) of this section, but no week during the period of forfeiture shall be used to offset the amount of any overpayment.

Application

SEC. 3. The provisions of Section 1260 of the Unemployment Insurance Code as amended by Section 1 of this act shall apply to any individual where the occurrence of the cause of disqualification is after the effective date of this act. The provisions of said Section 1260 as in effect prior to the amendments by Section 1 of this act shall remain applicable and are continued in effect with respect to any individual where the occurrence of the cause of disqualification is prior to the effective date of this act.

Same

SEC. 4. The provisions of Section 1263 of the Unemployment Insurance Code as amended by Section 2 of this act shall apply to any individual convicted under Section 2101 where the offense occurs on or after the effective date of this act. The provisions of said Section 1263 as in effect prior to the amendment by Section 2 of this act shall remain applicable and are continued in effect with respect to any individual convicted under Section 2101 where the offense occurs prior to the effective date of this act.

CHAPTER 1925

An act to amend Sections 3, 3.5 and 11 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), relating to flood control in Marin County.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 3 of the Marin County Flood Control and Water Conservation District Act (Chapter 666, Statutes of 1953) is amended to read:

Special zones: Resolution

Sec. 3. The board of supervisors of the district created by this act, by resolution thereof adopted from time to time, may establish zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for specific benefit of such zones. The board may, by resolution,

amend the boundaries by annexing property to or by withdrawing property from said zones or may divide existing zones into two or more zones or may superimpose a new or amended zone on zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitling each of such zones by a zone number. The boundaries of such zones may overlap or one zone may be entirely included within the boundaries of another zone.

Proceedings

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

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

SEC. 2. Section 3.5 of said act is amended to read:

Concurrence of city

Sec. 3.5. Before acquiring authority to proceed with the annexation to or establishment of any zone the exterior boundaries of which will include any land lying within the exterior boundaries of any chartered or incorporated city within the district, the board of supervisors shall first obtain the concurrence of such city to conduct such proceedings, such concurrence to be evidenced by a resolution or ordinance adopted by a majority of the members of the city council of such city, or by a vote of a majority of the qualified electors residing in such city or portion thereof to be included in said zone voting at any regular or special election on said proposition; said election shall in all particulars be held as provided by law for holding a municipal election in said city and the cost thereof shall be a city charge.

SEC. 3. Section 11 of said act is amended to read:

Projects for zones

Sec. 11. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zones or participating zones and may establish, amend, divide or superimpose zones. For the purpose of acquiring authority to proceed with any such project or establishment, amendment, division, or superimposition of a zone, the board shall adopt a resolution specifying its intention to

undertake such project or zone establishment, amendment, division or superimposition, together with the engineering estimates of the cost of any project to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project or proposed zone. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code, in a newspaper of general circulation, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or territory of a proposed zone or in each of said participating zones. Said notice must designate a public place in such zone or territory of a proposed zone or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person. Said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project, or establishment, amendment, division or superimposition of a zone. Upon the hearing, the board may modify the proportionate cost of any project to be borne by each of the participating zones according to the benefits to be derived from the project by the participating zones. Upon the hearing, the board may modify the boundaries of the proposed zone, as set forth in the resolution of intention to establish, annex to, divide, or superimpose the zone, by excluding therefrom any land which would not be benefited by inclusion in the zone; the boundaries shall not be modified to include any land which is neither described in the resolution of intention nor formerly within the boundaries of a zone. At the conclusion of the hearing the board may abandon the proposed project or plan or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed project or plan signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated or within the territory to be included in the proposed zone or within the territory to be added to or subtracted from a zone, be filed with the board, in which event further proceedings relating to such project or plan must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

In all matters in this section referred to, the last equalized assessment roll of the County of Marin next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone, or proposed zone, or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protect for all produces the written consent of his co-owners or representatives or partners so to do, duly acknowledged by the consenting co-owners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county except that if the property jointly held is held by husband and wife and occupied by them as a dwelling, if the other spouse consents, the protest may be signed by either spouse without producing written evidence of the other's consent.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to co-owners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of

his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

CHAPTER 1926

An act to repeal Sections 51547, 51548, and 51550 of the Government Code, and to amend Sections 109.5, 618, 2601, 2152.5 of, and to add Section 2700.1 to, the Revenue and Taxation Code, relating to preparation of assessment rolls.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

Repeal

SECTION 1. Section 51547 of the Government Code is repealed.

Repeal

SEC. 2. Section 51548 of said code is repealed.

Repeal

SEC. 3. Section 51550 of said code is repealed.

SEC. 4. Section 618 of the Revenue and Taxation Code is amended to read:

Machine prepared roll

618. Notwithstanding any other provisions of state law, when the assessment roll is a machine-prepared roll the contents of the roll and the arrangement of property on the roll may be prescribed by the board.

SEC. 5. Section 2601 of said code is amended to read:

Form of affidavit

2601. (a) On or before October 1st, the auditor shall deliver the secured roll to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that I received the assessment roll from the clerk of the county board of equalization, with his affixed affidavit; that I have corrected it as required by the State Board of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes, as required by law."

If the roll is a machine-prepared roll, the auditor shall deliver the assessment roll and the statement of changes referred to in Section 1614 to the assessor and shall deliver the roll

on which he has extended taxes to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that the attached roll is a reproduction of the roll prepared by the assessor and corrected by the County and State Boards of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes as required by law."

(b) If the roll is a machine-prepared roll, and the tax bills are, with the consent of the tax collector and the approval of the board of supervisors, also machine-prepared by the auditor, the auditor shall, on or before October 16, deliver the assessment roll and the statement of changes referred to in Section 1614 to the assessor and shall deliver the roll on which he has extended taxes to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that the attached roll is a reproduction of the roll prepared by the assessor and corrected by the County and State Boards of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes as required by law."

SEC. 6. Section 2152.5 of said code is amended to read:

Odd cents

2152.5. Notwithstanding the provisions of any other law of this State, if so ordered by resolution of the board of supervisors of any county, adopted prior to the time the county auditor is required to compute and enter on the secured roll the respective amounts due in installments as taxes for the assessment year in which such resolution shall become effective, the county auditor shall reject any cent not evenly divisible by two in the computation of taxes on any assessment and in the extension of taxes, special assessments or charges on the county assessment roll for any other public agency. The provisions of this section shall continue in effect in such county until otherwise ordered by resolution of the board of supervisors.

SEC. 7. Section 2700.1 is added to said code, to read:

Installments

2700.1. Notwithstanding the provisions of any other law, any tax, assessment, fee or charge to become a lien on land and to be collected with county taxes or other taxes or assessments collected on the secured roll shall be payable in two (2) installments as specified in this chapter.

SEC. 8. Section 109.5 of said code is amended to read:

"Machine-prepared roll"

109.5. "Machine-prepared roll" means an assessment roll prepared by electronic data processing equipment, bookkeeping machine, typewriter, or other mechanical device. When so prepared by the assessor, the roll need not contain provision for tax extensions, but the contents thereof may be reproduced by the auditor with provision for tax extensions. Upon such reproduction of the assessment data, the document with provision for tax extensions shall constitute the roll without prejudice to the roll status of the document without such provision.

CHAPTER 1927

An act to amend Section 69594 of the Government Code, relating to judges of the Superior Court of San Bernardino County.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

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

SECTION 1. Section 69594 of the Government Code is amended to read:

69594. In the County of San Bernardino there shall be seven judges. On and after July 1, 1962, there shall be eight judges.

Additional judge Appointment

SEC. 2. On July 1, 1962, the Governor shall appoint the additional judge provided for by this act.

CHAPTER 1928

An act to add Section 7320 to the Labor Code, relating to telephones in elevators

In effect September 15, 1961

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

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

SECTION 1. Section 7320 is added to the Labor Code, to read:

7320. On or before July 1, 1962, all elevators in all buildings other than in private homes used for the carriage of passengers shall be equipped with an emergency alarm in workable order. The emergency alarm may be a gong, a telephone, an intercommunicating system or other effective means for summoning assistance in case of emergency.

Notice shall be posted in elevators operated by passengers giving instructions as to appropriate means to call for assistance at all hours.

CHAPTER 1929

An act to add Part 2.3 (commencing with Section 18897) to Division 13 of the Health and Safety Code, relating to organized camps.

In effect September 15, 1961

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

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

SECTION 1. Part 2.3 (commencing with Section 18897) is added to Division 13 of the Health and Safety Code, to read:

PART 2.3. CAMPS

"Organized camp"

18897. "Organized camp" means a site with program and facilities established for the primary purposes of providing an

outdoor group living experience with social, spiritual, educational, or recreational objectives, for five days or more during one or more seasons of the year. The term "organized camp" does not include a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, penal or correctional camp nor does it include a child care institution or home finding agency. The term "organized camp" also does not include any charitable or recreational organization which complies with the rules and regulations for recreational trailer parks provided for by subdivision (c) of Section 18455.

"Camper"

18897.1. "Camper" means any person in an organized camp on a fee or nonfee basis who is a participant in the regular program and training of an organized camp, and who may take on duties relating to such program and training.

Rules and regulations

18897.2. The State Director of Public Health shall adopt, in accordance with the provisions of Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2 of the Government Code, and enforce such rules and regulations establishing minimum standards for organized camps and regulating the operation of organized camps as he determines are necessary to protect the health and safety of the campers. In adopting such rules and regulations the State Director of Public Health shall consider the Resident Camp Standards of the American Camping Association and the recommendations of the State Department of Industrial Relations and the State Fire Marshal.

Enforcement

18897.3. Every local health officer shall enforce within his jurisdiction the rules and regulations adopted pursuant to Section 18897.2 of this code.

Minimum standards

18897.4. No organized camp shall be operated in this State after January 1, 1962 unless each site or location in which the camp operates satisfies the minimum standards for organized camps prescribed by the State Director of Public Health. Any violation of this section or of any rule or regulation adopted pursuant to Section 18897.2 of this code in the operation of organized camps is a misdemeanor.

Other regulations

18897.5. Except to the extent that the Department of Industrial Relations may have the authority to regulate the wages, hours, or conditions of employment of employees of organized camps, organized camps shall not be subject to regulation by any state agency other than the State Department of Public Health, and except that the fire and safety laws and regulations of the State Fire Marshal shall apply to such camps.

CHAPTER 1930

An act to amend Section 6600 of the Corporations Code, relating to foreign corporations.

In effect September 15 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 6600 of the Corporations Code is amended to read:

6600. In any action or proceeding, civil or criminal, in any court of this State, a copy of the articles or certificate of incorporation or other incorporation papers of a foreign corporation purporting to be duly certified by the Secretary of State or other competent official of the State or place under the laws of which the corporation purports to be incorporated, or the original of any such instrument, or a copy of such certified copy duly certified, is admissible in evidence by all courts, and is prima facie evidence of the incorporation, existence, and powers of the corporation.

Certified copies of such instruments may be filed in the county clerk's office in the county where the foreign corporation held or holds real property and, when so filed, are conclusive evidence of the incorporation and powers of the corporation in favor of any bona fide purchaser or encumbrancer of such property for value, whether or not the corporation is doing business in this State.

CHAPTER 1931

An act to add Section 12093 to the Insurance Code, relating to surety insurance.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 12093 is added to the Insurance Code, to read:

12093. Whenever a surety insurer gives notice of cancellation of the coverage of an employee under a blanket fidelity bond, upon the request of the employee, the surety insurer, within 10 days of the request, shall furnish to the employee a statement setting forth the ground or grounds upon which the notice of cancellation is based. There shall be no liability on the part of, and no cause of action shall arise against, any surety insurer, or its licensed investigative sources, for any statements made by it concerning any employee in a written notice required to be given pursuant to this section.

If the surety insurer fails to comply with the provisions of the first paragraph of this section, the employee may apply to the commissioner for a certificate of the facts or information desired and the commissioner shall act thereon in accordance with the provisions of Article 3 (commencing with Section 12950) of Chapter 2 of Division 3.

CHAPTER 1932

An act to provide for the creation of the Fresno Metropolitan Transit District, prescribing the powers and duties thereof.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definitions

SEC. 1.1. This act shall be known and cited as the "Fresno Metropolitan Transit District Act of 1961." Short title

SEC. 1.2. Unless the context otherwise requires, the provisions of this article govern the construction of this act. Construction

SEC. 1.3. "District" means the Fresno Metropolitan Transit District formed under this act. "District"

SEC. 1.4. "Board" means the board of directors of the district. "Board"

SEC. 1.5. "Voter" means any elector who is registered under the Elections Code. "Voter"

SEC. 1.6. "Transit" means the transportation of passengers and their incidental baggage by any means. "Transit"

SEC. 1.7. "Transit works" or "transit facilities" means all real and personal property, equipment, rights, or interests owned or to be acquired by the district for transit service. "Transit works"; "Transit facilities"

SEC. 1.8. "Public agency" includes a city, city and county, a county, the State of California, or any public district organized under the laws of the State of California or any agency or authority thereof. "Public agency"

Article 2. General Provisions

SEC. 1.10. The Fresno Metropolitan Transit District may be created as provided in this act and when so created may exercise the powers herein granted. Creation

SEC. 1.11. Except as otherwise provided in this act elections shall be held and conducted and the result ascertained, determined, and declared in, all respects as nearly as practicable in conformity with the general election laws of the State. Conduct of elections

SEC. 1.12. Except as otherwise provided in this act all ordinances and notices which are required to be published shall Publication of notices

be published within the district pursuant to Section 6066 of the Government Code.

Signatures

SEC. 1.13. Whenever the signature of any officer or employee of a district or of any member of the retirement board or of any officer or employee of the retirement system is authorized or required under the provisions of this part, except in the single instance provided in Section 7.18, the signature may be made by the use of a plate bearing facsimiles of such signatures.

CHAPTER 2. FORMATION OF DISTRICT

Article 1. General Provisions

Incorporation

SEC. 2.1. The City of Fresno, together with unincorporated territory, may organize and incorporate as the Fresno Metropolitan Transit District.

Request for formation

SEC. 2.2. The request for the formation of the Fresno Metropolitan Transit District may be made by resolution or by petition as set out in this chapter.

Article 2. Request by Resolution

Resolution

SEC. 2.5. The legislative body of the City of Fresno may pass a resolution declaring that in its opinion public interest or necessity demands the creation and maintenance of the Fresno Metropolitan Transit District.

Contents

SEC. 2.6. The resolution may state the transit facilities proposed to be first acquired, but failure to acquire such transit facilities shall not affect the validity of the district. The resolution shall set forth and describe the boundaries of the proposed district.

Copies

SEC. 2.7. Certified copies of the resolution shall be presented to the board of supervisors of Fresno County requesting the board of supervisors to call an election without delay for determining whether the district will be created.

Article 3. Request by Petition

Petition

SEC. 2.10. Instead of a resolution, a petition may be presented to the board of supervisors signed by voters within the proposed district equal in number to at least 10 percent of the total vote cast.

Contents

SEC. 2.11. The petition shall contain substantially the same declarations and statements required to be contained in the resolution presented to the board of supervisors under this chapter, including the description of the boundaries, and declare that, in the opinion of the petitioners, public interest or necessity demands the creation and maintenance of the metropolitan transit district.

Affidavit

SEC. 2.12. The petition may be on separate papers, but each paper shall contain the affidavit of the person who circulated it certifying that each name signed thereto is a true signature of the person whose name it purports to be.

Comparison of signatures

SEC. 2.13. The clerk of the board of supervisors shall compare the signatures to the petition with the affidavits of registration and certify to their sufficiency or insufficiency.

Article 4. Election

Hearing

SEC. 2.15. Upon receipt of certified copies of the resolution or of a sufficient petition, the board of supervisors shall hold a hearing on the question of forming a Fresno Metropolitan Transit District. All interested persons shall be given an opportunity to express their views at the hearing.

Exclusion of areas

SEC. 2.16. The board of supervisors shall have the power to exclude areas which, in the board's determination, would not receive reasonable benefit from inclusion in the district, except that no portion of a city included in the proposed district may be excluded.

Election call

SEC. 2.17. After the conclusion of the hearing, the board of supervisors shall call an election within the proposed district without delay for the purpose of determining whether the proposed district will be created and established.

Notice

SEC. 2.18. The board of supervisors shall publish notice of the election within the proposed district.

Same Contents

SEC. 2.19. The notice shall state the name of the proposed district, and describe the boundaries thereof.

Ballot-Form

SEC. 2.20. The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition thereto the following:

Shall the "Fresno Metropolitan Transit District" be created and established?	YES	
	NO	

Voters

SEC. 2.21. No person shall be entitled to vote at the election unless he is a voter of the territory included in the proposed district.

Date of election

SEC. 2.22. The election may be held on the same day as any other state, county, or city election, and be consolidated therewith.

Canvass

SEC. 2.23. The board of supervisors shall meet on Monday next succeeding the day of the election and canvass the returns.

Provisions and cost

SEC. 2.24. The board of supervisors shall make all provisions for the holding of the election throughout the entire district as proposed, and shall pay the cost thereof.

Reimbursement for election

SEC. 2.25. If a special election is held exclusively on the proposition of organizing the district, the expenditure therefor shall be reimbursed to the county by means of a tax on all the taxable property within the territory which was proposed to be included in the district, and this tax shall be added to the next county tax bills by the proper official of the county.

Article 5. Establishment of the District

Establishment

SEC. 2.30. The board of supervisors shall cause a certified copy of the order declaring the result of the election to be filed

in the office of the Secretary of State, from and after which the establishment of the district shall be deemed complete.

Article 6. Contest of Incorporation

Validity proceeding

SEC. 2.35. No informality in any proceeding or in the conduct of the election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of the district. Any proceedings wherein the validity of incorporation is denied shall be commenced within three months from the date of filing the order declaring the result of the election with the Secretary of State, otherwise the incorporation and the legal existence of the district shall be held to be valid and in every respect legal and incontestable.

CHAPTER 3. INTERNAL ORGANIZATION OF DISTRICT

Article 1. Government

Board

SEC. 3.1. The government of the district shall be vested in a board of five members. Two of the members of the district board shall be supervisors appointed by the county board of supervisors from the members of the board of supervisors who either reside within the district or represent a supervisorial district which is in whole or in part contained within the transit district. Three members of the district board shall be members of the city council appointed by the Council of the City of Fresno.

Article 2. Terms of Office of Directors

Term

SEC. 3.5. All members of the board shall serve at the pleasure of the appointing authority. Members' positions on the board are automatically vacated when the members cease to hold office either as county supervisors or as members of the city council.

Article 3. Powers and Duties of Directors

Oath

SEC. 3.10. The oath of office of directors shall be taken, subscribed, and filed with the secretary of the district at any time after the director has notice of his appointment. No other filing is required.

Officers

SEC. 3.11. The board shall choose one of its members president, and another vice president, who shall be authorized to act for the president during his absence or disability, and shall provide for the time and place of holding its meetings, which shall be held at least once each month.

Legislative body

SEC. 3.12. The board is the legislative body of the district and determines all questions of policy.

Power of board

SEC. 3.13. All matters and things necessary for the proper administration of the affairs of the district which are not provided for in this act shall be provided for by the board.

Supervision of facilities

SEC. 3.14. The board shall supervise and regulate every transit facility owned and operated by the district, including the fixing of rates, rentals, charges, and classifications, and the making and enforcement of rules, regulations, contracts, practices, and schedules, for or in connection with any transit facility owned or controlled by the district.

Operation of transit system

SEC. 3.15. The board may either operate the transit system itself, or it may contract with the City of Fresno, or with any other public or private agency, to operate the transit system for the district.

Levy taxes

SEC. 3.16. The board shall have the power to levy property taxes in the district to pay for the cost of operating transit facilities within the district, subject to a maximum limit of ten cents ($0.10) per one hundred dollars ($100) of assessed value.

Personnel system

SEC. 3.17. The board may adopt a personnel system for the purpose of recruiting and maintaining an effective working force with good morale. The board shall by resolution determine and create such number and character of positions as are necessary properly to carry on the functions of the district and shall establish an appropriate salary, salary range, or wage for each position so created. The board may by resolution abolish any such position. Except as otherwise provided, appointments to such positions shall be made by the general manager.

Contracts for services

SEC. 3.18. The board may from time to time contract for or employ any professional service required by the district or for the performance of work or services which cannot satisfactorily be performed by the regular employees of the district.

Annual audit

SEC. 3.19. The board shall have an annual audit made of all books and accounts of the district by a certified public accountant or public accountant.

Payment of demands

SEC. 3.20. The board may provide by resolution, under such terms and conditions as it sees fit, for the payment of demands against the district without prior specific approval thereof by the board if the demand is for a purpose for which an expenditure has been previously approved by the board and in an amount no greater than the amount so authorized, and if the demand is approved by the general manager.

Funds

SEC. 3.21. To facilitate the business of the district, the board may provide for the creation and administration of such funds as the needs of the district may require. The funds shall be disbursed in accordance with rules established by the board and all payments from any fund shall be reported to the board.

Article 4. Meetings and Legislation

Meetings. Open

SEC. 3.25. All legislative sessions of the board, whether regular or special, are open to the public.

Quorum

SEC. 3.26. A majority of the board constitutes a quorum for the transaction of business.

Procedural rules, salaries

SEC. 3.27. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each member shall receive for each attendance at the meetings of the board and for each day any member is engaged in authorized district business other than attendance at meetings of the board the sum of twenty dollars ($20) but not to exceed one hundred dollars ($100) in any calendar month and shall be allowed such necessary traveling and personal expenses incurred in the performance of his duties as authorized by the board.

Ordinances

SEC. 3.28. The acts of the board shall be expressed by motion, resolution, or ordinance. No ordinance shall be passed by the board on the day of its introduction, nor within three days thereafter, nor at any time other than a regular or adjourned regular meeting. No ordinance, resolution, or motion shall have any validity or effect unless passed by the affirmative votes of a majority of the directors.

Publication

SEC. 3.29. All ordinances shall be published after passage.

Enacting clause Form

SEC. 3.30. The enacting clause of all ordinances shall be as follows:

"Be it enacted by the board of directors of Fresno Metropolitan Transit District:"

All ordinances shall be signed by the president of the board or the vice president, and attested by the secretary.

Article 5. Other Officers

General manager

SEC. 3.35. The board shall appoint and fix the salary of a general manager, who shall have full charge of the acquisition, construction, maintenance, and operation of the facilities of the district and also of the administration of the business affairs of the district.

Same Qualifications

SEC. 3 36. All other things being equal, the board shall appoint as general manager some person who has had experience in the construction or management of transit facilities

Same: Residence

SEC. 3.37. The general manager need not be a resident of this State at the time of his appointment.

Same Term of office

SEC. 3.38. The general manager shall hold office for an indefinite term and may be removed by the board only upon the adoption of a resolution by the affirmative vote of not less than a majority of the board. Before the general manager may be removed, he shall, if he demands it, be given a written statement of the reasons alleged for his removal and he shall have the right to be publicly heard thereon at a meeting of the board prior to the final vote on the resolution providing for his removal, but pending and during such hearing the board may suspend him from office. The board may not reduce the salary of the general manager below the amount fixed at the time of his original appointment except upon the adoption of a resolution by a like vote and after a like opportunity to be heard. The action of the board in suspending or removing

the general manager or reducing his salary, if approved by a majority of the membership of the board, is final.

Same

SEC. 3.39. Notwithstanding this article, until such time as the district has operated, controlled, or used facilities or parts of facilities for providing the inhabitants within the boundaries of the district with transit services for a period of six months, the board may, but is not required to, appoint a general manager. A general manager appointed during such time holds office at the pleasure of the majority of the board.

Secretary and attorney

SEC. 3.40. The board shall appoint a secretary and an attorney, who shall hold office during the pleasure of the board.

Qualifications for attorney

SEC. 3.41. The attorney shall be admitted to practice law in the Supreme Court of the State, and shall have been actively engaged in the practice of his profession for not less than three years next preceding his appointment.

Consolidation of offices

SEC. 3.42. The board may consolidate any of the district offices in one person.

Oath

SEC. 3.43. The oath of all appointive officers of the district shall be taken, subscribed, and filed with the secretary of the district at any time after the officer has notice of his appointment but not later than 15 days after the commencement of his term of office. No other filing is required.

Bond

SEC. 3.44. Each appointive officer shall give such bond and in such amount as the board may require.

Powers and duties of the general manager

SEC. 3.45. Subject to the control of the board, the powers and duties of the general manager are:

(a) To have full charge of the acquisition, construction, maintenance, and operation of the facilities of the district.

(b) To have full charge of the administration of the business affairs of the district.

(c) To see that all ordinances of the district are enforced.

(d) To administer the personnel system adopted by the board and except for officers appointed by the board to appoint, discipline or remove all officers and employees subject to the rules and regulations adopted by the board

(e) To attend all meetings of the board and submit a general report of the affairs of the district.

(f) To keep the board advised as to the needs of the district.

(g) To prepare or cause to be prepared all plans and specifications for the construction of the works of the district.

(h) To devote his entire time to the business of the district.

(i) To perform such other and additional duties as the board may require.

Financial report

SEC. 3.46. The general manager shall within 90 days from the end of each fiscal year cause to be published a financial report showing the result of operations for the preceding fiscal year and the financial status of the district on the last day thereof. The publication shall be made in the manner provided in this division for the publication of ordinances and notices generally.

Duties of attorney

SEC. 3.47. The attorney shall take charge of all suits and other legal matters to which the district is a party or in which

it is legally interested. He shall give his advice or opinion in writing whenever required by the board. He shall be the legal advisor of the general manager and other district officers and shall prepare or approve the forms of all ordinances, resolutions, contracts, bonds, and other legal documents connected with the business of the district. He shall perform such other and additional services as the board may require.

System of auditing and accounting

SEC. 3.48. The general manager shall cause to be installed and maintained a system of auditing and accounting which shall completely and at all times show the financial condition of the district. All warrants for the payment of demands against the district shall be paid in accordance with such rules as the board may establish.

Custody of funds

SEC. 3.49. The general manager shall provide for the custody of the funds of the district and the keeping of accounts of all receipts and disbursements. Payments shall be made only upon warrants duly and regularly signed by the president or vice president of the board, or other person authorized by the board so to do, and by the general manager or secretary.

Power of general manager

SEC. 3.50. With the consent of the board, the general manager may:

(a) Authorize the trust department of any state or national bank in this State, or a trust company authorized to act as such in this State, to receive as his agent deposits of any securities acquired by the district.

(b) Place and maintain for safekeeping as a trust deposit with the trust department of any state or national banks in this State, or a trust company authorized to act as such in this State, any securities owned by the district.

The bank or trust company selected shall have a total paid-in capital of at least one million dollars ($1,000,000). The general manager shall take from the trust department or trust company a receipt for the securities, and neither the general manager nor the district is responsible for the custody and safe return of the securities until they are withdrawn from the trust department or trust company by the general manager. Any trust department or trust company to which securities are delivered, either as agent or depository for the general manager, shall make such disposition of the securities as the general manager directs and is responsible only for strict compliance with written instructions given to it by the general manager. All such securities are at all times subject to the order of the general manager.

CHAPTER 4. LABOR PROVISIONS

Employees of acquired facilities

SEC. 4.1. Whenever the district acquires existing facilities from a publicly or privately owned public utility, to the extent necessary for operation of the facilities, all employees of such public utility whose duties pertain to the facilities acquired and who have been employed by the utility for at least 75 days, shall be appointed to comparable positions in the district with-

out examination, and shall be governed thereafter by the personnel system adopted by the board. These employees shall be given sick leave, seniority and vacation credits in accordance with the records of the acquired public utility.

The provisions of this section shall apply only to those officers or supervisory employees of the acquired utility as shall be designated by the board.

Insurance plans

SEC. 4.2. Notwithstanding any provisions of the Government Code, the board may authorize payment of any or all of the premiums on any group life, accident and health insurance, health and welfare plan, or pension or retirement plan, on officers or employees of a district.

CHAPTER 5. RETIREMENT SYSTEM

Social Security Law

SEC. 5 1. The board shall take such steps as may be necessary to place the employees of the district under the Social Security Law.

Pension plans

SEC. 5.2. The board may establish its own pension plan for its employees to supplement social security coverage.

CHAPTER 6. POWERS AND FUNCTIONS OF DISTRICT

Article 1. Corporate Power

Succession Seal

SEC. 6.1. The district has perpetual succession and may adopt a seal and alter it at pleasure.

Suits

SEC. 6.2. The district may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

Eminent domain

SEC. 6.3. The district shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. The district may take any property necessary or convenient to the exercise of the powers granted in this act whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right the district has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this act. The district shall proceed in the name of the district in condemnation proceedings. The district, in exercising such power shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, cables, or poles of any public utility which is required to be moved to a new location; provided such facilities are being maintained pursuant to a franchise from a city or county.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Fresno shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

Article 2. Contracts

Contracts and stipulations

SEC. 6.5. The district may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers granted in this act.

Interests in contracts by officers

SEC. 6 6. Neither the general manager nor any director of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom. Any violation of this provision is a misdemeanor, and conviction shall work a forfeiture of office This section has no application to contracts awarded to corporations in which such officer owns less than 1 percent of the entire capital stock.

Article 3. Purchases

Bids

SEC. 6.10. The purchase of all supplies, equipment and materials, and the construction of facilities and works, when the expenditure required exceeds three thousand dollars ($3,000), shall be by contract let to the lowest responsible bidder. Notice requesting bids shall be published at least once in a newspaper of general circulation, which publication shall be made at least 10 days before bids are received. The board may reject any and all bids and readvertise in its discretion.

Purchase on open market

SEC. 6.11. If after rejecting bids the board determines and declares by a four-fifths vote of all its members that in its opinion the supplies, equipment and materials may be purchased at a lower price in the open market, the board may proceed to purchase the supplies, equipment and materials in the open market without further observance of the provisions requiring contracts, bids, or notice.

Immediate expenditures

SEC. 6.12. In case of any great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, the board may, by resolution passed by a four-fifths vote of all its members declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property, and thereupon proceed to expend or enter into a contract involving the expenditure of any sum needed in such emergency without observance of the provisions requiring contracts, bids, or notice.

Article 4. Property

Acquisition of property

SEC. 6.15. The district may take by grant, purchase, gift, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers. The board may lease, mortgage, sell, or otherwise dispose of

any real or personal property within or without the district when in its judgment it is for the best interests of the district so to do.

Disposition of papers

SEC. 6.16. Whenever the board by resolution determines that any record, map, book, or paper in the possession of the district or any officer or employee thereof is of no further value to the district, the board may authorize its sale, destruction, or other disposition.

Article 5. Transit Facilities and Service

Construction, etc., of facilities

SEC. 6.20. The district may acquire, construct, own, operate, control or use rights-of-way, rail lines, bus lines, stations, platforms, switches, yards, terminals, and any and all other facilities necessary or convenient for transit service within or partly without the district, underground, upon, or above the ground and under, upon, or over public streets or other public ways or waterways, together with all physical structures necessary or convenient for the access of persons and vehicles thereto, and may acquire any interest in or rights to the joint use of any or all of the foregoing; provided, that installations in any street, road or other property devoted to a public use shall be subject to consent of the governing body in charge of such public use.

Contributions

SEC. 6.21. The district may without limitation by any other provisions of this part requiring approval of indebtedness, accept contributions of money, rights-of-way, labor, materials, and any other property for the acquisition, construction, maintenance, and operation of transit facilities, and may without limitation by any other provisions of this part enter into any contracts and co-operation with and accept co-operation from the State, or any department, instrumentality, or agency thereof, or any public agency in the acquisition, construction, maintenance, and operation of, and in financing the acquisition, construction, maintenance, and operation of, any such transit facilities.

Public owned transit facilities

SEC. 6.22. The district shall not interfere with or exercise any control over any transit facilities now or hereafter owned, and operated wholly or partly within the district by any city or public agency, unless by consent of such city or public agency and upon such terms as are mutually agreed upon between the board and such city or public agency.

Lease of transit facilities

SEC. 6.23. The district may lease or contract for the use of its transit facilities, or any portion thereof, to any operator, and may provide for subleases by such operator upon such terms and conditions as it deems in the public interest. The word "operator" as used in this section means any city or public agency or any person, firm or private corporation.

Construction and operation of facilities

SEC. 6.24. The district may construct and operate or acquire and operate works and facilities in, under, upon, over, across, or along any street or public highway or any stream, bay or watercourse, or over any of the lands which are the

property of the State, to the same extent that such rights and privileges appertaining thereto are granted to municipalities within the State, subject to the governing body in charge of such streets, highway, stream watercourse or lands.

Agreements for joint use of property

SEC. 6.25. The district may enter into agreements for the joint use of any property and rights by the district and any city, public agency or public utility operating transit facilities; may enter into agreements with any city, public agency or public utility operating any transit facilities, either wholly or partially within, or without, the district, for the joint use of any property of the district or of such city, public agency or public utility, or the establishment of through routes, joint fares, transfer of passengers or pooling arrangements.

Rates

SEC. 6.26 The rates and charges for service furnished pursuant to this act shall be fixed by the board and shall be reasonable.

Rate hearings

SEC. 6.27. The board of supervisors or the city council of a municipality having territory located within the district may file a request for a hearing before the district board as to the reasonableness of any rates or charges fixed by the district and as to any proposal for fixing the location of facilities by the district. The request shall be in writing and shall state the subject matter on which a hearing is desired.

Same Time and place

SEC 6.28. Upon the filing of a request for hearing as provided in Section 6.27 the district board shall fix the time and place for hearing. The time fixed shall not be less than 15 days nor more than 60 days from the date such request is filed. Notice of such hearing shall be given to the county or city requesting such hearing and shall be published by the board.

Intervention

SEC. 6.29. At the time fixed for any hearing before the board any board of supervisors or city council eligible to file a request for hearing, not a party to the original request for hearing, may intervene and shall be entitled to be heard and to introduce evidence.

Decision

SEC. 6.30. Within 30 days after submission of the case, the board shall render its decision and its decision shall be final.

Article 6. Indebtedness

Indebtedness Bonds

SEC. 6.40. The district may borrow money and incur indebtedness, and may issue bonds or other evidences of indebtedness No indebtedness shall be incurred exceeding the ordinary annual income and revenue of the district without the approval of a majority vote of the voters voting on the proposition to incur such indebtedness; except that a further vote of the voters is not required for any indebtedness incurred within the purposes and not exceeding the available amount of any previously authorized bond issue, and as to such indebtedness the proceeds of any of the bonds unexpended in the treasury of the district, or the par value of any of the bonds which are unsold shall be deemed a part of the ordinary annual income and revenue of the district.

Tax levy

SEC. 6.41. The district may borrow money for the purpose of defraying the expenses of the district lawfully incurred after the commencement of the fiscal year, but prior to the time moneys from the tax levy for the fiscal year are received by the district, in a sum which shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation of taxable property in the district at the time the moneys are borrowed, and may evidence such borrowing by notes bearing interest at a rate not to exceed six (6) percent per annum. The notes shall be payable from the tax levy from the then current fiscal year, which levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon. The form of said notes and the proceedings relating to their issuance and sale, will be governed by the applicable provisions contained in Article 7 (commencing with Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code. The maturity of said notes shall not exceed two (2) years.

Limitation

SEC. 6.42. The district shall not incur an indebtedness for public works which in the aggregate exceeds 20 percent of the assessed value of all the real and personal property within the district.

Interest on bonds

SEC. 6.43. Indebtedness which has been incurred for the acquisition, construction, and operation of transit facilities, where the revenue from the transit facilities for three years or more next preceding has been sufficient to pay the interest and principal due on any bonds issued for its construction or acquisition, in addition to the cost of operation and maintenance, shall not be counted and included in ascertaining the limit of indebtedness.

Contributions, etc

SEC. 6.44. The district may accept, without limitation by any other provisions of this act requiring approval of indebtedness, contributions or loans from the United States, this State, or any department, instrumentality, or agency of either thereof, for the purpose of financing the acquisition, construction, maintenance, and operation of transit facilities, and may enter into contracts and co-operate with, and accept co-operation from, the United States, this State, or any department, instrumentality, or agency of either thereof, in the acquisition, construction, maintenance, and operation, and in financing the acquisition, construction, maintenance, and operation, of any such transit facilities in accordance with any legislation which Congress or the Legislature of the State of California may have heretofore adopted or may hereafter adopt, under which aid, assistance, and co-operation may be furnished by the United States or this State in the acquisition, construction, maintenance, and operation or in financing the acquisition, construction, maintenance, and operation of any such transit facilities. The district may do any and all things necessary in order to avail itself of such aid, assistance, and co-operation under any federal or state legislation now or hereafter enacted. Any evidence of indebtedness issued under this section shall constitute a negotiable instrument.

Equipment

SEC. 6.45. The district may purchase equipment such as cars, trolley buses and motorbuses, and rolling equipment, and may execute agreements, leases and equipment trust certificates in the forms customarily used by private corporations engaged in the transit business appropriate to effect the purchase and leasing of rolling equipment and may dispose of the equipment trust certificates upon the terms and conditions as the board may deem appropriate. All money required to be paid by the district pursuant to the agreements, leases and equipment trust certificates provided for in this section shall be payable solely from the revenue or income to be derived from the transit facilities and from grants and loans as provided in Section 6.44. Payment for equipment, or the rental of equipment, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates payable solely from revenue or income as provided in this section, and title to the equipment shall not vest in the district until the equipment trust certificates are paid.

Rolling equipment

SEC. 6.46. The agreement to purchase or lease may direct the vendor or lessor to sell and assign or lease the rolling equipment to a bank or trust company, duly authorized to transact business in the State of California, as trustee, for the benefit and security of the equipment trust certificates and may direct the trustee to deliver the rolling equipment to one or more designated officers of the district and may authorize the district to simultaneously execute and deliver an installment purchase agreement or a lease of the equipment to the district.

Form for agreements and leases

SEC. 6.47. The agreements and leases shall be duly acknowledged before a person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds. The agreements, leases, and equipment trust certificates shall be authorized by resolution of the district and shall contain such covenants, conditions and provisions as may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from the revenue or income to be derived from the transit system.

Covenants, etc

SEC. 6.48. The covenants, conditions and provisions of the agreements, leases, and equipment trust certificates shall not conflict with any of the provisions of any trust agreement securing the payment of bonds, notes or certificates of the district.

Article 7. Investments

Surplus money

SEC. 6.50. The district may invest any surplus money in its treasury, including money in any sinking fund, in any of the following:

(a) Its own bonds.

(b) Treasury notes, certificates of indebtedness, bills, bonds of the United States, or any other evidence of indebtedness secured by the full faith and credit of the United States.

(c) Obligations issued pursuant to the Federal Home Loan Bank Act or the National Housing Act.

(d) Treasury notes or bonds of this State, or of any public corporation, municipal corporation, public district, or political subdivision within this State which are legal as security for the deposit of public funds.

Same

SEC. 6.51. Such investment may be made by direct purchase of any issue of such bonds, treasury notes, or obligations, or part thereof, at the original sale or by the subsequent purchase of the bonds, treasury notes, or obligations.

Same Sale

SEC. 6.52. Any bonds, treasury notes, or obligations purchased and held as investments by the district may from time to time be sold and the proceeds reinvested in bonds, treasury notes, or obligations as provided in this article.

Same Proceeds of sales

SEC. 6.53. Sales of any bonds, treasury notes, or obligations purchased and held by the district shall from time to time be made in season so that the proceeds may be applied to the purposes for which the money with which the bonds, treasury notes, or obligations were originally purchased was placed in the treasury of the district.

Article 8. Taxation

Tax levy Limit

SEC. 6.55. A district may levy, and collect or cause to be collected, taxes for any lawful purpose, subject to a maximum limit of ten cents ($0.10) per one hundred dollars ($100) of assessed value.

Same

SEC. 6.56. If, in the opinion of the board, the revenues will not be sufficient for any and all lawful purposes the board shall levy a tax for such purpose or purposes and fix the amount of money necessary to be raised therefor by taxation.

Tax levy to pay bond interest

SEC. 6.57. The board shall, at the time of fixing the general tax levy and in the manner provided for the general tax levy, levy and collect annually until the district's bonds are paid, or until there is a sum in the treasury of the district set apart for that purpose to meet all sums coming due for principal and interest on the bonds as they become due a tax sufficient to pay the annual interest on the bonds and such part of the principal thereof as becomes due before the proceeds of a tax levied at the next general tax levy will be available. If the maturity of the indebtedness created by the issue of bonds begins more than one year after the date of the issuance thereof, the tax shall be levied and collected annually at the time and in the manner aforesaid, sufficient to pay the interest on the indebtedness as it falls due and to constitute a sinking fund for the payment of the principal on or before maturity.

Additional taxes

SEC. 6.58. The taxes required to be levied and collected on account of interest, principal, and sinking fund of district bonds shall be in addition to all other taxes levied for district purposes, and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of the bonds and accruing interest.

Collection

SEC. 6.59. The board may provide for the assessment, levy, and collection of taxes by the district, including the sale of property to the district for delinquent taxes, with penalties, interest, and cost.

Assessments

SEC. 6.60. The board shall avail itself of the assessments made by the assessor of the county and of the assessments made by the State Board of Equalization for the county, and shall take such assessments as the basis for district taxation and have its taxes collected by the tax collector of the county.

Statement of value of property

SEC. 6.61. In such case the county auditor shall, on or before the third Monday in August of each year, transmit to the board a statement in writing showing the total value of all property within the district, ascertained from the assessments referred to in Section 6.60 as equalized.

Tax rate

SEC. 6.62. The board shall, on or before the first weekday in September, or if such weekday falls upon a holiday then on the first business day thereafter, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property transmitted to the board by the county auditors, which rate of taxation shall be sufficient to raise the amount previously fixed by the board. These acts by the board shall constitute a valid assessment of the property and a valid levy of the taxes so fixed, but the rate of taxation shall not exceed the limit imposed by this article.

Same Statement

SEC. 6.63. The board shall immediately after fixing the rate of taxes as above provided transmit to the county auditor of the county a statement of the rate of taxes fixed by the board.

Collection

SEC. 6.64. The district's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district, under the general requirements and penalties provided by law for the settlement of other taxes.

Redemption money

SEC. 6.65. Whenever any real property has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the district by the county treasurer in the proportion which the tax due to the district bears to the total tax for which the property was sold.

Compensation for tax collection

SEC. 6.66. The compensation to be charged by and paid to any county for the performance of services under this article shall be fixed by agreement between the board of supervisors of the county and the board. The compensation shall in no event exceed one-half of 1 percent of all money collected for the district. The compensation collected by the county shall be placed to the credit of the county general fund.

All taxes levied under this act are a lien on the property on which they are levied. The enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made a part of this act so far as applicable.

Article 9. Claims

Claims

SEC. 6.70 All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

CHAPTER 7. BONDS

Article 1. Issuance

Bonded indebtedness

SEC. 7.1. The district may from time to time incur a bonded indebtedness as provided in this chapter to pay the cost of acquiring, constructing, or completing the whole or any portion of any transit facilities, or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district.

Resolution of board

SEC. 7.2. Whenever the board by resolution passed by vote of two-thirds of all its members determines that the public interest or necessity demands the acquisition, construction, or completion by the district of any transit facilities or any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, it may at any subsequent meeting of the board provide by ordinance for the submission of the proposition of incurring a bonded indebtedness for the purpose set forth in the resolution to the voters of the district at a special bond election held for that purpose.

Petition of voters

SEC. 7.3. In lieu of a resolution passed by the board, proceedings for the issuance of bonds for the purposes provided in this chapter may be initiated by petition of the voters of the district.

Same

SEC. 7.4. Whenever any petition signed by voters within the district equal in number to at least 15 percent of the total vote cast is presented to the board asking for the acquisition, construction, or completion of the whole or any portion of any transit facilities or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district, and also asking that a bonded indebtedness be incurred to pay for the cost thereof, the secretary of the district shall immediately examine and verify the signatures of the petition and certify the result of the examination to the board.

Transmittal of petition

SEC. 7.5. If the required number of signatures is found to be genuine, the secretary shall transmit to the board an authentic copy of the petition without the signatures.

Submission to voters

SEC. 7.6. Upon receiving a petition with the certificate of the secretary stating that it contains the required number of

signatures, the board shall formulate for submission to the voters of the district at a special bond election called for that purpose the proposition of incurring a bonded indebtedness for the purposes set forth in the petition. In its discretion the board may defer the calling of the election until the next general election to be held in the district in order to consolidate them.

Special bond election ordinance Contents

SEC. 7.7. The ordinance calling a special bond election shall fix the date on which the election will be held, and the manner of holding the election and of voting for or against incurring the indebtedness. It shall also recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the transit facilities, works, lands, structures, rights, equipment, or other property proposed to be acquired, constructed, or completed, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness, which shall not exceed 6 percent per annum, payable semiannually or annually the first year and thereafter semiannually.

Same

SEC. 7.8. Propositions for incurring indebtedness for more than one object or purpose may be submitted at the same election.

Election: Consolidation

SEC. 7.9. Any special bond election may be held separately, or may be consolidated with any other election authorized by law at which the voters of the district may vote. If a special bond election is consolidated with any other election, the provisions of this chapter setting forth the procedure for the calling and holding of the special bond election shall be complied with, except that the ordinance calling the election need not set forth the election precincts, polling places, and officers of election, but may provide that the precincts, polling places, and officers of election shall be the same as those set forth in the ordinance, notice, or other proceedings calling the election with which the special bond election is consolidated, and shall refer to the ordinance, notice, or other proceedings by number and title, or by other definite description.

Publication

SEC. 7.10. The ordinance shall be published, and no other notice of election need be given.

Election procedure

SEC. 7.11. The board shall comply with the provisions of Article 3 (commencing with Section 1670) of Chapter 2 of Division 4 of the Elections Code, the provisions of which are applicable to any bond election held pursuant to this article. Wherever the words "county clerk" appear in the Elections Code the words "secretary of the board" shall be substituted, for the purposes of this article, and wherever the words "board of supervisors" appear in the Elections Code, the words "board of directors" shall be substituted, and wherever the words "district attorney or county counsel" appear in the Elections Code, the words "attorney for the district" shall be substituted.

Vote required

SEC. 7.12. The votes of a majority of all the voters voting on the proposition at the election are required to authorize the issuance of bonds under this chapter

Effect of defeat of proposition

SEC. 7.13. If the proposition submitted at a special bond election fails to receive the requisite number of votes, the board shall not within six months after the election hold another special election for the submission of a proposition of incurring a bonded indebtedness substantially the same as the proposition voted upon at the prior election unless a petition signed by voters within the district equal in number to at least 15 percent of the total vote cast is filed with the board, requesting that the proposition, or a proposition substantially the same, be submitted at an election to be called for that purpose.

Article 2. Form and Content

Maturity

SEC. 7.15. Bonds authorized by this chapter shall mature serially in amounts to be fixed by the board; except that payment shall begin not later than 10 years from the date thereof and shall be completed in not more than 50 years from that date.

Bond series

The board may divide any issue of bonds authorized pursuant to this chapter into two or more series, and may fix different dates of issuance and different maturity dates for the bonds of each series. The bonds of each series shall mature serially in amounts to be fixed by the board, and the board shall fix a date not more than 10 years from the date of issuance of each series for the earliest maturity of such series, and shall fix a date not more than 50 years from the date of issuance of each series for the final maturity of such series.

Temporary bonds

Pending the actual issuance or delivery of bonds, a district may issue temporary or interim bonds, certificates, or receipts, of any denomination whatsoever, with or without coupon, and in such form as may be prescribed by the board, to be exchanged for definite bonds when ready for delivery.

Denominations

SEC. 7.16. The bonds shall be issued in such denominations as the board determines, except that no bonds shall be of a denomination less than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000) or any multiple thereof, and shall be payable on the day and at the place or places fixed in the bonds, and with interest at the rate specified therein, payable semiannually.

Call and redemption

SEC. 7.17. The board may at any time prior to the issuance and sale of any bonds provide for the call and redemption of any or all of the bonds on any interest payment date prior to their fixed maturity at not exceeding the par value and accrued interest plus a premium of not exceeding 5 percent upon the principal amount of the bonds, in which event the call price fixed by the board shall be set forth on the face of the bond. Notice of such redemption shall be published. If there is no newspaper of general circulation printed and published within

the district, then the publication shall be made in a newspaper of general circulation printed and published within the county in which the district or any part thereof is situated The first publication shall be at least 30 days prior to the date fixed for the redemption. After the date fixed for such redemption interest on the bonds thereafter shall cease.

Form of bond

SEC. 7.18. The bonds shall be signed by the president of the board or by such officer of the district as the board shall by resolution authorize and designate for that purpose. They shall also be signed by the treasurer, and be countersigned by the secretary. The coupons of the bonds shall be numbered consecutively and be signed by the treasurer. All signatures and countersignatures, except one of said signatures or countersignatures on the bonds, may be printed, lithographed, or engraved. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds to the purchaser, the signature or countersignature is nevertheless valid and sufficient for all purposes as if he had remained in office until the delivery of the bonds.

Article 3. Issue and Sale

Issue and sale

SEC. 7.20. The bonds may be issued and sold for not less than their par value, but otherwise as the board determines Before selling any bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as the board may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either again give notice inviting bids or sell the bonds at private sale.

Premiums and interest funds

SEC. 7.21. All premiums and accrued interest received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds The remainder of the proceeds of the bonds shall be placed in the district treasury to the credit of the proper fund, and shall be used exclusively for the objects or purposes for which the bonds were voted; provided that when said objects and purposes have been accomplished any moneys remaining shall be transferred to the fund to be used for the payment of principal of and interest on the bonds, and that when all principal of and interest on the bonds shall have been paid, any balance of money then remaining shall be transferred to the general fund of the district.

Including interest

SEC. 7.22. In lieu of the immediate levy of a tax to pay the interest or any part thereof on any bonded indebtedness incurred in accordance with this division, the board may in the estimate of the amount of money necessary to be raised by

the bonds include a sum sufficient to pay interest on all of the bonds or part thereof during the period of acquisition, construction, or completion, but for no period in excess of five years.

Article 4. Refunding

Refunding bonds

SEC. 7.25. Whenever the board by resolution passed by a vote of two-thirds of all its members determines that the refunding of the whole or any portion of the bonded indebtedness will be of advantage to the district the board may refund the bonded indebtedness or any portion thereof and issue refunding bonds of the district therefor.

Same

SEC. 7.26. The issuance of refunding bonds shall not be construed as the incurring or increase of an indebtedness within the meaning of this division, and the approval of the voters is not required for the issuance of refunding bonds. The board may provide for the call and redemption of any or all of the bonds on any interest payment date prior to their fixed maturity in the ordinance authorizing the issuance of the refunding bonds.

Applicable provisions

SEC. 7.27. Except as otherwise provided, the provisions of this chapter shall substantially govern as to all matters pertaining to the issuance of refunding bonds, including and without limiting the generality of the foregoing, the form, execution, issuance, maturity, redemption, refunding, validation, the payment of interest from bond funds, and the status of the bonds as investments.

Refunding bonds Interest

SEC. 7.28. Refunding bonds shall bear interest at a rate not exceeding the interest rate on the refunded bonds, but payment of the refunding bonds shall begin not later than one year from the date thereof and be completed in not more than 40 years from that date.

Proceeds of sale

SEC. 7.29. The proceeds of the sale of refunding bonds shall be applied only to the purchase, or retirement at not more than par and accrued interest, or the call price, of the bonded indebtedness for which the refunding bonds were issued.

Exchange

SEC. 7.30. In lieu of selling refunding bonds and using the proceeds to purchase or retire the bonds to be refunded, the board may exchange refunding bonds at not less than par and accrued interest for the bonds so refunded.

Surrender

SEC. 7.31. Whenever outstanding bonds are refunded they shall be surrendered to the treasurer of the district, who shall cancel them by endorsing on their face the manner in which the refunding was effected (whether by exchange or purchase, and the amount for which so purchased, if any) and by perforating through each bond and each coupon attached thereto the word "canceled" together with the date of cancellation.

Article 5. Status as Investments

Legal investments

SEC. 7.35. All bonds including refunding bonds issued by a district are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and

savings, and trust companies, and for the State School Fund and for all sinking funds under the control of the State Treasurer. Whenever any money or funds may by law be invested in or loaned upon the security of bonds of cities, cities and counties, counties, or school districts, in the State, such money or funds may be invested in or loaned upon the security of the bonds of the district; and whenever bonds of cities, cities and counties, counties, or school districts by law may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds of the district may be so used.

Security for bank deposits

SEC. 7.36. All bonds of the district, to the same extent as bonds of any other municipality, are legal for use by any state or national bank or banks in the State as security for the deposit of funds of the State or of any county, city and county, city, municipality, or other public or municipal corporation within the State.

Article 6. Validation

Validating action

SEC. 7.40. The board may at any time within 60 days from the date of an election authorizing the issuance of bonds or within 60 days from the date of the resolution authorizing the issuance of refunding bonds cause to be brought in the name of the district an action in the superior court of Fresno County to determine the validity of the bonds.

Proceedings in rem

SEC 7.41. The action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of summons pursuant to Section 6063 of the Government Code in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings.

Jurisdiction

SEC. 7.42. Jurisdiction is complete within 10 days after the full publication of the summons in the manner herein provided. Anyone interested may at any time before the expiration of the 10 days appear and by proper proceedings contest the validity of the bonds.

Consolidation of actions

SEC. 7.43. If there is more than one action or proceeding involving the validity of any such bonds, they shall be consolidated and tried together.

Minor errors

SEC. 7.44. The court hearing any proceeding or action inquiring into the regularity, legality, or correctness of the proceedings leading up to the issuance of bonds or the validity of bonds shall disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to the action or proceeding.

Rules of procedure

SEC. 7.45. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding shall be heard and determined within 10 days from the filing of the notice of intention. The

costs on any proceeding or action herein provided for may be allowed and apportioned between the parties, or taxed to the losing party in the discretion of the court.

Trial Appeal

SEC. 7.46. The action shall be speedily tried and judgment rendered declaring the bonds valid or invalid. Either party may appeal to the Supreme Court at any time within 30 days after the rendition of judgment, which appeal shall be heard and determined within three months from the time of taking the appeal.

Limitation

SEC. 7.47. After the expiration of 90 days from the date of a bond election or the date of the resolution authorizing the issuance of refunding bonds, no action may be brought by any person to contest or question the validity of the bonds and the proceedings leading up to their issuance.

Article 6.5. Validation

Validity of bonds

SEC. 7.48. An action to determine the validity of bonds, including refunding bonds, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Effect Stats. 1961, Ch. 1479

This article shall become operative only if Assembly Bill No. 1412 is enacted by the Legislature at its 1961 Regular Session, in which case it shall supersede Article 6 of this act at the same time as Assembly Bill No. 1412 takes effect.

Article 7. Revenue Bonds

Alternative procedure for raising funds

SEC. 7.50 As an alternative procedure for the raising of funds, a district created pursuant to this part is authorized to issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed by a district, in the manner provided by the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code), all of the provisions of which are applicable to a district created pursuant to this part.

Local agency

SEC. 7.51. A district created pursuant to this part is a local agency within the meaning of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code) The term "Enterprise" "enterprise" as used in the Revenue Bond Law of 1941 shall, for all purposes of this part, include transit facilities and any and all parts thereof and all additions, extensions and improvements thereto and all other facilities authorized to be acquired, constructed or completed by a district under this part. A district may issue revenue bonds under the Revenue Bond Law of 1941, for any one or more facilities or enterprises authorized to be acquired, constructed, or completed by a district or, in the alternative, may issue revenue bonds under the Revenue Bond Law of 1941, for the acquisition, construction and completion of any one of such facilities. Nothing in this article shall prevent a district from availing itself of, or making use

of, any procedure provided in this part for the issuance of bonds of any type or character for any of the facilities or works authorized hereunder, and all proceedings may be carried on simultaneously or, in the alternative, as the directors may determine.

CHAPTER 8. ANNEXATION OF CITIES

Article 1. Annexation Agreement

Annexation of cities

SEC. 8.1. Any city not included within the boundaries of the district may be annexed thereto in the manner provided in this chapter.

Agreement

SEC. 8.2. The legislative body of the city proposed to be annexed shall agree in writing with the board upon the terms and conditions of annexation, which agreement (among other things) may provide for the levy and collection of special taxes within the city in addition to the taxes elsewhere in this act provided for, the fixing of rates, rentals, and charges differing from those fixed or existing elsewhere within the district, the incurring or assumption of indebtedness, or the making of a payment or payments, or the transfer of property, real and personal, and other assets to the district by the city.

Proceedings

SEC. 8.3. As an alternative to commencement of annexation proceedings by action of the legislative body of a city, a petition signed by voters within the city proposed to be annexed, equal in number to at least ten (10) percent of the total vote cast, and asking that proceedings be taken for its annexation, may be addressed to the board and filed with the secretary of the district.

Petition

SEC. 8.4. The petition may include one or more separate documents, but each document shall contain the affidavit of the party who circulated it, certifying that each name signed thereto is the true signature of the person whose name it purports to be. The secretary of the district shall compare the signatures on the petition with the affidavits of registration on file with the county clerk and if he finds that the petition has been signed by the required number of voters he shall attach his signature thereto and present the petition to the board.

Annexation agreement

SEC. 8.5. If the board determines that the annexation of the city, whose voters have petitioned pursuant to Section 8.4, would facilitate the acquisition or operation of any transit facilities for the district or be of advantage to the district, then the board shall also determine the terms and conditions upon which the annexation should be made. The terms and conditions of annexation shall be embodied in an annexation agreement. The annexation agreement may provide (among other things) for any or all of the items set forth in Section 8.2.

Article 2. Approval by District

Approval of the agreement

SEC. 8.10. The agreement shall become effective and be binding upon the district and the city when approved in the manner set forth in this chapter.

The board shall by ordinance setting forth the agreement at length declare its intention of causing it to be executed by the district.

Publication of ordinance

SEC. 8.11. The ordinance, together with a notice fixing the time and place for hearing thereon, shall be published in the district pursuant to Section 6061 of the Government Code The time fixed for the hearing shall be not less than 30 nor more than 60 days from the date of the publication of the ordinance.

Hearing

SEC. 8.12. At the hearing any person interested may file with the board written objections to the execution of the agreement.

Failure to object

SEC 8.13. Upon the hearing the board shall determine whether or not the agreement will be carried into execution and shall hear and determine all objections thereto Failure of any person interested in the district or in the matter of the proposed execution of the agreement to show cause in writing pursuant to Section 8 12 constitutes an assent on his part to a change in the boundaries of the district and to the execution of the agreement.

Continuance of hearing

SEC. 8 14. Any hearing on the agreement may be adjourned from time to time by the board without further notice other than an order to be entered upon the minutes of the meeting fixing the time and place of adjournment.

Approval of agreement

SEC. 8 15. If no protests are filed or if the protests filed are overruled and denied the board shall thereupon by resolution finally approve the agreement and authorize its execution, which shall become effective when executed by the city, duly authorized in the manner provided in this chapter.

Executed copy of agreement

SEC. 8.16. When executed by the district the agreement shall be dated and an executed copy filed with the secretary of the district. An executed copy shall also be filed with the clerk of the city to be annexed.

Article 3. Approval by City

Approval election

SEC. 8.20. At any time after the board has finally approved the agreement of annexation the legislative body of the city to be annexed shall cause an election to be held in the city to determine whether the city will be annexed to the district upon the terms and conditions stated in the agreement.

Notice of election

SEC. 8.21. Notice of election shall be published as provided in Section 1.12 and shall either state that a copy of the annexation agreement is on file in the office of the secretary or clerk of the city proposed to be annexed, and open to the inspection of all persons interested, or set forth the terms and conditions of the agreement of annexation at length, in the discretion of the legislative body calling the election.

Form of ballot

SEC. 8.22. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition shall set forth the proposition of annexation substantially as follows:

Shall the _____ (city) be annexed to Fresno Metropolitan Transit District in accordance with and subject to all of the terms and conditions of an agreement of annexation dated _____ now on file in the office of the clerk of _____ (city)?	YES	
	NO	

Canvass: Vote required

SEC. 8.23. If upon a canvass of the election it is found that a majority of all votes cast on the proposition at the election were cast in favor of the annexation, the proposition and all of the terms and conditions of the agreement of annexation shall be deemed carried and approved by the voters.

Defeat of proposition

SEC. 8.24. If the proposition fails to carry, the result shall be entered upon the minutes of the governing body of the city.

Passage Order

SEC. 8.25. If the proposition receives the vote of the requisite majority of voters the governing body of the city shall enter in its minutes an order declaring the result of the election and shall thereupon cause the agreement of annexation to be executed by its duly authorized officers.

Article 4. Establishment of Annexation

Declaration of annexation

SEC. 8.30. Upon receipt by the district of a copy of the agreement of annexation properly executed by the district and the city proposed to be annexed the board shall pass a resolution declaring the city annexed to the district, and shall cause a certified copy of the resolution to be filed with the Secretary of State. From and after the date of filing of the resolution with the Secretary of State the annexation of the city to the district is complete.

Article 5. Annexation of Territory to Cities

Annexed territory to city

SEC. 8.35. Any territory annexed in accordance with law to any city included in the district shall, upon the completion of such annexation proceeding, be deemed incorporated into and annexed to the district, and thereafter is subject to taxation, along with the entire territory of the district in accordance with the assessable valuation of the property thereof, for general district purposes, and for the payment of any indebtedness theretofore or thereafter incurred by the district

Article 6 Effect of Annexation

Tax levy on annexed territory

SEC 8.40. From and after the date of annexation the board shall levy upon all of the property in the city annexed such taxes, tolls, or charges as are necessary to provide funds

for the payment of the indebtedness assumed by the city or otherwise necessary to comply with the terms and conditions of the annexation agreement, all in addition to the general district taxes authorized elsewhere in this division to be levied and collected.

Effect of annexation

SEC. 8.41. No annexation of a city to a district shall operate to dissolve or terminate the legal existence of the city annexed.

Article 7. Contest of Annexation

Validity action

SEC. 8.45. The validity of any proceedings for the annexation of any city to any district shall not be contested in any action unless the action is brought within three months after the completion of the proceedings.

CHAPTER 9. ANNEXATION OF UNINCORPORATED TERRITORY

Article 1. Annexation Agreement

Annexation

SEC. 9.1 Unincorporated territory may be annexed to a district in the manner provided in this chapter.

Non-contiguous territory

SEC. 9.2. Unincorporated territory not contiguous to a district may not be annexed if the district does not possess facilities for supplying transit service to that territory

Petition

SEC. 9.3. A petition signed by voters within the territory proposed to be annexed equal in number to at least 10 percent of the total vote cast, describing the territory and asking that proceedings be taken for its annexation, shall be addressed to the board and filed with the secretary of the district.

Signatures

SEC. 9.4 The secretary shall compare the signatures on the petition with the affidavits of registration on file with the county clerk and if he finds that the petition has been signed by the required number of voters he shall attach his signature thereto and present the petition to the board.

Terms and conditions

SEC. 9.5. If the board determines that the annexation of the territory would facilitate the acquisition or operation of any transit facilities for the district, or be of advantage to the district, then the board shall also determine the terms and conditions upon which the annexation should be made.

Tax payment

SEC 9.6. Provisions may be made (among other things) for payment of taxes within the territory to be annexed in addition to the taxes elsewhere in this act provided for, the fixing of rates, rentals, and charges differing from those fixed or existing elsewhere within the district, the incurring or assumption of indebtedness, or the making of a payment or payments, or the transfer of property, real and personal, and other assets to the district by the territory proposed to be annexed. The boundaries of the territory proposed to be annexed need not be coterminous with any election precincts. The terms and conditions shall become effective and be binding upon the district and the territory to be annexed when approved in the manner set forth in this chapter.

Article 2. Approval by District

Declaration of intent

SEC. 9.10. The board shall by ordinance setting forth the terms and conditions at length declare its intention of causing the agreement to be approved by the district.

Publication

SEC. 9.11. The ordinance together with a notice fixing the time and place for hearing thereon shall be published in the district pursuant to Section 6061 of the Government Code. A copy of the ordinance shall be filed with the secretary of the district. The time fixed for hearing shall not be less than 30 nor more than 60 days from the date of the publication of the ordinance.

Hearing Written objections

SEC. 9.12. At the hearing any person interested may file with the board written objections to the approval of the terms and conditions.

Determination

SEC. 9.13. Upon the hearing the board shall determine whether or not the terms and conditions will be approved and shall hear and determine all objections thereto. Failure of any person interested in the district or in the matter of the proposed annexation on the terms and conditions set forth in the ordinance to show cause in writing pursuant to Section 9.12 constitutes an assent on his part to a change in the boundaries of the district upon the terms and conditions set forth.

Continuances of hearing

SEC. 9.14. Any hearing on the agreement may be adjourned from time to time by the board, not exceeding 30 days in all, without further notice other than an order entered upon the minutes of the meeting fixing the time and place of adjournment.

Approval resolution

SEC. 9.15. If no protests are filed or the protests filed are overruled and denied by the board the board shall thereupon by resolution finally approve the terms and conditions and proceed with the annexation in the manner provided in this chapter.

Dismissal of proceedings

SEC. 9.16. If protests against the proposed annexation are sustained, all proceedings shall be dismissed and no proceedings shall be undertaken again concerning the territory or any part thereof until after the expiration of one year.

Article 3. Approval by Unincorporated Territory

Election

SEC. 9.20. Within 90 days after the board has finally approved the terms and conditions of annexation the board shall cause an election to be held in the territory proposed to be annexed to determine whether the territory shall be annexed to the district upon the terms and conditions stated in the ordinance.

Notice of election

SEC. 9.21. Notice of election shall be published and shall either state that a copy of the ordinance containing the terms and conditions of annexation at length is on file in the office of the secretary of the district, and open to the inspection of all persons interested, or itself set forth the terms and conditions of annexation at length, in the discretion of the board.

SEC. 9.22. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition shall set forth the proposition of annexation substantially as follows: Ballot form

Shall the territory described in the petition filed with the secretary of the _____ metropolitan transit district on the ____ day of _____ be annexed to the metropolitan transit district in accordance with and subject to all of the terms and conditions set forth in that certain ordinance passed by the board of directors of the metropolitan transit district on the __ . day of __ _____, a copy of which is now on file in the office of the secretary of the metropolitan transit district?	YES
	NO

SEC. 9.23. If upon a canvass of the election it is found that a majority of all votes cast on the proposition at the election were cast in favor of the annexation, the proposition and all of the terms and conditions set forth in the ordinance shall be deemed carried and approved by the voters. Canvass

SEC. 9.24. If the proposition fails to carry, the result shall be entered upon the minutes of the board.

SEC. 9.25. If the proposition is defeated by the voters, no annexation proceeding shall be commenced involving the territory or any part thereof until after the expiration of one year. Effect of defeat

Article 4 Establishment of Annexation

SEC. 9.30. In the event the proposition receives the vote of the requisite majority of voters the board shall pass a resolution declaring the territory annexed to the district, and shall cause a certified copy of the resolution to be filed with the Secretary of State, from and after the date of which filing with the Secretary of State the annexation of the territory to the district is complete. Resolution

Article 5. Annexation Without Election

SEC. 9.35. Unincorporated territory may be annexed to a district without an election in the manner provided in this article. Annexation without election

SEC. 9.36. A petition describing the territory proposed to be annexed and requesting that proceedings be taken for its annexation shall be signed by all of the owners of the real property described therein, verified by the affidavit of one of the petitioners, addressed to the board, and filed with the sec Petition

retary of the district. If a portion of the territory consists of public highways, streets, roads or paths, it shall not be necessary to secure the signatures to the petition of the owners only of the real property occupied by such public highways, streets, roads or paths.

Hearing

SEC. 9 37. Proceedings shall thereafter be taken and a hearing held in substantial compliance with the provisions of this chapter relating to the annexation of unincorporated territory except that no election shall be held within the territory proposed to be annexed and the territory shall be deemed annexed to the district upon the passage of a resolution of the board declaring the territory annexed and the filing of a certified copy thereof with the Secretary of State.

Article 6. Effect of Annexation

Levy of taxes, tolls, etc

SEC. 9.40. From and after the date of annexation the board shall levy upon all of the property in the territory annexed such taxes, tolls, or charges as are necessary to provide funds for the payment of the indebtedness assumed by the territory or otherwise necessary to comply with the terms and conditions of the annexation, all in addition to the general district taxes authorized elsewhere in this act to be levied and collected.

Article 7. Contest of Annexation

Validating action

SEC. 9.45. The validity of any proceedings for the annexation of any unincorporated territory to any district shall not be contested in any action unless the action is brought within three months after the completion of the proceedings.

CHAPTER 10. DISSOLUTION

Dissolution election

SEC. 10.1. If the district operates no transit facilities, or its exterior boundaries become coincident with the boundaries of a single city, the board may call an election at any time for the purpose of submitting to the voters of the district the question of whether the district will be dissolved. Upon the filing with the secretary of such a district of a petition signed by voters within the district equal in number to at least 25 percent of the total vote cast, asking that the question of dissolution of the district be submitted to the voters of the district, the board shall call such an election.

Time for election

SEC. 10 2. The election for the purpose of submitting to the voters of the district the question of whether or not the district shall be dissolved shall be held within 60 days next succeeding the date on which the petition is filed.

Notice of election

SEC. 10.3. Notice of any election for dissolution, whether called because of the filing of a petition or ordered by the board without petition, shall be published. The date fixed for the election shall not be less than 30 days from the date of the first publication of the notice.

SEC. 10.4. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition the following: Ballot form

Shall the Fresno Metropolitan Transit District be dissolved?	YES	
	NO	

CHAPTER 11. PURPOSE OF ACT

SEC. 11.1. It is hereby declared to be the policy of the State of California to develop transit system districts in the various metropolitan areas within the State for the benefit of the people. A necessity exists within Fresno County for such a system. Because there is no general law under which this district could perform this distinct function, only a specially created district can operate effectively in the Fresno metropolitan area. Because of the unique problem presented by that metropolitan area, the adoption of a special act and the creation of a special district is required. Purpose of act

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CHAPTER 1933

An act to amend Section 24605 of the Vehicle Code, relating to tow cars.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 24605 of the Vehicle Code is amended to read:

24605. Tow cars used to tow a vehicle shall be equipped with and carry a rear lamp, stop lamp, and a portable electrical extension cord for use in displaying the lamps on the rear of a disabled vehicle. Whenever a disabled vehicle is towed during darkness and the rear lamps on the disabled vehicle cannot be lighted, the tow car operator shall connect and display such lighted lamps or combination thereof on the rear of the disabled vehicle by means of the extension cord.

CHAPTER 1934

An act to add Section 24406 to the Revenue and Taxation Code, relating to deductions permitted under the Bank and Corporation Tax Law.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 24406 is added to the Revenue and Taxation Code, to read:

24406. In the case of other associations organized and operated as co-operative corporations pursuant to Part 2 (commencing with Section 12200), Division 3, Title 1 of the Corporations Code, whose income is principally derived from the sale in the regular course of business of tangible personal property other than water, agricultural products or food sold at wholesale, all patronage refunds paid or accrued to patrons if the patronage refunds are made and allocated as follows:

(a) Made pursuant to a pre-existing obligation which is created by the association's bylaws or other written instrument

(b) Made from earnings which are attributable to business done by the association with the patrons to whom the patronage refunds are made, and allocated ratably according to patronage.

(c) Allocated, and the patrons to whom the patronage refunds are to be made are notified of the allocation, on or before the due date for the filing of the association's franchise tax return, including any extension of time, pursuant to this part, for the year in which the patronage occurred.

CHAPTER 1935

An act to add Article 1.6 (commencing with Section 2586) to Chapter 7, Division 5 of the Education Code, relating to junior colleges.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Article 1.6 (commencing with Section 2586) is added to Chapter 7, Division 5 of the Education Code, to read:

Article 1.6 Separation of Junior College From High School or Unified District and Formation of a New Junior College District

Definitions

2586. As used in this article:

(a) "County committee" means the county committee on school district organization of any county in which a junior college is maintained by a school district.

(b) "Junior college" means a public institution of higher learning offering a regular daytime program of instruction in grades 13 and 14 and any night school or ungraded classes maintained in connection with the regular daytime program. When the term "junior college" is used in connection with a high school district or unified district maintaining a four-year junior college pursuant to Section 5708 or any other law, the term shall be deemed to refer to that portion of the four-year junior college which is included in the definition set forth in the first sentence of this subdivision.

Studies and reports

2587. Each county committee shall study the role of the junior college maintained by any high school district or unified district in the county and its relationship with adjacent areas within or without junior college districts The county committee shall publish a report of the study on or before June 30, 1963.

Election to form junior college district

2588. On or after July 1, 1963, the county committee may, and upon the petition of 10 percent of the registered voters residing in a high school district or unified district maintaining a junior college, shall, adopt a resolution directing the county superintendent of schools to call an election to form a new junior college district to include all the territory of the high school district or unified district and hold an election on the same date to elect members of the governing board of the new district. No person shall be eligible for the board who is at the same time a member of the governing board of another school district. The committee shall transmit a copy of the resolution to the county superintendent of schools.

Election procedure

2589. The county superintendent of schools shall call the election to be held at a date which is not more than 90 days from the date of the adoption of the resolution. The election shall be called, held, and conducted in the territory of the proposed new district in the same manner as election to be held under Sections 2561 to 2569, inclusive, except as otherwise provided in this article. The election to elect members of the governing board of the proposed district shall be called, held, and conducted as are elections for members of governing boards of elementary districts. The county superintendent of schools shall issue the call for both elections on the same date, and both elections shall be held on the same date. The election of persons as members of the governing board shall be ineffective if a majority of the votes cast at the election for the formation of the district do not favor the formation.

Boundaries

2590. The county committee shall fix the boundaries for the proposed district. There shall be included in the boundaries all of the territory of the high school district or unified district

maintaining a junior college. The committee may include additional territory. The boundaries shall be set forth in the resolution directing the superintendent to call the formation election. The county committee shall determine whether the governing board of the proposed district shall consist of five or seven members and shall prescribe the number in the resolution.

Vote required Filing certificate

2591. If it appears from the certificate filed by the county superintendent of schools pursuant to Section 2569 that a majority of the votes cast at the election on the formation of the district is in favor of the formation, the county clerk shall file the certificate in full in his record of school district. The action to form a junior college district shall be complete upon such filing. The action shall become effective for all purposes on the next succeeding July 1 if it is completed prior to February 1 of a school year, and if not so completed, the action shall become effective on the second next succeeding July 1. For the purposes enumerated in Section 1604 the action shall be effective on the date the action is completed.

After the expiration of one year from the date of the filing, the certificate shall be conclusive evidence that the junior college district has been legally organized or the boundaries of the district legally changed, as the case may be, and no suit shall be maintained which questions the validity thereof.

Apportionment from State School Fund

2592. No apportionment of funds from the State School Fund shall be made to the high school district or the unified district on account of pupils attending junior college in such district during the school year in which the new junior college district becomes effective for all purposes or thereafter.

Employees

2593. All employees of the high school district or unified district employed in connection with the junior college maintained by the district during the school year preceding the school year in which the action to form the new junior college district becomes effective for all purposes shall automatically become employees of the new junior college district and shall retain all personal rights, benefits, and status which they accumulated or to which they were entitled in the high school district or unified district.

Division of property

2594. Upon the formation of a junior college, the county superintendent shall provide for a division between the new district and the high school district or unified district of the real and personal property, funds and other assets, and obligations, of the high school district or the unified districts.

Tax levy rate

2595. The rate of district tax levied for the new junior college district for the first year of its existence for all purposes shall be the rate of district tax levied during the preceding year for the high school district or unified district for junior college purposes, as defined by the county committee.

CHAPTER 1936

An act to amend Section 13352 of, to add Sections 13209 and 13210 to, and to repeal Section 13354 of, the Vehicle Code, relating to drunk driving.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 13209 is added to the Vehicle Code, to read:

13209. Before sentencing a person upon a conviction of driving a motor vehicle while under the influence of intoxicating liquor, other than under Section 23101, the court shall obtain from the department a record of any prior convictions of that person for traffic violations. The department shall furnish such record upon the written request of the court. Prior convictions

Notwithstanding the provisions of Section 1449 of the Penal Code, in any such criminal action the time for pronouncement of judgment shall not commence to run until the time that the court receives the record of prior convictions from the department.

SEC. 2. Section 13210 is added to said code, to read:

13210. (a) Notwithstanding any other provision of this code, whenever any person is convicted for the first time of driving a motor vehicle while under the influence of intoxicating liquor, other than Section 23101, the court may restrict such driving privilege whenever the court determines that the suspension will affect the livelihood of a person because of the nature of his employment. Upon notification from the court, the department shall issue to the person a restricted driver's license to permit him to drive an employment vehicle while in the course of his employment during specified hours of employment as determined by the court. Such restrictions shall be endorsed upon the driver's license. First conviction

(b) The judgment rendered upon such a conviction shall include, among other things, the following matters, which shall be set forth in the judgment in substantially the following form: Judgment

It is hereby ordered, with respect to the defendant's driving privilege that:

(1) Such driving privilege is suspended for a period of _____.

(2) Such driving privilege shall be limited as follows:

_____

_____

_____

The facts constituting the existence of hardship necessitating the use of a motor vehicle by the defendant are as follows

(factual statement need be inserted only in case of an order suspending the driving privilege for a period of less than six months or limiting such privilege):

Failure to include such matters in the judgment or abstract shall not invalidate or affect the conviction.

Abstract of record

(c) The abstract of the record of the court covering the case in which a person has been convicted for the first time, other than under Section 23101, of driving a motor vehicle while under the influence of intoxicating liquor, which is required to be transmitted to the department pursuant to Section 1803, shall include the matters specified in subdivision (b) of this section.

SEC. 3. Section 13352 of said code is amended to read:

Suspension or revocation of license

13352. The department shall immediately suspend or revoke the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of driving a motor vehicle while under the influence of intoxicating liquor. The suspension or revocation shall be as follows:

(a) Upon a first such conviction other than under Section 23101 such privilege shall be suspended for a period of six months, unless the court in case of the first conviction only suspends such privilege under authority of Section 13201 or recommends no suspension or restricts such privilege under the authority of Section 13210.

(b) Upon a first such conviction under Section 23101 such privilege shall be suspended for one year and shall not be reinstated until such person gives proof of ability to respond in damages as defined in Section 16430.

(c) Upon a second such conviction within seven years, such privilege shall be suspended for one year and shall not be reinstated unless and until such person gives proof of ability to respond in damages as defined in Section 16430.

(d) Upon a second such conviction under Section 23101 within three years, such privilege shall be permanently revoked.

(e) Upon a third or subsequent such conviction within 10 years such privilege shall be revoked and shall not be reinstated for a period of three years and until such person files proof of ability to respond in damages as defined in Section 16430.

Repeal

SEC. 4. Section 13354 of said code is repealed.

Prior actions

SEC. 5. The provisions of this act shall not affect any action taken by the Department of Motor Vehicles or by any court prior to the effective date of this act with respect to a conviction of driving a motor vehicle while under the influence of intoxicating liquor.

CHAPTER 1937

An act to amend Section 13723 of the Education Code, relating to classified employees in merit system school districts

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 13723 of the Education Code is amended to read:

13723. All new employees in the classified service shall be selected pursuant to this article (commencing with Section 13701) and the rules of the commission, from applicants on eligibility lists which, wherever practicable, as determined by the commission, shall be made up from promotional examinations. All applicants for promotional examinations shall have the required amount of service in classes designated by the commission or meet the minimum qualifications of education, training, experience, and length of service, which shall be determined by the commission to be appropriate for the class for which they have applied. Any promotional applicant who has served the required amount of time in a designated class or who meets the minimum qualifications for admission to a promotional examination shall be admitted to the examination. Applicants shall be placed on the eligibility lists in the order of their relative merit as determined by competitive examinations. Appointments shall be made from the first two applicants on the eligibility list who are ready and willing to accept the position.

CHAPTER 1938

An act to amend Sections 1157 and 53202 of, and to add Sections 53202.1, 53202.2 and 53202.3 to, the Government Code, relating to group insurance.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1157 of the Government Code is amended to read:

1157. Officers and employees of a public agency, other than a state agency, may authorize the governing body of the public agency to make deductions from their salaries or wages for the payment of premiums on life, accident, health, disability, or automobile liability insurance, or on any two or more, under a system of insurance approved by or adopted and carried into effect by the governing body, or for the payment of premiums Deductions for insurance

on National Service Life Insurance or United States Government Converted Insurance. Officers and employees of such a public agency may authorize the governing body of the public agency to make deductions from their salaries or wages for the payment of dues or subscription charges of nonprofit membership corporations for defraying the cost of medical service (including services rendered by doctors of medicine, doctors of osteopathy, or doctors of chiropractic), or hospital care, or both, under system of medical service, or hospital care, or both, approved by or adopted and carried into effect by the governing body.

SEC. 2. Section 53202 of said code is amended to read:

Contracts with insurers

53202. In providing health and welfare benefits the local agency may approve plans of their officers and employees or may contract with one or more admitted insurers or health service organizations for such plan or plans of health and welfare benefits as the local agency shall determine to be in the best interests of the local agency and the officers and employees electing to accept the benefits. Approval of or application for such benefits may be made by the local agency upon its own motion or with the consent of the legislative body after considering the preference of the employees of the agency, and two or more alternative plans of health and welfare benefits may be offered to the employees if the local agency determines that such action is desirable.

SEC. 3. Section 53202.1 is added to said code, to read:

Approval of insurance

53202.1. In approving a plan or plans of health and welfare benefits the local agency may approve policies of life, health and accident insurance, or any of them, from an admitted insurer or from a nonprofit membership corporation (as defined in Section 1157 of this code), wherein a bona fide association, as defined in Section 1157 1 of this code, is the policyholder or contract-holder, for the benefit of the agency and the officers and employees authorizing the purchase.

SEC. 4. Section 53202.2 is added to said code, to read:

Rules and regulations

53202 2. When a policy is approved or adopted and carried into effect the local agency may prescribe such rules, regulations and procedures as may properly implement the system, to provide for its administration and to advise its officers and employees of the terms and provisions of the system or systems as approved or adopted and carried into effect.

SEC. 5. Section 53202 3 is added to said code, to read:

Benefits

53202 3. All plans, policies or other documents used to effectuate the purposes of this article shall provide benefits for large numbers of employees. No plan or policy may be approved pursuant to this article unless its issuance or the payment of benefits thereunder is otherwise lawful in this State. This article does not authorize the issuance of any group policy or the representation of any insurance benefits as group insurance unless the policy concerning which the representation is made is designated as a group policy by the applicable provisions of the Insurance Code.

CHAPTER 1939

An act to amend Section 28124 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 28124 of the Government Code is amended to read:

28124. In a county of the 24th class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eight thousand dollars ($8,000) a year. When required by the board of supervisors to compile an annual statistical report, he shall receive one hundred fifty dollars ($150) from the general fund of the county as compensation for compiling the report.

(b) The district attorney, eleven thousand two hundred dollars ($11,200) a year. He shall not engage in private law practice and shall devote all his time and attention during business hours to the duties of his office.

(c) Each supervisor, six thousand dollars ($6,000) a year for all services performed by him as supervisor and as a member of the board of equalization. No mileage allowance is necessary as the county furnishes automobiles for the use of supervisors.

(d) For each day's attendance as a grand juror or a trial juror in the superior court, three dollars ($3) a day; for each mile traveled in attending court as such juror, twelve cents ($0.12), in going only.

A grand juror, when attending as a member of a regularly constituted committee or subcommittee of the grand jury, shall receive the same per diem and mileage as is allowed for attending court.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 2. The increase in the salary of the Merced District Attorney provided for in Section 1 of this act shall become operative January 1, 1963.

Operative date

CHAPTER 1940

An act to amend Section 934 of the Penal Code, relating to county counsels.

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 934 of the Penal Code is amended to read:

934. The grand jury may, at all times, ask the advice of the court, or the judge thereof, or of the district attorney, or of the county counsel. Unless such advice is asked, the judge of the court, or county counsel as to civil matters, shall not be present during the sessions of the grand jury.

CHAPTER 1941

An act to amend Section 25457 of the Government Code, relating to county contracts.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 25457 of the Government Code is amended to read:

25457. In counties employing a purchasing agent, furnishings, materials, supplies and employment of independent contractors used in the construction or repair of any of the works mentioned in Section 25450 costing not more than four thousand dollars ($4,000) in total may be purchased by the purchasing agent in accordance with Article 7 of this chapter without the formality of obtaining bids, letting contracts, preparing specifications, and the other things required by this article and said Article 7 for purchases or contracts costing more than four thousand dollars ($4,000).

CHAPTER 1942

An act providing additional powers and duties for the Alameda County Water District (organized pursuant to the County Water District Law, commencing with Section 30000 of the Water Code), relating to the replenishment of ground waters.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

Definitions

SECTION 1. The following definitions apply to the words used in this act:

(a) "District" means the Alameda County Water District (organized pursuant to the County Water District Law, commencing with Section 30000 of the Water Code).

(b) "Water year" means the period commencing on July 1st of one calendar year and ending on June 30th of the calendar year immediately following.

(c) "Ground water" means the water beneath the surface of the ground, whether or not flowing through known and definite channels.

(d) "Nonsaline water" means water, the salinity of which does not exceed the tolerance generally accepted within the district for salinity of water used for domestic or agricultural purposes therein.

(e) "Production" or "producing" means the extraction or extracting of ground water, by pumping or any other method from shafts, tunnels, wells, excavations, or other sources of ground water for domestic, municipal, irrigation, industrial, or other beneficial use, except that such terms shall not mean or include the extraction or extracting of ground water incidentally produced with oil in the production of oil or gas, nor the extraction or extracting of ground water incidentally produced in a bona fide mining operation or construction of a tunnel or railroad, highway, aqueduct, pipeline, or other useful purpose unless the ground water so extracted shall be used or sold by the producer for domestic, municipal, irrigation, industrial, or other beneficial purpose.

(f) "Water-producing facility" means any device or method, mechanical or otherwise, for the production of ground water from the ground water supplies within the district.

(g) "Owner" means the person or persons owning any water-producing facility or any interest therein other than a lien to secure the payment of a debt or other obligation.

(h) "Operator" means the person or persons operating a water-producing facility; the owner thereof shall be conclusively presumed to be such operator unless satisfactory showing be made to the board of directors of the district that such water-producing facility actually is operated by some other person or persons.

(i) "Producer" means any operator producing ground water.

(j) "Annual overdraft" means the amount, as determined by the board of directors of the district, by which the quantity of ground water removed by any natural or artificial means from the ground water supplies within the district during the water year exceeds the quantity of nonsaline water replaced therein by the replenishment of such ground water supplies in such water year by any natural or artificial means other than replenishment under the provisions of this act.

(k) "Accumulated overdraft" as used in this act means the amount of water necessary to be replaced in the intake area of the ground water basin within said district to prevent the landward movement of ocean water into the fresh ground water body, as determined by the board of directors from time to time.

(*l*) "Existing agency" means any public corporation, agency, district, or political subdivision, now or hereafter created, which has any of the powers granted the Alameda County Water District by this act.

Powers of district

SEC. 2. The district may do any act necessary to replenish the ground water of the district or to prevent salt water intrusion into the ground waters of the district, including any of the following:

(a) Buy and sell water.

(b) Exchange water.

(c) Distribute water to persons in exchange for ceasing or reducing ground water extractions.

(d) Spread, sink, and inject water into the underground.

(e) Store, transport, recapture, reclaim, purify, treat, or otherwise manage and control water for the beneficial use of persons or property in the district.

(f) Build the necessary works to achieve ground water replenishment or the prevention of salt water intrusion.

(g) Put to beneficial use any water subject to the control or management of the district.

SEC. 3. The district may take any action necessary to protect or prevent interference with the water, the quality of water, or the water rights of persons or property within the district, subject to the limitations contained in Section 4.

Additional powers

SEC. 4. For the purposes of replenishing the ground water supplies in the district and of preventing the intrusion of salt water into such supplies, the district shall have, in addition to its powers under the County Water District Law (commencing with Section 30000 of the Water Code), the following powers:

(a) Within or outside of the district to construct, purchase, lease or otherwise acquire, and to operate and maintain necessary waterworks and other works, machinery and facilities, canals, conduits, waters, water rights, spreading grounds, lands, rights and privileges useful or necessary to replenish the underground water basin in the district, to augment the common water supplies of the district, or to prevent salt water intrusion into the ground waters of the district.

(b) For the common benefit of the district, to store water in underground water basins or reservoirs in, or outside of, the district, to appropriate and acquire water and water rights in, or outside of, the district, to import water into the district, and to conserve water in, or outside of, the district.

(c) To carry out the purposes of this act, to commence, maintain, intervene in, defend and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to prevent interference with water or water rights used or useful to lands within the district, or dimunition of the quantity, pollution, or contamination of the water supply of the district, or to prevent unlawful exportation of water from the district, or to prevent any interference with the water or water rights used or useful in the district which may endanger or damage the inhabitants, lands or use of water in the district; provided, however, that the district shall not have the power to intervene or take part in, or to pay costs or expenses

of actions or controversies between the owners of land or water rights all of which are entirely within the boundaries of the district, unless such action is one to adjudicate all or substantially all of the rights to use or extract ground water within the district

(d) To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the district, or any portion thereof, with replenishment water, except (a) water and water rights already devoted to beneficial use, and (b) property (other than water and water rights) already appropriated to public use unless the taking be for a more necessary public use than that to which the property is already appropriated; provided, the district in exercising such power shall, in addition to the damage for taking, injuring, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, including railways, mains, pipes, conduits, wires, cables, towers, or poles of any public utility which is required to be removed to a new location. No use by the district of property owned, at the time the action to condemn is brought, by an existing agency having powers to provide for the replenishment of ground waters, shall constitute a more necessary public use than the use to which the property is already appropriated. In proceedings relative to the exercise of such right, the district shall have all of the rights, powers, and privileges of a city. No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Alameda shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

(e) To act jointly with or co-operate with the United States or any agency thereof, and, under the applicable laws of this State, co-operate and act jointly with the State of California, or any county or agency thereof, or any political subdivision or district therein, including flood control districts, public and private corporations, and any person, to the end that the purposes and activities of the district may be fully and economically performed.

(f) To cause assessments and charges to be levied as hereinafter provided.

(g) To carry on technical and other investigations of all kinds, necessary to carry out the provisions of this act, and for this purpose the district shall have the right of access through its authorized representative to all properties within the district.

(h) To fix the rates at which water shall be sold for replenishment purposes, and to establish different rates for different classes of service or conditions of service, provided that the rates shall be uniform for like classes and conditions of service.

(i) To fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water,

and to such end a district may become a party to such contract and pay from district funds such portion of the cost of replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the district are directly or indirectly benefited by the resulting replenishment.

Board of the district

SEC. 5. The powers and duties herein enumerated shall, except as herein otherwise expressly provided, be exercised and performed by the board of the district. In the event an existing agency has facilities available and adequate to accomplish any part of the purposes of the district, the district shall investigate and determine the cost of contracting for the accomplishment of such purpose through such existing agency. Thereupon, the board shall make a finding as to whether or not the purpose proposed to be accomplished by the district can be achieved more economically and for the best interests of the area to be benefited by entering into such a contract with an existing agency. If the board finds that such contract is more economical and for the best interests of the area to be benefited, it shall so contract for the accomplishment of said purpose, if such agency so agrees. The purpose of this section is to avoid duplication of similar operations by existing agencies and replenishment districts.

Rates

SEC. 6. The board shall fix such rate or rates for the sale or exchange of water for replenishment purposes as will result in revenues which will pay, insofar as practicable, the operating expenses of the district which are attributable to providing such water. The rate charged shall be uniform for like classes and conditions of service.

Engineering survey and report

SEC. 7. Not later than the second Tuesday in February of each year the board shall order an engineering survey and report to be made regarding the ground water supplies of the district and the extent of salt water intrusion therein. The report shall include the following:

(a) Records, data, and other information for the consideration of the board in its determination of the annual overdraft, the accumulated overdraft as of the last day of the preceding water year, and the extent of salt water intrusion in the district.

(b) A report, with supporting data, as to the total production of ground water from the ground water supplies within the district during the preceding water year and as to the changes during the preceding water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the district, and as to the effects thereof upon the ground water supplies within the district.

(c) An estimate of the annual overdraft for the current and the ensuing water years, of the accumulated overdraft as of the last day of the current water year, of the total production of ground water from the ground water supplies

within the district for the current and ensuing water years, and of the changes during the current water year in the pressure levels or piezometric heights of the ground water contained in pressure-level areas of the district and the effects upon the ground water supplies in the district.

(d) An estimate of the quantity, source, and cost of water available for replenishment of the ground water supplies during the ensuing water year.

(e) A recommendation as to the quantity of water which should be purchased for replenishment of the ground water supplies within the district during the ensuing water year.

(f) An estimate of the costs of replenishing the ground water supplies with purchased water and of the rate of the replenishment assessment required to be levied upon the production of ground water from the ground water supplies within the district during the ensuing fiscal year for the purpose of accomplishing such replenishment.

Funds for replenishment

SEC. 8. On or before the second Tuesday in March of each year, and provided the survey and report required by Section 7 has been made, the board, by resolution, shall declare whether funds shall be raised to purchase water for replenishment during the ensuing fiscal year and whether such funds or any portion thereof shall be raised either by (a) a water charge, (b) a replenishment assessment, or (c) a combination of water charges and replenishment assessments, and whether the funds so to be raised will benefit, directly or indirectly, all of the persons or real property and improvements within the district.

Replenishment assessment

SEC. 9. If the board, by resolution, determines that all or a portion of the funds needed to purchase replenishment water shall be raised by the levy of a replenishment assessment, then the board shall immediately publish a notice that a public hearing will be held on the second Tuesday of April for the purpose of determining whether and to what extent the estimated cost of purchasing water for replenishment for the ensuing year shall be paid for by a replenishment assessment. Such notice shall invite inspection of the engineering survey and report upon which the board acted, a copy of said board's resolution, the time and place of said hearing, and an invitation to all interested parties to attend and be heard in support of or opposition to said proposed assessment, the engineering survey and report, and the board's determination. The notice shall be published in the county pursuant to Section 6061 of the Government Code, at least 10 days before the hearing date.

Said hearing shall be held before the board and a quorum shall be present. The hearing may be adjourned from time to time by the president or presiding officer or hearing officer but shall be completed by the first Tuesday in May next following.

The board may appoint a qualified registered engineer familiar with water problems as a hearing officer to conduct said hearing.

All evidence relevant to the engineering survey and report and the board's determination that such a replenishment assessment shall be levied may be introduced.

Resolution

SEC 10 Upon completing said hearing, but no later than the second Tuesday in May, the board shall, by resolution, find:

(a) The annual overdraft for the preceding water year;

(b) The estimated annual overdraft for the current water year;

(c) The estimated annual overdraft for the ensuing water year;

(d) The accumulated overdraft as of the last day of the preceding water year;

(e) The estimated accumulated overdraft as of the last day of the current water year;

(f) The total production of ground water from the ground water supplies within the district during the preceding water year;

(g) The estimated total production of ground water from the ground water supplies within the district for the current water year;

(h) The estimated total production of ground water from the ground water supplies within the district for the ensuing water year;

(i) The changes during the preceding water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the district, and the effects thereof upon the ground water supplies within such district;

(j) The estimated changes during the current water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the district, and the estimated effects thereof upon the ground water supplies within such district;

(k) The quantity of water which should be purchased for the replenishment of the ground water supplies of the district during the ensuing water year;

(*l*) The source and estimated cost of water available for such replenishment;

(m) The estimated costs of replenishing such ground water supplies with such water so purchased;

(n) The estimated rate of the replenishment assessment required to be levied upon the production of ground water from the ground water supplies within the district during the ensuing fiscal year for the purpose of accomplishing such replenishment.

Determination of cost

SEC. 11. Based on the findings at the hearing the board shall, by resolution, determine what portion, if any, of the estimated cost of purchasing water for replenishment for the ensuing fiscal year shall be paid for by a replenishment assessment.

If the board determines that a replenishment assessment should be levied upon the production of ground water from ground water supplies within the district during the ensuing fiscal year, then immediately following the making of such determination said board shall levy a replenishment assessment on the production of ground water from the ground water supplies within the district during the fiscal year commencing on July 1st next, and such replenishment assessment shall be fixed by said board at a uniform rate per acre-foot of ground water so produced. The producers of such ground water shall pay such replenishment assessment to the district at the times and in the manner hereinafter in this act provided.

Notice of replenishment assessment

SEC. 12. The district, after the levying of the replenishment assessment, shall give notice thereof to the operators of all water-producing facilities in the district as disclosed by the records of such district, which notice shall state the rate of replenishment assessment for each acre-foot of ground water to be produced during the ensuing fiscal year. The notice may be sent by postal card or by other first-class mail with postage prepaid by the district.

Information ground water production statement

SEC. 13. Within ninety (90) days after the adoption of the resolution of the board provided in Section 8, the operator of each water-producing facility within such district shall file with it an information ground water production statement. Such statement shall contain, in addition to such other information as the district may require, an estimate of the total production of ground water from such water-producing facility for the preceding water year, an estimate of the production of ground water from such water-producing facility for the current water year, an estimate of the production of ground water from such water-producing facility for the ensuing water year, and information as to the method or basis of making such estimates.

Thereafter, the operator of each water-producing facility within the district, on or before the last day of the month immediately following the respective quarterly periods ending March 31st, June 30th, September 30th, and December 31st of each year, shall file with the district a sworn statement setting forth the total production in acre-feet of ground water from such water-producing facility during the respective quarterly periods immediately preceding the filing of the respective statements, a general description or number locating such water-producing facility, and the method or basis of the computation of such ground water production. Each statement also shall contain such other information as the district may require. The first such statement required to be filed pursuant to the provisions of this section shall cover the first calendar quarter commencing not less than thirty (30) days after the adoption of the resolution of the board provided in Section 8.

Installments

SEC. 14. Any replenishment assessment levied pursuant to this act shall be due and payable to the district by each producer in quarterly installments on the last day for filing the statement of the production of ground water from the water-producing facility operated by such producer during the quarterly period required to be covered by such statement. The amount so due and payable shall be computed by multiplying the production in acre-feet of ground water so produced from such water-producing facility, as reported in such statement, by the rate of the replenishment assessment fixed and levied by the board of the district for the fiscal year in which such production shall occur.

Interest rate on delinquency

SEC. 15. If any producer shall fail to pay a replenishment assessment when due, the board of the district may charge interest at a rate not to exceed 1 percent per month on the delinquent amount of the assessment.

Should any operator of a water-producing facility fail to register his water-producing facility or fail to file the ground water production statement, the district, in addition to charging interest as provided above, may assess a penalty charge against such operator in an amount not to exceed 10 percent of the amount of the replenishment assessment found by the district to be due with respect to the production of ground water from such water-producing facility.

Fixed rate

SEC. 16. The board, at the time of fixing the replenishment assessment rate, may provide by resolution that any producer operating a water-producing facility having a discharge opening not greater than two inches in diameter and providing ground water for domestic or irrigation uses on an area not exceeding one acre in extent, shall pay the amount fixed in such resolution as the replenishment assessment to be paid by such producer. No sworn statement as to the production of ground water from such water-producing facility need be filed.

Upon good cause shown, an amended statement of ground water production may be filed or a correction of the records may be made at any time prior to the final date for filing the next quarterly ground water production statement.

Unregistered operators Restraining orders

SEC. 17. The Superior Court of the County of Alameda may issue a temporary restraining order upon the filing by the district with the court of a verified petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the district or that such defendant is delinquent in the payment of a replenishment assessment. Such temporary restraining order shall be returnable to the court on or before ten (10) days after its issuance.

The court may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water-producing facility when it is established by the preponderance of the evidence at a hearing that the defendant has failed to register such water-producing facility with the district or that the defendant is delinquent in the payment

of a replenishment assessment. Such court may provide that the injunction so made and issued shall be stayed for a period not to exceed ten (10) days to permit the defendant to register the water-producing facility or to pay the delinquent replenishment assessment.

Service of process shall be made by posting a copy of the summons and complaint upon the water-producing facility or the parcel of land upon which such water-producing facility is located and by personal service of such summons and complaint upon the named defendant.

The right to proceed for injunctive relief as provided herein shall be in addition to any other right which may be provided elsewhere in this act or which may be otherwise allowed by law. The procedure provided in Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure regarding injunctions shall be followed except insofar as it may be otherwise provided herein. The district shall not be required to furnish an undertaking or bond as a condition to the granting of injunctive relief.

Investigations and reports

SEC. 18. If the board of the district shall have probable cause to believe that the production of ground water from any water-producing facility is in excess of that disclosed by the sworn statements covering such water-producing facility, or if no statements are filed covering a water-producing facility, the board of the district may cause an investigation and report to be made concerning the production of ground water from such water-producing facility. The board of the district may fix the amount of ground water production from any such water-producing facility at an amount not to exceed the maximum production capacity of such water-producing facility; provided, however, where a water-measuring device is permanently attached thereto, the record of production as disclosed by such water-measuring device shall be presumed to be accurate and the burden is upon the district to establish to the contrary.

After such determination has been made by the board of the district, a written notice thereof shall be mailed to the operator of such water-producing facility at his address as shown by the district's records. Any such determination made by the district shall be conclusive on the operator, and on any producer producing water from such water-producing facility, and the replenishment assessment based thereon, together with interest and penalties, shall be payable forthwith, unless such operator or producer shall file with the board of directors of the district within ten (10) days after the mailing of such notice a written protest setting forth the ground or grounds for protesting the amount of production so fixed or the replenishment assessment, interest, and penalties so levied thereon. Upon the filing of such protest, said board shall hold a hearing at which time the total amount of the ground water production

and the replenishment assessment thereon shall be determined, and the interest and penalties fixed, which action shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to protestant at least 10 days before the date fixed for the hearing. Notice of the determination by the board shall be mailed to each protestant. The producer shall have 20 days from the date of mailing of such notice to pay the replenishment assessment, interest and penalties so fixed by the board.

Action to collect assessment

SEC. 19. The district may bring a suit in the court having jurisdiction against any producer of ground water from the ground water supplies within the district for the collection of any delinquent replenishment assessment. The court having jurisdiction of the suit may, in addition to allowing recovery of costs to the district as allowed by law, fix and allow as part of the judgment, interest and penalties as provided in Section 15. Should the district seek an attachment against the property of any named defendant therein, the district shall not be required to furnish bond or other undertaking as provided in Chapter 4 (commencing with Section 537), Title 7, Part 2 of the Code of Civil Procedure.

Water measuring devices

SEC. 20. It shall be unlawful to produce ground water from any water-producing facility within the district from and after one year following the adoption of the resolution provided for in Section 8 hereof, unless such water-producing facility shall have a water-measuring device affixed thereto capable of registering the accumulated amount of ground water produced therefrom.

The board by resolution may extend such date on a year-to-year basis upon its determination that availability, price of water-measuring devices, or other circumstances justify such extension. Should the date be extended, notice thereof shall be given by publication in a newspaper of general circulation in the district once a week for two successive weeks, such publication to be completed not less than two months prior to the date so extended.

This section shall not be applicable to any operator of a water-producing facility having a discharge opening two inches or less in diameter and providing ground water for domestic or irrigation uses on an area not exceeding one acre in extent, who is required to pay a replenishment assessment in an amount fixed by resolution of the board of the district as hereinabove in this act provided.

Violation of this section shall be punishable by a fine not to exceed five hundred dollars ($500), or by imprisonment in the county jail for not to exceed six (6) months, or by both such fine and imprisonment. Each day of operation of a water-producing facility in violation hereof shall constitute a separate offense.

Effect of judicial determinations

SEC. 21. In the event of an adjudication of all or substantially all of the rights to extract ground water and a determination of the natural safe yield of the ground water sup-

plies within the district, and a determination of the amount or extent to which the rights to extract ground water so adjudicated may be exercised without exceeding the natural safe yield of such ground water supplies, the board of the district shall recognize such judicial determination by exempting from replenishment assessments the amount of water pumped by each person whose rights have been so adjudicated which does not exceed his proportionate share of the natural safe yield of the ground water supplies of the district, as so adjudicated from time to time by the court having jurisdiction over such adjudication proceeding. The replenishment assessment shall thenceforth be levied on each producer by multiplying the production in acre-feet of ground water so produced by such producer's water-producing facility in excess of his said adjudicated share of the natural safe yield by the rate of the replenishment assessment fixed and levied by the board for the fiscal year in which such production shall occur.

To the extent that ground water supplies are replenished under this act no person shall acquire any property or other right in the waters distributed by the district for replenishment purposes.

To the extent that the replenishment assessment after adjudication hereunder shifts from all producers to those who extract water in excess of their respective shares of the natural safe yield of the ground water supplies within the district as so adjudicated, such replenishment assessment shall be deemed to benefit those persons who continue to pump and extract ground water in excess of their adjudicated shares of the natural safe yield. Inasmuch as such persons must buy supplemental water or be in contempt of the court's order limiting their extraction of ground water, they shall be deemed to benefit by the payment of a replenishment assessment which is used to purchase water to supplement the natural supplies of ground water available for use

Legislative purpose

SEC. 22 It is hereby declared to be necessary to enact the special law contained in this act with respect to the Alameda County Water District because of the following special facts and circumstances existing therein: That the quantity of ground water removed by natural and artificial means from the ground water supplies within the district during the preceding water years has exceeded the quantity of nonsaline water replaced therein by the replenishment of such ground water for the aforesaid period by any natural or artificial means, and that as a result thereof, saline waters have intruded the ground water supplies within the district and that replenishment assessments levied pursuant to this act, and in furtherance of the district's activities in the protection of the water supplies for users within the district are necessary for the public health, welfare and safety of the people of this State.

CHAPTER 1943

An act to add Section 1744 to the Code of Civil Procedure, relating to children's courts of conciliation.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1744 is added to the Code of Civil Procedure, to read:

1744. In each county with a population of 460,000 and not more than 503,000, as determined by the 1960 federal census, the superior court may appoint one counselor of conciliation and one secretary to assist the conciliation court in disposing of its business and carrying out its functions.

The counselor of conciliation so appointed shall have the power to:

(a) Hold conciliation conferences with parties to, and hearings in, proceedings under this chapter, and make recommendations concerning such proceedings to the judge of the conciliation court.

(b) Provide such supervision in connection with the exercise of his jurisdiction as the judge of the conciliation court may direct.

(c) Cause such reports to be made, such statistics to be compiled and such records to be kept as the judge of the conciliation court may direct.

(d) Hold such hearings in all conciliation court cases as may be required by the judge of the conciliation court, and make such investigations as may be required by the court to carry out the intent of this chapter.

The superior court may also appoint, with the consent of the board of supervisors, such associate counselors of conciliation and other office assistants as may be necessary to assist the conciliation court in disposing of its business. Such associate counselors shall carry out their duties under the supervision of the judge of the conciliation court and shall have all the powers of the counselor of conciliation. Office assistants shall work under the supervision and direction of the counselor of conciliation.

Salaries of persons appointed under this section shall be fixed by the board of supervisors of the county.

CHAPTER 1944

An act to add Article 13.1 (commencing with Section 73830) to Chapter 10, Title 8 of, and to add Sections 74015.6, 74020, 74885.6 and 74890 to, and to amend Sections 74012, 74013, 74014, 74015, 74015.5, 74018, 74019, 74882, 74883, 74884, 74885, 74885.5, 74888 and 74889 of, the Government Code, relating to municipal courts.

[Approved by Governor July 15, 1961 Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Article 13.1 (commencing with Section 73830) is added to Chapter 10, Title 8 of the Government Code, to read:

Article 13.1. Moorpark and Camarillo

Application

73830. This article applies to the municipal court established in a judicial district embracing the unincorporated towns of Moorpark and Camarillo and surrounding territory

Judge

73831. There shall be one judge.

Clerk

73832. There shall be one clerk of the court, who shall receive a minimum salary of four hundred twenty-three dollars ($423) monthly with annual increments, in the manner provided in this article, of nineteen dollars ($19), twenty dollars ($20), twenty-two dollars ($22) and twenty-one dollars ($21) to a maximum of four hundred sixty-six dollars ($466) monthly.

Appointees

73833. The clerk of the court may appoint:

(a) One senior clerk who shall receive a minimum salary of three hundred thirty dollars ($330) monthly with annual increments, in the manner provided in this article, of eighteen dollars ($18), eighteen dollars ($18), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of four hundred three dollars ($403) monthly.

(b) Three intermediate clerks (deputy clerks II), each of whom shall receive a minimum salary of two hundred ninety-eight dollars ($298) monthly with annual increments, in the manner provided in this article, of seventeen dollars ($17), fifteen dollars ($15), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred sixty-six dollars ($366) monthly.

(c) One clerk (deputy clerk I), who shall receive a minimum salary of two hundred seventy dollars ($270) monthly with annual increments, in the manner provided in this article, of thirteen dollars ($13), fifteen dollars ($15), seventeen dollars ($17) and fifteen dollars ($15) to a maximum of three hundred thirty dollars ($330) monthly.

Marshal

73834 There shall be one marshal who shall receive a minimum salary of four hundred three dollars ($403) monthly with annual increments, in the manner provided in this article,

of twenty dollars ($20), twenty-two dollars ($22), twenty-one dollars ($21) and twenty-four dollars ($24) to a maximum of four hundred ninety dollars ($490) monthly.

Appointees

73835. The marshal may appoint two deputy marshals who shall receive a minimum salary of three hundred thirty dollars ($330) monthly with annual increments, in the manner provided in this article, of eighteen dollars ($18), eighteen dollars ($18), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of four hundred three dollars ($403) monthly.

Clerk to the marshal

73836 The marshal may appoint one intermediate clerk (clerk to the marshal) who shall receive a minimum salary of two hundred ninety-eight dollars ($298) monthly with annual increments, in the manner provided in this article, of seventeen dollars ($17), fifteen dollars ($15), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred sixty-six dollars ($366) monthly Under the same circumstances, and subject to the provisions set forth in Section 72150, the marshal may employ the services, either part time or full time, of an additional clerk or clerks, as may be required. Such clerk or clerks shall receive compensation upon a minimum basis of two hundred seventy dollars ($270) monthly, with annual increments, in the manner provided in this article, of thirteen dollars ($13), fifteen dollars ($15), seventeen dollars ($17) and fifteen dollars ($15) to a maximum for full-time services of three hundred thirty dollars ($330) monthly.

Fees

73836.5 All fees collected by the marshal or his deputies shall be deposited with the county treasurer.

Employee benefits

73837. All officers and attachés of the municipal court shall be entitled to anniversary dates and changes thereof in the manner provided in the Ventura County Salary Ordinance and the privileges afforded county employees in the Ventura County Salary Ordinance with respect to sick leave, vacations, and other benefits.

Compensation

73837.5. The compensation assigned to the salary ranges of officers and attachés of the court by the Statutes of 1961 shall not become payable until October 1, 1961, and there shall be no change of the anniversary dates or salary steps of said officers and attachés merely because a new compensation plan has been assigned to their salary ranges

Same

73838. Subject to the provisions of Section 72001, the compensation of officers and attachés shall be governed as follows:

(a) The minimum salary for each position shall normally be the initial hiring rate for the position If it is difficult to secure qualified personnel, or if a person of unusual qualifications is hired, the judge, clerk or marshal, as the case may be, with the consent of the board of supervisors, may hire at the second step.

(b) Upon completion of twelve (12) calendar months of service, the officer or employee advances to the second, third, fourth or fifth steps of his range only if the appointing authority approves in the manner and circumstances provided for increases in compensation in the Ventura County Salary Ordinance.

(c) When a person is promoted to a position compensated at a higher salary schedule, he shall receive the step in such schedule having a compensation rate next higher than the salary received in the position relinquished.

Same

73839. Notwithstanding any other provisions of this article, effective ninety (90) days after the adjournment of the next regular session of the Legislature, the following provisions shall apply to salaries mentioned in such article.

(a) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as chief superior court clerk, the salary range for the clerk of the court shall be changed by increasing each salary step by the same amount, or an amount not exceeding ten percent (10%) of each existing salary step, whichever is lower.

(b) Whenever a higher compensation is established for the positions now and hereafter designated in the Ventura County Salary Ordinance as senior clerk, intermediate clerk and clerk, the salary of each person holding a similar position shall be changed by increasing each salary step by the same amount, or an amount not exceeding ten percent (10%), of each existing salary step, whichever is lower.

(c) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as senior clerk, the salary range for the position of deputy marshal shall be changed by increasing each salary step by the same amount, or an amount not exceeding ten percent (10%)of each existing salary step, whichever is lower.

(d) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance under the title "Deputy Sheriff," the salary range for the marshal, shall be changed by increasing each salary step by the same amount, or an amount not exceeding ten percent (10%) of each existing salary step, whichever is lower.

(e) Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Ventura County Salary Ordinance is payable.

SEC. 2. Section 74012 of said code is amended to read:

Clerk of the court

74012. There shall be one clerk of the court who shall receive a minimum salary of four hundred twenty-three dollars ($423) monthly with annual increments, in the manner provided in this article, of twenty-two dollars ($22), twenty-

one dollars ($21), twenty-four dollars ($24) and twenty-five dollars ($25) to a maximum of five hundred fifteen dollars ($515) monthly.

SEC. 3. Section 74013 of said code is amended to read:

Appointees

74013. The clerk may appoint:

(a) Four deputy clerks grade III, each of whom shall receive a minimum salary of three hundred thirty dollars ($330) monthly with annual increments, in the manner provided in this article, of eighteen dollars ($18), eighteen dollars ($18), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of four hundred three dollars ($403) monthly.

(b) Three deputy clerks grade II, each of whom shall receive a minimum salary of two hundred ninety-eight dollars ($298) monthly with annual increments, in the manner provided in this article, of seventeen dollars ($17), fifteen dollars ($15), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred sixty-six dollars ($366) monthly.

(c) One deputy clerk grade I who shall receive a minimum salary of two hundred seventy dollars ($270) monthly with annual increments, in the manner provided in this article, of thirteen dollars ($13), fifteen dollars ($15), seventeen dollars ($17) and fifteen dollars ($15) to a maximum of three hundred thirty dollars ($330) monthly.

(d) One deputy clerk grade I (half time) who shall receive a minimum salary of one hundred thirty-five dollars ($135) monthly with annual increments, in the manner provided in this article, of six dollars and fifty cents ($6 50), seven dollars and fifty cents ($7 50), eight dollars and fifty cents ($8.50) and seven dollars and fifty cents ($7.50) to a maximum of one hundred sixty-five dollars ($165) monthly.

SEC. 4. Section 74014 of said code is amended to read:

Marshal

74014. There shall be one marshal who shall receive a minimum salary of four hundred three dollars ($403) monthly with annual increments, in the manner provided in this article, of twenty dollars ($20), twenty-two dollars ($22), twenty-one dollars ($21) and twenty-four dollars ($24), to a maximum of four hundred ninety dollars ($490) monthly.

SEC. 5. Section 74015 of said code is amended to read:

Deputy marshals

74015. The marshal may appoint three deputy marshals, each of whom shall receive a minimum salary of three hundred thirty dollars ($330) monthly with annual increments, in the manner provided in this article, of eighteen dollars ($18), eighteen dollars ($18), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of four hundred three dollars ($403) monthly.

SEC. 6. Section 74015.5 of said code is amended to read:

Clerk of the marshal

74015 5. The marshal may appoint one intermediate clerk who shall receive a minimum salary of two hundred ninety-eight dollars ($298) monthly with annual increments, in the

manner provided in this article, of seventeen dollars ($17), fifteen dollars ($15), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred sixty-six dollars ($366) monthly.

SEC. 7. Section 74015.6 is added to said code, to read:

Additional employees

74015.6. Under the same circumstances, and subject to the provisions set forth in Section 72150, the marshal may employ the services, either part time or full time, of an additional clerk or clerks, as may be required. Such clerk or clerks shall receive compensation upon a minimum basis of two hundred seventy dollars ($270) monthly, with annual increments, in the manner provided in this article, of thirteen dollars ($13), fifteen dollars ($15), seventeen dollars ($17) and fifteen dollars ($15) to a maximum for full-time services of three hundred thirty dollars ($330) monthly.

SEC. 8. Section 74018 of said code is amended to read:

Compensation

74018. The compensation assigned to the salary ranges of officers and attachés of the court by the Statutes of 1961 shall not become payable until October 1, 1961, and there shall be no change of the anniversary dates or salary steps of said officers and attachés merely because a new compensation plan has been assigned to their salary ranges.

SEC. 9. Section 74019 of said code is amended to read:

Same

74019. Subject to the provisions of Section 72001, the compensation of officers and attachés shall be governed as follows:

(a) The minimum salary for each position shall normally be the initial hiring rate for the position. If it is difficult to secure qualified personnel, or if a person of unusual qualifications is hired, the judge, clerk or marshal, as the case may be, with the consent of the board of supervisors, may hire at the second step.

(b) Upon completion of 12 calendar months of service, the officer or employee advances to the second, third, fourth or fifth steps of his range only if the appointing authority approves in the manner and circumstances provided for increases in compensation in the Ventura County Salary Ordinance.

(c) When a person is promoted to a position compensated at a higher salary schedule, he shall receive the step in such schedule having a compensation rate next higher than the salary received in the position relinquished.

SEC. 10. Section 74020 is added to said code, to read:

Same

74020. Notwithstanding any other provisions of this article, effective ninety (90) days after the adjournment of the next regular session of the Legislature, the following provisions shall apply to salaries mentioned in such article.

(a) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as chief superior court clerk, the salary range for the clerk of the court shall be changed by increasing each salary step by the same amount, or an amount not exceeding ten percent (10%) of each existing salary step, whichever is lower.

(b) Whenever a higher compensation is established for the positions now and hereafter designated in the Ventura County Salary Ordinance as senior clerk, intermediate clerk, and clerk, the salary of each person holding a similar position shall be changed by increasing each salary step by the same amount, or an amount not exceeding ten percent (10%), of each existing salary step, whichever is lower.

(c) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as senior clerk, the salary range for the position of deputy marshal shall be changed by increasing each salary step by the same amount, or an amount not exceeding ten percent (10%) of each existing salary step, whichever is lower.

(d) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance under the title "Deputy Sheriff," the salary range for the marshal shall be changed by increasing each salary step by the same amount, or an amount not exceeding ten percent (10%) of each existing salary step, whichever is lower.

(e) Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Ventura County Salary Ordinance is payable.

SEC. 11. Section 74882 of said code is amended to read:

Clerk of the court

74882. There shall be one clerk of the court who shall receive a minimum salary of four hundred twenty-three dollars ($423) monthly with annual increments, in the manner provided in this article, of twenty-two dollars ($22), twenty-one dollars ($21), twenty-four dollars ($24) and twenty-five dollars ($25) to a maximum of five hundred fifteen dollars ($515) monthly.

SEC. 12. Section 74883 of said code is amended to read:

Appointees

74883. The clerk may appoint:

(a) Three deputy clerks grade III, each of whom shall receive a minimum salary of three hundred thirty dollars ($330) monthly with annual increments, in the manner provided in this article, of eighteen dollars ($18), eighteen dollars ($18), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of four hundred three dollars ($403) monthly.

(b) Three deputy clerks grade II, each of whom shall receive a minimum salary of two hundred ninety-eight dollars ($298) monthly with annual increments, in the manner provided in this article, of seventeen dollars ($17), fifteen dollars ($15), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred sixty-six dollars ($366) monthly.

(c) One deputy clerk grade I who shall receive a minimum salary of two hundred seventy dollars ($270) monthly with annual increments, in the manner provided in this article, of

thirteen dollars ($13), fifteen dollars ($15), seventeen dollars ($17) and fifteen dollars ($15) to a maximum of three hundred thirty dollars ($330) monthly.

SEC. 13. Section 74884 of said code is amended to read:

Marshal

74884. There shall be one marshal who shall receive a minimum salary of four hundred three dollars ($403) monthly with annual increments, in the manner provided in this article, of twenty dollars ($20), twenty-two dollars ($22), twenty-one dollars ($21) and twenty-four dollars ($24) to a maximum of four hundred ninety dollars ($490) monthly.

SEC. 14. Section 74885 of said code is amended to read:

Appointees

74885. The marshal may appoint three deputy marshals, each of whom shall receive a minimum salary of three hundred thirty dollars ($330) monthly with annual increments, in the manner provided in this article, of eighteen dollars ($18), eighteen dollars ($18), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of four hundred three dollars ($403) monthly.

SEC. 15. Section 74885.5 of said code is amended to read:

Clerk of the marshal

74885.5. The marshal may appoint one intermediate clerk who shall receive a minimum salary of two hundred ninety-eight dollars ($298) monthly with annual increments, in the manner provided in this article, of seventeen dollars ($17), fifteen dollars ($15), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred sixty-six dollars ($366) monthly.

SEC. 16. Section 74885.6 is added to said code, to read:

Additional employees

74885.6. Under the same circumstances, and subject to the provisions set forth in Section 72150, the marshal may employ the services, either part time or full time, of an additional clerk or clerks, as may be required. Such clerk or clerks shall receive compensation upon a minimum basis of two hundred seventy dollars ($270) monthly, with annual increments, in the manner provided in this article, of thirteen dollars ($13), fifteen dollars ($15), seventeen dollars ($17) and fifteen dollars ($15) to a maximum for full-time services of three hundred thirty dollars ($330) monthly.

SEC. 17. Section 74888 of said code is amended to read:

Compensation

74888. The compensation assigned to the salary ranges of officers and attachés of the court by the Statutes of 1961 shall not become payable until October 1, 1961, and there shall be no change of the anniversary dates or salary steps of said officers and attachés merely because a new compensation plan has been assigned to their salary ranges.

SEC. 18. Section 74889 of said code is amended to read:

Same

74889. Subject to the provisions of Section 72001, the compensation of officers and attachés shall be governed as follows:

(a) The minimum salary for each position shall normally be the initial hiring rate for the position. If it is difficult to secure qualified personnel, or if a person of unusual qualifications is

hired, the judge, clerk or marshal, as the case may be, with the consent of the board of supervisors, may hire at the second step.

(b) Upon completion of 12 calendar months of service, the officer or employee advances to the second, third, fourth or fifth steps of his range only if the appointing authority approves in the manner and circumstances provided for increases in compensation in the Ventura County Salary Ordinance.

(c) When a person is promoted to a position compensated at a higher salary schedule, he shall receive the step in such schedule having a compensation rate next higher than the salary received in the position relinquished.

SEC. 19. Section 74890 is added to said code, to read:

Same

74890. Notwithstanding any other provisions of this article, until ninety (90) days after the adjournment of the next regular session of the Legislature, the following provisions shall apply to salaries mentioned in such article.

(a) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as chief superior court clerk, the salary range for the clerk of the court shall be changed by increasing each salary step by the same amount, or an amount not exceeding ten percent (10%) of each existing salary step, whichever is lower.

(b) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as senior clerk, intermediate clerk, and clerk, the salary of each person holding a similar position shall be changed by increasing each salary step by the same amount, or an amount not exceeding ten percent (10%), of each existing salary step, whichever is lower.

(c) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as senior clerk, the salary range for the position of deputy marshal shall be changed by increasing each salary step by the same amount, or an amount not exceeding ten percent (10%) of each existing salary step, whichever is lower.

(d) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance under the title "Deputy Sheriff," the salary range for the marshal shall be changed by increasing each salary step by the same amount, or an amount not exceeding ten percent (10%) of each existing salary step, whichever is lower.

(e) Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Ventura County Salary Ordinance is payable.

CHAPTER 1945

An act to add Section 33712 to, and to amend Sections 33730, 33730.5, and 33731 of, the Health and Safety Code, relating to community redevelopment.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 33712 is added to the Health and Safety Code, to read:

33712. The redevelopment plan shall be presented by the agency to the legislative body and shall be accompanied by a report: Redevelopment plan and report Contents

(a) Setting forth the reasons for the selection of the project area.

(b) Describing the physical, social, and economic conditions existing in the area.

(c) Including a financial analysis of the proposed redevelopment.

(d) Including the report and recommendations of the planning commission.

SEC. 2. Section 33730 of said code is amended to read:

33730. The legislative body at a public hearing shall consider the redevelopment plan submitted by the agency. Before adopting the redevelopment plan the legislative body shall consider the report of the agency, the report and recommendations of the planning commission, and all evidence and testimony for and against the adoption of the plan. Public hearing

SEC. 3. Section 33730.5 of said code is amended to read:

33730.5. Notice of the public hearing shall be given by publication not less than once a week for four successive weeks in a newspaper of general circulation published in the county in which the land lies. The notice shall: Notice of hearing Contents

(a) Describe specifically the boundaries of the proposed redevelopment project area; and

(b) State the day, hour and place when and where any and all persons having any objections to the proposed redevelopment plan or who deny the existence of blight in the proposed project area, or the regularity of any of the prior proceedings may appear before the legislative body and show cause why the proposed plan should not be adopted.

SEC. 4. Section 33731 of said code is amended to read:

33731. On the question of the adoption of the redevelopment plan submitted by the agency, the legislative body shall find and determine that: Determinations

(a) The project area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this part.

(b) The plan would redevelop the area in conformity with this part and in the interests of the public peace, health, safety, and welfare.

(c) The adoption and carrying out of the redevelopment plan is economically sound and feasible.

CHAPTER 1946

An act to repeal Sections 10005, 10006, 10007, 10008, and 10009 and Article 1 (commencing with Section 9901) and Article 5 (commencing with Section 10101) of Chapter 4 of Division 8 of, to amend Sections 9951, 9953, 9955, 9957, 9958, 9959, 10001, 10002, 10003, 10004, 10201, and 10202 of, to add Section 10156 to, and to amend and renumber the heading of Article 2 (commencing with Section 9951), Article 6 (commencing with Section 10151), and Article 7 (commencing with Section 10201) of Chapter 4 of Division 8 of, the Education Code, relating to high school textbooks.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Article 1 (commencing with Section 9901) of Chapter 4 of Division 8 of the Education Code is repealed.

SEC. 2. Article 2 (commencing with Section 9951) of Chapter 4 of Division 8 of said code is amended and renumbered to read:

Article 1. Bond of Publisher

SEC. 3. Section 9951 of said code is amended to read:

Bond

9951. Every publisher desiring to offer textbooks for the use of pupils enrolled in the high schools of the State shall file with the State Board of Education a bond in a form approved by the Attorney General payable to the State of California in a sum to be determined by the State Board of Education.

SEC. 4. Section 9953 of said code is amended to read:

Bond provision Price of books

9953. The bond shall provide that the publisher will furnish the textbooks offered by him to any high school district at a price at the publisher's depository in California which, including all costs of transportation to that place, shall not exceed the lowest price at which the publisher offers said books for sale to any state or school district in the United States.

SEC. 5. Section 9955 of said code is amended to read:

9955. The bond shall also provide that all copies of any textbook sold in the State shall be equal in quality to the copies of such textbook that are sold elsewhere in the United States as regards paper, binding, print, illustration, subject matter, and all other particulars that affect the value of the textbook.

Same. Quality of books

SEC. 6. Section 9957 of said code is amended to read:

9957. The bond shall further provide that the publisher will maintain an office and depository in California or arrange with an independently owned and operated depository in California to receive and fill orders for the textbooks.

Same: Offices or depository

SEC. 7. Section 9958 of said code is amended to read:

9958. The bond shall further provide that the publisher will pay the costs in a sum not to exceed five hundred dollars ($500) of any investigation of the merits of any textbook offered and sold by him for use as a textbook in any public high school in the State if a commission of impartial experts finds, after public hearing, that such textbook contained sectarian or denominational doctrine contrary to law, or propaganda injurious, in the judgment of the commission, to the schools.

Same Cost of investigations

SEC. 8. Section 9959 of said code is amended to read:

9959. When, in the judgment of the State Board of Education, there exists sufficient evidence that a textbook offered and sold by a publisher for use as a textbook in any public high school in the State contains sectarian or denominational doctrine contrary to law or contains propaganda injurious to the welfare of the public schools, the boards shall cause the book to be investigated by a committee of impartial experts. The committee shall be constituted and shall conduct its investigation under such rules and regulations as may be prescribed by the State Board of Education. If, in the opinion of the committee, the textbook does contain sectarian or denominational doctrine contrary to law or does contain propaganda injurious to the welfare of the public schools, the Board of Education may order that the publisher shall cease to offer and sell such textbook for use as a textbook in any public high school in the State. If the State Board of Education shall make such an order, it shall be illegal for any district to purchase copies of such textbook for use as a textbook in any high school or to continue the use of the book as a textbook beyond the close of the current school year.

Sectarian or denominational doctrines: Investigation

SEC. 9. Section 10001 of said code is amended to read:

10001. The governing board of each district maintaining one or more high schools shall adopt textbooks for use in the high schools under its control. Only textbooks of those publishers who have filed a bond with the State Board of Education as provided by Article 1 of this chapter may be adopted by the governing board.

Adoption of textbooks

SEC. 10. Section 10002 of said code is amended to read:

Classification of textbooks

10002. The State Board of Education shall designate the kinds of books which shall be classified as textbooks for the purposes of this chapter. Instructional materials not classified as textbooks may be purchased by governing boards without reference to the provisions of this chapter.

SEC. 11. Section 10003 of said code is amended to read:

Time for use

10003. The textbooks adopted shall be put into use in the district not later than the school year next following their adoption.

SEC. 12. Section 10004 of said code is amended to read:

Retention in use

10004. After any textbook has been adopted by the board and placed in use, it shall be retained in use for a period of not less than three years after the date of its adoption, as shown by the official records of the board.

Repeal

SEC. 13. Section 10005 of said code is repealed.

Repeal

SEC. 14. Section 10006 of said code is repealed.

Repeal

SEC. 15. Section 10007 of said code is repealed.

Repeal

SEC. 16. Section 10008 of said code is repealed.

Repeal

SEC. 17. Section 10009 of said code is repealed.

Repeal

SEC. 18. Article 5 (commencing with Section 10101) of Chapter 4 of Division 8 of said code is repealed.

SEC. 19. Article 6 (commencing with Section 10151) of Chapter 4 of Division 8 of said code is amended and renumbered to read:

Article 5. Offenses and Penalties

SEC. 20. Section 10156 is added to said code, to read:

Misdemeanor

10156. It is a misdemeanor for any publisher or his representative to offer for sale or to sell to any district in the State any textbook for use as a textbook in any public high school in the State unless the publisher has placed on file with the State Board of Education a valid bond, conditioned as provided in Article 1 of this chapter, in full force and effect.

SEC. 21. Article 7 (commencing with Section 10201) of Chapter 4 of Division 8 of said code is amended and renumbered to read:

Article 6. Application of Chapter

SEC. 22. Section 10201 of said code is amended to read:

Construction

10201. No provision of this chapter or of this code shall be construed as requiring the governing board of any district maintaining a junior college to provide textbooks free of charge, or otherwise, to any student enrolled in other than grades 11 and 12 of the junior college, nor shall any of the provisions of this chapter be construed as applicable to textbooks required or authorized to be used by students in other than grades 11 and 12 of the junior college.

SEC. 23. Section 10202 of said code is amended to read:

Same

10202. No provision of this chapter or of this code shall be construed as requiring the governing board of any district to provide textbooks, free of charge, or otherwise, to any adult enrolled in a class for adults, nor shall any of the provisions of this chapter be construed as applicable to textbooks required or authorized to be used by adults in classes for adults; provided, however, that whether or not a charge shall be made for textbooks for adults in said classes shall be within the discretion of the governing board.

CHAPTER 1947

An act to amend Sections 779.5, 779.6, and 779.7 of the Insurance Code, relating to credit life and credit disability insurance.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 779.5 of the Insurance Code is amended to read:

Term of insurance

779.5. The term of any credit life insurance or credit disability insurance shall, subject to acceptance by the insurer, commence on the date when the debtor becomes obligated to the creditor or the date the debtor applies for such insurance, whichever is later, except that, where a group policy provides coverage with respect to existing obligations, the insurance on a debtor with respect to such indebtedness shall commence on the effective date of the policy. Where evidence of insurability is required and such evidence is furnished more than thirty (30) days after the date when the debtor becomes obligated to the creditor, the term of the insurance may commence on the date on which the insurance company determines the evidence to be satisfactory, and in such event there shall be an appropriate refund or adjustment of any charge to the debtor for insurance. The term of such insurance shall not extend more than 15 days beyond the scheduled maturity date of the indebtedness except when extended without additional cost to the debtor. If the indebtedness is discharged due to renewal or refinancing prior to the scheduled maturity date, the insurance in force shall be terminated before any new insurance may be issued in connection with the renewed or refinanced indebtedness. In all cases of termination prior to scheduled maturity, a refund shall be paid or credited as provided in Section 779.14.

SEC. 2. Section 779.6 of said code is amended to read:

Policy

779.6. Notwithstanding the provisions of Section 10203.5, all credit life insurance and credit disability insurance subject

to this article shall be evidenced by an individual policy, or in the case of group insurance by a certificate of insurance, which individual policy or group certificate of insurance shall be delivered to the debtor.

Each individual policy or group certificate of credit life insurance or of credit disability insurance or any combination thereof shall, in addition to other requirements of law, set forth the name and home office address of the insurer, the name or names of the debtor, the premium or amount of payment, if any, by the debtor separately for credit life insurance and credit disability insurance, a description of the coverage including the amount and term thereof, and any exceptions, limitations or restrictions, and shall state that the benefits shall be paid to the creditor holding the indebtedness to reduce or extinguish the unpaid indebtedness and, wherever the amount of insurance may exceed the unpaid indebtedness, that any such excess shall be payable to a beneficiary, other than the creditor, named by the debtor or to his estate. Said individual policy or group certificate of insurance shall be delivered to the insured debtor at the time the insurance commences except as hereinafter provided.

SEC. 3. Section 779.7 of said code is amended to read:

Notice of proposed insurance

779.7. If a creditor requires a debtor to make any payment for credit life insurance or credit disability insurance, and an individual policy or group certificate of insurance is not delivered to the debtor at the time the insurance commences, a copy of the application for such policy or a notice of proposed insurance, signed by the debtor and setting forth the name and home office address of the insurer, the name or names of the debtor, the premium or amount of payment by the debtor separately for credit life insurance and credit disability insurance, the amount, term and a brief description of the coverage provided, shall be delivered to the debtor at the time such indebtedness is incurred, or at the time the debtor applies for such insurance, whichever is later. The copy of the application for, or notice of proposed insurance shall refer exclusively to insurance coverage, and shall be separate and apart from the loan, sale or other credit statement of account, instrument or agreement, unless the information required by this subsection is prominently set forth therein. Upon acceptance of the insurance by the insurer and within thirty (30) days of the date upon which (1) the indebtedness is incurred, (2) the application for such insurance is received by the insurer, or (3) the insurer determines the evidence of insurability, if required, to be satisfactory, the insurer shall cause the individual policy or group certificate of insurance to be delivered to the debtor. Said application or notice of proposed insurance shall state that upon acceptance by the insurer, the insurance shall become effective either as of the date the indebtedness is incurred or the date of application for such insurance, whichever is applicable; provided that where evidence of insurability is required and such evidence is furnished more than

thirty (30) days after either the date when the debtor becomes obligated to the creditor or the date the debtor applies for such insurance, which ever is applicable, the term of the insurance shall commence on the date on which the insurance company determines the evidence to be satisfactory, and in such event there shall be an appropriate refund or adjustment of any charge to the debtor for insurance. A debtor shall not be deemed to be required to make any payment for credit life insurance or credit disability insurance unless the cost of the credit transaction to the debtor varies depending upon whether or not such insurance is procured.

CHAPTER 1948

An act to amend Sections 21361, 21400, and 22100 of the Vehicle Code, relating to traffic safety.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 21361 of the Vehicle Code is amended to read:

21361. (a) When the outermost boundaries of two or more intersections are confined within a distance of 200 feet, the Department of Public Works in respect to state highways, and a local authority with respect to highways under its jurisdiction, shall have the power to designate a single intersection by the installation and operation of traffic signals which may be supplemented by signs or markings. When so designated, the single intersection shall be the legal intersection for the purposes of traffic movement and regulation.

Traffic signals at intersection

(b) Whenever a single intersection has been designated by the Department of Public Works or by local authorities as set forth in subdivision (a), the department or such authorities may designate marked crosswalks at certain locations within the intersection or contiguous thereto, and when the marked crosswalks are established, they shall constitute the only crosswalks at the intersection. The department or the local authorities shall erect signs prohibiting pedestrian crossing at locations which, except for the provisions of this section, would constitute unmarked crosswalks.

SEC. 2. Section 21400 of said code is amended to read:

21400. (a) Every stop sign erected after January 1, 1957, shall be octagonal in shape, shall have a red background and shall carry the word "stop" horizontally in white letters at least one-third the height of the sign. Each side of said sign shall be of equal length and shall be approximately 10 inches in length. Each letter of the word "stop" shall be of not less

Stop signs

than one-inch stroke. Stop signs may be of larger dimensions than specified herein, in which event the stroke of letters shall be increased in the proper proportion.

Lettering

(b) The lettering upon such stop signs shall from sunset to sunrise be illuminated or reflectorized and the background upon every such sign may be illuminated or reflectorized. Illumination shall be by floodlight upon the face of the sign or by white light in the letters. Reflectorization shall be by white or clear reflecting units or reflecting coating in the letters with or without a red reflecting coating on the background.

SEC. 3. Section 22100 of said code is amended to read:

Turning at intersection

22100. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Right Turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left Turns. The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered.

(c) Upon a highway having three marked lanes for traffic moving in one direction which terminates at an intersecting highway accommodating traffic in both directions, the driver of a vehicle in the middle lane may turn right or left onto the intersecting roadway.

CHAPTER 1949

An act to add Section 14690 to the Health and Safety Code, relating to fire protection districts.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 14690 is added to the Health and Safety Code, to read:

14690. A district may contract with any other fire protection district to provide fire protection services for the area of such other fire protection district or any portion thereof.

CHAPTER 1950

An act authorizing the Division of Beaches and Parks to exchange property belonging to the State for property belonging to W. L. Maynard, Incorporated.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

Exchange authorized

SECTION 1. The Division of Beaches and Parks of the State Department of Natural Resources is authorized to convey to W. L. Maynard, Incorporated, all right, title and interest of the State in and to certain parcels of land located in the City of Oakland, Alameda County, in exchange for and upon there being conveyed to the State by W. L. Maynard, Incorporated, all right, title and interest of W. L. Maynard, Incorporated, in certain land located in the City of Oakland, Alameda County, belonging to that company.

The state lands authorized to be conveyed by this act are more particularly described as follows:

Parcel 1: Beginning at the intersection of the northwestern line of Golf Links Road, formerly Stanley Road, with the northwestern line of lot 2, as shown on Luis Castro's Survey of the hills of the Rancho of Ygnacio Peralta made August 24, 1871; and running thence along said line of Golf Links Road, the three following courses and distances: south 17° 05′ west 153.86 feet, south 42° 41′ west 59.85 feet; and south 51° 55′ west 138.29 feet; thence north 32° 25′ 30″ west 130.51 feet to the northwestern line of said lot 2; and thence along the last named line north 57° 49′ east 312.44 feet to the point of beginning.

Parcel 2: Beginning at the intersection of the northwestern line of Golf Links Road, formerly Stanley Road, with the northwestern line of lot 2, as shown on Luis Castro's Survey of the hills of the Rancho of Ygnacio Peralta made August 24, 1871; and running thence along said line of Golf Links Road the two following courses and distances: south 40° 41′ west 130.23 feet; and south 67° 36′ west 225.78 feet to said northwestern line of said lot 2; and thence along the last named line north 57° 49′ east 346 93 feet to the point of beginning.

Parcel 3: Beginning at the intersection of the center line of Golf Links Road, with the southeastern line of Sigourney Avenue, and running thence along said center line of Golf Links Road, easterly to the northeastern line of lot 2, as shown on Luis Castro's Survey of the Hills of the Rancho of Ygnacio Peralta, made August 24, 1871; thence along the last named line north 32° 17′ west 280.18 feet to said southeastern line of Sigourney Avenue; and thence along the last named line south 57° 49′ west 585.10 feet to the point of beginning.

The lands authorized to be conveyed by W. L. Maynard, Incorporated, to the State by this act are more particularly described as follows:

Beginning at a point on the northern line of Golf Links Road at the southeasterly corner of Lot 67, Block 24, as said road and lot are shown on the Map of "Unit No. 1, Sequoyah Highlands, Oakland, Alameda County, California", filed December 7, 1926 in book 10 of Maps at page 92, in the Office of the County Recorder of Alameda County; thence from said point of beginning along the easterly line of said Unit No. 1, Sequoyah Highlands, N 14° 03′ 24″ E., 169.38 feet; thence N. 15° 47′ 43″ E., 65.63 feet to a point on the southerly line of "Tract No 2072", filed October 29, 1959, in book 41 of Maps at page 54; thence leaving said easterly line of Unit No. 1, Sequoyah Highlands, along the boundary line of said Tract No. 2072, and the boundary lines of "Tract No. 1958", filed October 29, 1958, in book 39 of Maps at page 25, and "Tract No. 2146", filed August 4, 1960 in book 42 of Maps at page 38, S. 74° 42′ E., 302 00 feet; thence N. 57° 50′ 50″ E., 256.20 feet; thence N. 21° E, 356 00 feet; thence S. 69° E., 603.00 feet to a point on the southeasterly boundary of that certain 516.76 acre tract of land described in that certain deed from F. E. McGurrin, et al, to Sequoyah Hills Co., a corporation, recorded March 15, 1916, in book 2441 of Deeds at page 63, in the office of the County Recorder of said County of Alameda; thence along said southeasterly line S. 58° 51′ 53″ W., 1054 60 feet to a point on the northerly line of said Golf Links Road; thence along said northerly line, N. 61° 51′ 06″ W., 22.73 feet; thence N. 77° 30′ W., 19 66 feet; thence along the arc of a curve to the right, tangent to last said course, radius 757.00 feet an arc distance of 178.36 feet; thence tangent to said curve N. 64° W., 138 91 feet; thence along the arc of a curve to the left, tangent to last said course, radius 432 feet, and arc distance of 25.20 feet to the point of beginning.

Containing 8.3749 acres, more or less.

Subject to a 20-feet sewer easement, from the Sequoyah Development Organization, a Partnership, to the City of Oakland on August 18, 1960, on Reel No. 149, Image No. 616, Recorders Serial No A.R 97251, in the Office of the County Recorder of said County of Alameda.

The exchange authorized by this act shall be made only if the Division of Beaches and Parks finds: (a) that the state property to be conveyed is no longer needed for park purposes, (b) that the property to be conveyed to the State by W. L Maynard, Incorporated is comparable in value to that which is to be conveyed to W. L. Maynard, Incorporated, and (c) that the exchange will be made upon such terms and conditions as will be for the best interests of the State.

Mineral rights

SEC. 2. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized

by the State of California, the right to prospect for, mine, and remove such deposits from said property.

Highway purposes

SEC. 3. The conveyance of state property authorized by this act shall be subject to the express reservation and condition that the State may at any time in the future use said property or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

CHAPTER 1951

An act to add Section 8044 to the Fish and Game Code, relating to packing and processing licenses and taxes.

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 8044 is added to the Fish and Game Code, to read:

8044. Notwithstanding the other provisions of this article, every broker or importer of fish, mollusks or crustaceans who (a) sells to other brokers, importers or wholesalers only, (b) who buys from other brokers, importers or wholesalers only, (c) who does not receive fish from fishermen except fishermen who are also wholesalers, and (d) who is not required by Sections 8045 or 8046 to pay a privilege tax, shall procure a fish broker and importer's license for each place of business.

Any person qualifying under the provisions of this section may procure a fish broker and importer's license in lieu of a license under Section 8040 and, upon doing so, shall not be required to comply with the provisions of Sections 8045 and 8046.

The annual fee for the license issued pursuant to this section is twenty-five dollars ($25). The license year shall be from July 1 to June 30 of the year following, or, if issued after the beginning of such term, for the remainder thereof.

CHAPTER 1952

An act to add Section 12479 to the Government Code, relating to compensation of state employees.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 12479 is added to the Government Code, to read:

12479. Any person now or hereafter employed by the State may file with his appointing power a designation of a person who, notwithstanding any other provision of law, shall, on the death of the employee, be entitled to receive all warrants that would have been payable to the decedent had he survived. The employee may change the designation from time to time. A person so designated shall claim such warrants from the appointing power. On sufficient proof of identity, the appointing power shall deliver the warrants to the claimant. A person who receives a warrant pursuant to this section is entitled to negotiate it as if he were the payee.

CHAPTER 1953

An act to add Section 770.3 to the Insurance Code, relating to insurers.

In effect September 15, 1961

[Approved by Governor July 15, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 770.3 is added to the Insurance Code, to read:

770.3 No state department or agency shall negotiate any life or disability insurance or require the placing of such insurance through a particular agent, broker or company, except to the extent that the State has a direct financial interest in the subject of the insurance. Nothing herein contained shall affect the program of life and disability insurance in connection with veterans' farm and home purchases through the Department of Veterans Affairs except that the total life insurance benefit under said program shall in no event exceed one hundred and twenty percent (120%) of the unpaid contract balance. Nothing herein contained shall affect life or disability insurance programs which may be provided by the State for its employees.

CHAPTER 1954

An act to amend Section 6550.5 of, and to add Section 6550.6 to, the Business and Professions Code, relating to the practice of barbering.

[Approved by Governor July 17, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 6550.5 of the Business and Professions Code is amended to read:

Registration as instructor

6550.5. The board shall issue a certificate of registration as an instructor in a barber college to a person who complies with all of the following:

(a) Files an application with the board in such form as it may prescribe, accompanied by the examination fee.

(b) Is of good moral character.

(c) Holds a valid certificate as a registered barber in this State and has had two years experience in this State as a registered barber, or has had at least two years' experience as a registered barber in another state or country whose requirements for licensing barbers are substantially equivalent to those in this State, or has affidavits from at least two persons stating that he has had at least four years' practice as a barber in another state or country whose requirements for licensing barbers are not substantially equivalent to those in this State.

(d) Successfully passes a written and oral examination on the theory of barbering.

(e) Has completed the 12th grade or the equivalent thereof as determined by an examination conducted by an examining agency approved by the board.

(f) Has paid the certificate fee required by this chapter.

The amendments made to this section at the 1961 Regular Session of the Legislature shall not apply to any person who holds a certificate of registration as an instructor in a barber college on the effective date of the amendments to this section.

SEC. 2. Section 6550.6 is added to said code, to read:

Seminar in barbering

6550.6. Every person who holds a certificate of registration as an instructor in a barber college and is engaged as an instructor in a barber college shall attend a seminar on barbering, approved by the board, at least once every two years. The board shall approve seminars based upon the subject matter given, the length of time devoted to each such subject, and the general manner in which conducted.

CHAPTER 1955

An act to add Section 12938.1 to the Water Code, relating to state water resources development.

In effect September 15, 1961

[Approved by Governor July 17, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 12938.1 is added to the Water Code, to read:

12938.1. The provisions of Article 2 (commencing with Section 13320) of Chapter 3, Part 3, Division 3, Title 2 of the Government Code are applicable to the department with respect to expenditures of money pursuant to this chapter.

CHAPTER 1956

An act to add Sections 30745.5 and 30770.5 to the Water Code, relating to elections in county water districts.

In effect September 15, 1961

[Approved by Governor July 17, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 30745.5 is added to the Water Code, to read:

Written notice

30745.5. The board shall file not less than 65 days prior to the election of directors a written notice with the board of supervisors of the county or counties within the district to the effect that certificates of nomination may be filed for the office or offices of director to be filled at the election.

SEC. 2. Section 30770.5 is added to said code, to read:

Publication

30770.5. The board, prior to the date of the election, shall give notice of the election of directors by publication in a newspaper of general circulation in the district, pursuant to Section 6061.3 of the Government Code.

CHAPTER 1957

An act to add Sections 936.2 and 3301.1 to the Education Code, relating to school districts.

In effect September 15, 1961

[Approved by Governor July 17, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 936.2 is added to the Education Code, to read:

936.2. If a unified school district is formed pursuant to Chapter 6 (commencing with Section 2401) of Division 5 of this code to comprise all the territory of only one elementary school district, the governing board of the unified district may elect and re-elect as district superintendent of schools of the unified district for a four-year term, the person employed as district superintendent of schools of the elementary school district at the time of the formation of the unified school district. The person may perform service as district superintendent of schools of the unified district for the term to which he is elected or re-elected without possessing the certification document otherwise required if he has served continuously as district superintendent of the elementary district for at least 10 years and if he is elected as district superintendent of the unified district pursuant to this section. Election of district superintendent

SEC. 2. Section 3301.1 is added to said code, to read:

3301.1. If a unified school district is formed pursuant to Chapter 9 (commencing with Section 3001) of Division 5 of this code to comprise all the territory of only one elementary school district, the governing board of the unified district may elect and re-elect as district superintendent of schools of the unified district for a four-year term, the person employed as district superintendent of schools of the elementary school district at the time of the formation of the unified school district. The person may perform service as district superintendent of schools of the unified district for the term to which he is elected or re-elected without possessing the certification document otherwise required if he has served continuously as district superintendent of the elementary district for at least 10 years and if he is elected as district superintendent of the unified district pursuant to this section. Same

SEC. 3. Section 1 of this act shall become operative only if Assembly Bill No. 463 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 463 takes effect; at which time Section 3301.1 of the Education Code as added by Section 2 of this act is repealed. Effect, Assembly Bill No. 463

CHAPTER 1958

An act to amend Sections 4826, 4848, and 4849 of the Business and Professions Code, and to amend Section 4848 of the Business and Professions Code, as proposed by Senate Bill No. 459 of the 1961 Regular Session, relating to the practice of veterinary medicine.

[Approved by Governor July 17, 1961 Filed with Secretary of State July 18, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 4826 of the Business and Professions Code is amended to read:

Practice of veterinary medicine, etc.

4826. Any person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he does any one of the following:

(a) Represents himself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches.

(b) Diagnoses or prescribes a drug, medicine, appliance or application or treatment of whatever nature for the prevention, cure or relief of a wound, fracture, or bodily injury or disease of animals.

(c) Administers a drug, medicine, appliance or application or treatment of whatever nature for the prevention, cure or relief of a wound, fracture, or bodily injury or disease of animals, except where such drug, medicine, appliance or application or treatment is administered at the direction and under the direct supervision of a veterinarian licensed under this chapter.

(d) Performs a surgical operation upon an animal.

(e) Performs any manual procedure for the diagnosis of pregnancy, sterility, or infertility upon livestock.

(f) Uses any words, letters or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine, veterinary surgery or veterinary dentistry. Such use shall be prima facie evidence of the intention to represent himself as engaged in the practice of veterinary medicine, veterinary surgery or veterinary dentistry.

SEC. 2. Section 4848 of said code is amended to read:

Examination

4848. The board shall by means of examination, ascertain the professional qualifications of all applicants for licenses to practice veterinary medicine in this State and shall issue a license to every person which it finds to be qualified.

The examination shall consist of a written examination and a practical examination which may be given at the same time or at different times as determined by the board. The written examination may be waived by the board in any case in which it determines that the applicant has taken an examination for license in another state substantially equivalent in scope and subject matter to the written examination last given in California before such determination is made, and has achieved a score on the out-of-state examination at least equal to the score required to pass such California written examination.

No license shall be issued to anyone who has not demonstrated his competency by examination.

SEC. 3. Section 4849 of said code is amended to read:

Same

4849. The complete examination shall be given at least once each year. It shall include all such subjects as are ordinarily included in the curricula of veterinary colleges in good standing and may include such other subjects as the board may by rule authorize and direct.

SEC. 4. Section 4848 of the Business and Professions Code, as proposed by Senate Bill No 459 of the 1961 Regular Session, is amended to read:

4848. The board shall by means of examination, ascertain the professional qualifications of all applicants for licenses to practice veterinary medicine in this State and shall issue a license to every person which it finds to be qualified on payment of the initial license fee prescribed by this chapter. Same

The examination shall consist of a written examination and a practical examination which may be given at the same time or at different times as determined by the board The written examination may be waived by the board in any case in which it determines that the applicant has taken an examination for license in another state substantially equivalent in scope and subject matter to the written examination last given in California before such determination is made, and has achieved a score on the out-of-state examination at least equal to the score required to pass such California written examination.

No license shall be issued to anyone who has not demonstrated his competency by examination.

SEC. 5. Section 4 of this act becomes operative only if Senate Bill No. 459 is enacted by the Legislature at its 1961 Regular Session, and in such case, at the same time as said Senate Bill No. 459 becomes operative, at which time Section 2 of this act is repealed. Effect Stats 1961, Ch 1395

CHAPTER 1959

An act to amend Sections 3485 and 3486 of the Education Code, relating to school district organization.

[Approved by Governor July 17, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 3485 of the Education Code is amended to read:

3485. The augmented county committee shall study the territory included in the unified school district and shall formulate plans and recommendations to be submitted to the State Board of Education for the dissolution of the unified school district. Study

The State Board of Education shall act on the matter within 90 days of the receipt of the plans and recommendations of the county committee.

SEC. 2. Section 3486 of said code is amended to read:

3486. The plans and recommendations of the county committee formulated pursuant to Section 3485 shall include the following: Plans and recommendations

(a) The description of each elementary or unified school district proposed to be established in the territory of the dissolved unified district.

(b) The inclusion of the territory of the dissolved unified district in a new high school district, unified districts or in an existing contiguous high school district or districts, or in an existing contiguous unified district or districts.

(c) Proposals for the division of property other than real property, funds, and obligations including bonded indebtedness of the unified district among the districts in which the territory is included.

Any real property used for elementary school purposes shall become the property of the elementary district in which it is located following the dissolution. Any real property used for high school or junior high school purposes shall become the property of the high school district in which it is located following the dissolution.

The provisions of Section 21883 notwithstanding, the bonded indebtedness of the unified district shall become the bonded indebtedness of the elementary or high school districts in accordance with the plans and recommendations and shall be considered as bonded indebtedness of such districts for the purposes of determining the limitation of bonded indebtedness under Sections 21801 and 21802 of this code.

CHAPTER 1960

An act to amend Sections 4980 and 4982 of the Public Resources Code, relating to the use of inmate labor.

In effect September 15, 1961

[Approved by Governor July 17, 1961 Filed with Secretary of State July 18, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 4980 of the Public Resources Code is amended to read:

Conservation camp program

4980. In enacting this chapter, it is the purpose of the Legislature to declare the existence of a California Conservation Camp program to provide for the training and use of the inmates and wards assigned to conservation camps in the furtherance of public conservation.

It is the policy of this State to require the inmates and wards assigned to such camps to perform public conservation projects including, but not limited to, forest fire prevention and control, forest and watershed management, recreation, fish and game management, soil conservation and forest and watershed revegetation.

In order to effect the maximum possible conservation and development of natural resources for the benefit of the people of this State, whenever reasonably possible, conservation proj-

ects of a multiple purpose nature shall be undertaken by the California Conservation Camps. The various agencies concerned with conservation projects shall consult and advise with each other to promote such multiple purpose conservation projects and in order to achieve this goal may enter into such contracts as may be necessary.

SEC. 2. Section 4982 of said code is amended to read:

4982. The State Forester shall utilize such inmates and wards assigned to conservation camps in performing fire prevention, fire control and other work of the Division of Forestry. At such times as he deems proper and on such terms as he deems wise he may enter into contracts or co-operative agreements with any public agency, state or federal for the performance of other conservation projects which are appropriate for such public agencies under policies which shall be established by the Correctional Industries Commission. The charge for such service shall be determined by the Director of Natural Resources. In determining the charge, he shall consider the sum by which the average per capita cost of maintaining an inmate or ward at the conservation camps exceeds the average per capita cost of such maintenance at institutions under the jurisdiction of the Director of Corrections or the Director of Youth Authority, plus maintenance and operations of normal transportation equipment, small handtools and crew supervision; provided that the total charge per day paid by such contracting agency as costs of the supervised labor crew shall not exceed a sum determined by multiplying the total number of inmates or wards assigned on the project by 78 percent of the average daily per capita cost as computed annually, of maintaining an inmate in all institutions under the jurisdiction of the Director of Corrections The average daily per capita cost will be computed annually on September 1st on the basis of the actual costs for the prior fiscal year. All such contracts are subject to the approval of the Director of Natural Resources and the Director of Finance.

Inmate labor

CHAPTER 1961

An act to add Section 511.1 and 511.2 to the Public Resources Code, relating to records of the Department of Natural Resources.

[Approved by Governor July 17, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 511.1 is added to the Public Resources Code, to read:

511.1. The department may sell information from its records concerning the registration of undocumented vessels at a

Sale of information

charge sufficient to pay the actual cost to the department for providing the information. The charge for the information shall be determined by the director, with the approval of the Department of Finance and with a minimum charge of twenty-five cents ($0.25) for each item. This section does not apply to information obtained by the department from boating accident reports filed pursuant to Section 656 of the Harbors and Navigation Code.

SEC. 2. Section 511.2 is added to said code, to read:

Sale of records

511.2. The department may sell copies of all or any part of its records in the Division of Small Craft Harbors at a charge sufficient to pay at least the entire actual cost to the department of the copies. The charge for the records and the conditions under which they may be sold shall be determined by the director, with the approval of the Department of Finance. This section does not apply to boating accident reports filed with the department pursuant to Section 656 of the Harbors and Navigation Code.

CHAPTER 1962

An act to amend Sections 166, 166.1, 166.2, 166.3, 166.5, 1015, 1016, 1017, 1018, and 1020 of the Welfare and Institutions Code, and to amend Sections 5061, 5062, 5063, 5064, and 5066 of the Penal Code, relating to unclaimed property of deceased, escaped, discharged, or paroled inmates under the jurisdiction of the Department of Mental Hygiene, the Youth Authority, and the Department of Corrections.

In effect September 15, 1961

[Approved by Governor July 17, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 166 of the Welfare and Institutions Code is amended to read:

Disposition of personal funds, etc., of inmates: Death

166. Whenever any person confined in any state institution subject to the jurisdiction of the Department of Mental Hygiene dies, and any personal funds or property of such person remains in the hands of the superintendent thereof, and no demand is made upon said superintendent by the owner of the funds or property or his legally appointed representative, all money and other personal property of such decedent remaining in the custody or possession of the superintendent thereof shall be held by him for a period of one year from the date of death of the decedent, for the benefit of the heirs, legatees, or successors in interest of such decedent.

Upon the expiration of said one-year period, any money remaining unclaimed in the custody or possession of the superintendent shall be delivered by him to the State Treasurer

for deposit in the Unclaimed Property Fund under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of said one-year period, all personal property and documents of the decedent, other than cash, remaining unclaimed in the custody or possession of the superintendent, shall be disposed of as follows:

(a) All deeds, contracts or assignments shall be filed by the superintendent with the public administrator of the county of commitment of the decedent;

(b) All other personal property shall be sold by the superintendent at public auction, or upon a sealed bid basis, and the proceeds of the sale delivered by him to the State Treasurer in the same manner as is herein provided with respect to unclaimed money of the decedent. If he deems it expedient to do so, the superintendent may accumulate the property of several decedents and sell the property in such lots as he may determine, provided that he makes a determination as to each decedent's share of the proceeds;

(c) If any personal property of the decedent is not salable at public auction, or upon a sealed bid basis, or if it has no intrinsic value, or if its value is not sufficient to justify the deposit of such property in the State Treasury, the superintendent may order it destroyed;

(d) All other unclaimed personal property of the decedent not disposed of as provided in paragraphs (a), (b), or (c) hereof, shall be delivered by the superintendent to the State Controller for deposit in the State Treasury under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

SEC. 2. Section 166.1 of said code is amended to read:

Same
Escape, discharge, etc

166.1. Whenever any person confined in any state institution subject to the jurisdiction of the Department of Mental Hygiene escapes, or is discharged or paroled from such institution, and any personal funds or property of such person remains in the hands of the superintendent thereof, and no demand is made upon said superintendent by the owner of the funds or property or his legally appointed representative, all money and other intangible personal property of such person, other than deeds, contracts, or assignments, remaining in the custody or possession of the superintendent thereof shall be held by him for a period of seven years from the date of such escape, discharge, or parole, for the benefit of such person or his successors in interest; provided, however, that unclaimed personal funds or property of paroled minors may be exempted from the provisions of this section during the period of their minority and for a period of one year thereafter, at the discretion of the Director of Mental Hygiene.

Upon the expiration of said seven-year period, any money and other intangible property, other than deeds, contracts, or assignments, remaining unclaimed in the custody or possession of the superintendent shall be subject to the provisions of

Chapter 7 of Title 10 of Part 3 of the Code of Civil procedure.

Upon the expiration of one year from the date of such escape, discharge, or parole:

(a) All deeds, contracts or assignments shall be filed by the superintendent with the public administrator of the county of commitment of such person;

(b) All tangible personal property other than money, remaining unclaimed in his custody or possession, shall be sold by the superintendent at public auction, or upon a sealed bid basis, and the proceeds of the sale shall be held by him subject to the provisions of Section 165 of this code, and subject to the provisions of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure. If he deems it expedient to do so, the superintendent may accumulate the property of several inmates and may sell the property in such lots as he may determine, provided that he makes a determination as to each inmate's share of the proceeds;

If any tangible personal property covered by this section is not salable at public auction or upon a sealed bid basis, or if it has no intrinsic value, or if its value is not sufficient to justify its retention by the superintendent to be offered for sale at public auction or upon a sealed bid basis at a later date, the superintendent may order it destroyed.

SEC. 3. Section 166.2 of the Welfare and Institutions Code is amended to read:

Notice

166.2. Before any money or other personal property or documents are delivered to the State Treasurer, State Controller, or public administrator, or sold at auction or upon a sealed-bid basis, or destroyed, under the provisions of Section 166, and before any personal property or documents are delivered to the public administrator, or sold at auction or upon a sealed-bid basis, or destroyed, under the provisions of Section 166.1, of this code, notice of said intended disposition shall be posted at least 30 days prior to the disposition, in a public place at the institution where the disposition is to be made, and a copy of such notice shall be mailed to the last known address of the owner or deceased owner, at least 30 days prior to such disposition. The notice prescribed by this section need not specifically describe each item of property to be disposed of.

SEC. 4. Section 166.3 of the Welfare and Institutions Code is amended to read:

Schedule

166.3. At the time of delivering any money or other personal property to the State Treasurer or State Controller under the provisions of Section 166 or of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure, the superintendent shall deliver to the State Controller a schedule setting forth a statement and description of all money and other personal property delivered, and the name and last known address of the owner or deceased owner.

SEC. 5. Section 166.5 of the Welfare and Institutions Code is amended to read:

166.5. Notwithstanding any other provision of law, the provisions of Sections 166 and 166.1 shall apply (1) to all money and other personal property delivered to the State Treasurer or State Controller prior to the effective date of said sections, which would have been subject to the provisions thereof if they had been in effect on the date of such delivery; and (2) to all money and other personal property delivered to the State Treasurer or State Controller prior to the effective date of the 1961 amendments to said sections, as said provisions would have applied on the date of such delivery if, on said date of delivery, the provisions of Chapter 1809, Statutes of 1959, had not been in effect. Law applicable

SEC. 6. Section 1015 of the Welfare and Institutions Code is amended to read:

1015. Whenever any person confined in any state institution subject to the jurisdiction of the Youth Authority dies, and any personal funds or property of such person remains in the hands of the Director of the Youth Authority, and no demand is made upon said director by the owner of the funds or property or his legally appointed representative, all money and other personal property of such decedent remaining in the custody or possession of the Director of the Youth Authority shall be held by him for a period of one year from the date of death of the decedent, for the benefit of the heirs, legatees, or successors in interest of such decedent. Disposition of personal funds, etc of inmates: Death

Upon the expiration of said one-year period, any money remaining unclaimed in the custody or possession of the director shall be delivered by him to the State Treasurer for deposit in the Unclaimed Property Fund under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of said one-year period, all personal property and documents of the decedent, other than cash, remaining unclaimed in the custody or possession of the director shall be disposed of as follows:

(a) All deeds, contracts or assignments shall be filed by the director with the public administrator of the county of commitment of the decedent;

(b) All other personal property shall be sold by the director at public auction, or upon a sealed-bid basis, and the proceeds of the sale delivered by him to the State Treasurer in the same manner as is herein provided with respect to unclaimed money of the decedent. If he deems it expedient to do so, the director may accumulate the property of several decedents and sell the property in such lots as he may determine, provided that he makes a determination as to each decedent's share of the proceeds;

(c) If any personal property of the decedent is not salable at public auction, or upon a sealed-bid basis, or if it has no intrinsic value, or if its value is not sufficient to justify the deposit of such property in the State Treasury, the director may order it destroyed;

(d) All other unclaimed personal property of the decedent not disposed of as provided in paragraphs (a), (b), or (c) hereof, shall be delivered by the director to the State Controller for deposit in the State Treasury under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

SEC. 7. Section 1016 of the Welfare and Institutions Code is amended to read:

Same
Escape, discharge, etc

1016. Whenever any person confined in any state institution subject to the jurisdiction of the Youth Authority escapes, or is discharged or paroled from such institution, and any personal funds or property of such person remains in the hands of the Director of the Youth Authority, and no demand is made upon said director by the owner of the funds or property or his legally appointed representative, all money and other intangible personal property of such person, other than deeds, contracts, or assignments, remaining in the custody or possession of the Director of the Youth Authority shall be held by him for a period of seven years from the date of such escape, discharge, or parole, for the benefit of such person or his successors in interest; provided, however, that unclaimed personal funds or property of paroled minors may be exempted from the provisions of this section during the period of their minority and for a period of one year thereafter, at the discretion of the director.

Upon the expiration of said seven-year period, any money and other intangible personal property, other than deeds, contracts or assignments, remaining unclaimed in the custody or possession of the director shall be subject to the provisions of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of one year from the date of such escape, discharge, or parole:

(a) All deeds, contracts, or assignments shall be filed by the director with the public administrator of the county of commitment of such person;

(b) All tangible personal property other than money, remaining unclaimed in his custody or possession, shall be sold by the director at public auction, or upon a sealed-bid basis, and the proceeds of the sale shall be held by him subject to the provisions of Section 1752.8 of this code, and subject to the provisions of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure. If he deems it expedient to do so, the director may accumulate the property of several inmates and may sell the property in such lots as he may determine, provided that he makes a determination as to each inmate's share of the proceeds.

If any tangible personal property covered by this section is not salable at public auction or upon a sealed-bid basis, or if it has no intrinsic value, or if its value is not sufficient to

justify its retention by the director to be offered for sale at public auction or upon a sealed-bid basis at a later date, the director may order it destroyed.

SEC. 8. Section 1017 of the Welfare and Institutions Code is amended to read:

Notice

1017. Before any money or other personal property or documents are delivered to the State Treasurer, State Controller, or public administrator, or sold at auction or upon a sealed-bid basis, or destroyed, under the provisions of Section 1015, and before any personal property or documents are delivered to the public administrator, or sold at auction or upon a sealed-bid basis, or destroyed, under the provisions of Section 1016, of this code, notice of said intended disposition shall be posted at least 30 days prior to the disposition, in a public place at the institution where the disposition is to be made, and a copy of such notice shall be mailed to the last known address of the owner or deceased owner, at least 30 days prior to such disposition. The notice prescribed by this section need not specifically describe each item of property to be disposed of.

SEC. 9. Section 1018 of the Welfare and Institutions Code is amended to read:

Schedule

1018. At the time of delivering any money or other personal property to the State Treasurer or State Controller under the provisions of Section 1015 or of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure, the director shall deliver to the State Controller a schedule setting forth a statement and description of all money and other personal property delivered, and the name and last known address of the owner or deceased owner.

SEC. 10. Section 1020 of the Welfare and Institutions Code is amended to read:

Law applicable

1020. Notwithstanding any other provision of law, the provisions of Sections 1015 and 1016 shall apply (1) to all money and other personal property delivered to the State Treasurer or State Controller prior to the effective date of said sections, which would have been subject to the provisions thereof if they had been in effect on the date of such delivery; and (2) to all money and personal property delivered to the State Treasurer or State Controller prior to the effective date of the 1961 amendments to said sections, as said provisions would have applied on the date of such delivery if, on said date of delivery, the provisions of Chapter 1809, Statutes of 1959, had not been in effect.

SEC. 11. Section 5061 of the Penal Code is amended to read:

Payment of burial expenses

5061. Whenever any person confined in any state institution subject to the jurisdiction of the Director of Corrections dies, and any personal funds or property of such person remains in the hands of the Director of Corrections, such funds may be applied in an amount not exceeding three hundred dollars ($300) to the payment of his burial expenses and charges

Disposition of funds and property

related thereto. If no demand is made upon said director by the owner of the funds or property or his legally appointed representative, the director shall hold and dispose of such funds or property as follows:

If such decedent leaves a will, the director shall, within 30 days after the date of death of the decedent, deliver such will to the clerk of the superior court having jurisdiction of the estate; and if an executor is named in the will, the director shall furnish him written notice of the delivery of the will as herein provided.

All money or other personal property of the decedent remaining in the custody or possession of the director shall be held by him for a period of one year from the date of death of the decedent, for the benefit of the heirs, legatees or successors in interest of such decedent.

Upon the expiration of said one-year period, any money remaining unclaimed in the custody or possession of the director shall be delivered by him to the State Treasurer for deposit in the Unclaimed Property Fund under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of said one-year period, all personal property and documents of the decedent, other than cash, remaining unclaimed in the custody or possession of the director, shall be disposed of as follows:

(a) All deeds, contracts or assignments shall be filed by the director with the public administrator of the county of commitment of the decedent;

(b) All other personal property shall be sold by the director at public auction, or upon a sealed-bid basis, and the proceeds of the sale delivered by him to the State Treasurer in the same manner as is herein provided with respect to unclaimed money of the decedent. If he deems it expedient to do so, the director may accumulate the property of several decedents and sell the property in such lots as he may determine, provided that he makes a determination as to each decedent's share of the proceeds;

(c) If any personal property of the decedent is not salable at public auction, or upon a sealed-bid basis, or if it has no intrinsic value, or if its value is not sufficient to justify the deposit of such property in the State Treasury, the director may order it destroyed;

(d) All other unclaimed personal property of the decedent not disposed of as provided in paragraphs (a), (b), or (c) hereof, shall be delivered by the director to the State Controller for deposit in the State Treasury under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

SEC. 12. Section 5062 of the Penal Code is amended to read:

Same: Escape, discharge, etc.

5062. Whenever any person confined in any state institution subject to the jurisdiction of the Director of Corrections escapes, or is discharged or paroled from such institution, and any personal funds or property of such person remains in the hands of the Director of Corrections, and no demand is made upon said director by the owner of the funds or property or his legally appointed representative, all money and other intangible personal property of such person, other than deeds, contracts, or assignments, remaining in the custody or possession of the director shall be held by him for a period of seven years from the date of such escape, discharge, or parole, for the benefit of such person or his successors in interest.

Upon the expiration of said seven-year period, any money and other intangible personal property, other than deeds, contracts, or assignments, remaining unclaimed in the custody or possession of the director shall be subject to the provisions of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of one year from the date of such escape, discharge, or parole:

(a) All deeds, contracts, or assignments shall be filed by the director with the public administrator of the county of commitment of such person;

(b) All tangible personal property other than money, remaining unclaimed in his custody or possession, shall be sold by the director at public auction, or upon a sealed-bid basis, and the proceeds of the sale shall be held by him subject to the provisions of Section 5008 of this code and subject to the provisions of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure. If he deems it expedient to do so, the director may accumulate the property of several inmates and may sell the property in such lots as he may determine, provided that he makes a determination as to each inmate's share of the proceeds.

If any tangible personal property covered by this section is not salable at public auction or upon a sealed-bid basis, or if it has no intrinsic value, or if its value is not sufficient to justify its retention by the director to be offered for sale at public auction or upon a sealed-bid basis at a later date, the director may order it destroyed.

SEC. 13. Section 5063 of the Penal Code is amended to read:

Notice

5063. Before any money or other personal property or documents are delivered to the State Treasurer, State Controller, or public administrator, or sold at auction or upon a sealed-bid basis, or destroyed, under the provisions of Section 5061, and before any personal property or documents are delivered to the public administrator, or sold at auction or upon a sealed-bid basis, or destroyed, under the provisions of Section 5062, of this code, notice of said intended disposition shall be posted at least 30 days prior to the disposition, in a public place at the institution where the disposition is to be made, and a copy of such notice shall be mailed to the last known address of the

owner or deceased owner, at least 30 days prior to such disposition. The notice prescribed by this section need not specifically describe each item of property to be disposed of.

SEC. 14. Section 5064 of the Penal Code is amended to read:

Schedule

5064. At the time of delivering any money or other personal property to the State Treasurer or State Controller under the provisions of Section 5061 or of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure, the director shall deliver to the State Controller a schedule setting forth a statement and description of all money and other personal property delivered, and the name and last known address of the owner or deceased owner.

SEC. 15. Section 5066 of the Penal Code is amended to read:

Law applicable

5066. Notwithstanding any other provision of law, the provisions of Sections 5061 and 5062 shall apply (1) to all money and other personal property delivered to the State Treasurer or State Controller prior to the effective date of said sections, which would have been subject to the provisions thereof if they had been in effect on the date of such delivery; and (2) to all money and other personal property delivered to the State Treasurer or State Controller prior to the effective date of the 1961 amendments to said sections, as said provisions would have applied on the date of such delivery if, on said date of delivery, the provisions of Chapter 1809, Statutes of 1959, had not been in effect.

CHAPTER 1963

An act to amend Section 4106 of, and to add Section 4106.5 to, the Government Code, relating to contracts for public works.

In effect September 15, 1961

[Approved by Governor July 17, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 4106 of the Government Code is amended to read:

Violations: Penalties

4106. A general contractor violating any of the provisions of this chapter violates his contract and the awarding authority may exercise the option, in its own discretion, of (1) canceling his contract or (2) assessing the general contractor a penalty in an amount not more than ten percent (10%) of the amount of the subcontract involved, and this penalty shall be deposited in the fund out of which the prime contract is awarded, or (3) both canceling the contract and assessing the penalty

SEC. 2. Section 4106.5 is added to said code, to read:

4106.5. Violation of this chapter by a licensee under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code constitutes grounds for disciplinary action by the Contractors State License Board, in addition to the penalties prescribed in Section 4106. Same: Disciplinary action

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CHAPTER 1964

An act to add Chapter 10 (commencing with Section 3500) to Division 4 of Title 1 of the Government Code, relating to public employee organizations.

[Approved by Governor July 17, 1961. Filed with Secretary of State July 18, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Chapter 10 (commencing with Section 3500) is added to Division 4 of Title 1 of the Government Code, to read:

CHAPTER 10. PUBLIC EMPLOYEE ORGANIZATIONS

3500. It is the purpose of this chapter to promote the improvement of personnel management and employer-employee relations within the various public agencies in the State of California by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice and be represented by such organizations in their employment relationships with public agencies Nothing contained herein shall be deemed to supersede the provisions of existing state law and the charters, ordinances and rules of local public agencies which establish and regulate a merit or civil service system or which provide for other methods of administering employer-employee relations. This chapter is intended, instead, to strengthen merit, civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communication between employees and the public agencies by which they are employed Legislative purpose

3501. As used in this chapter:

(a) "Employee organization" means any organization which includes employees of a public agency and which has as one of its primary purposes representing such employees in their relations with that public agency. Definitions

(b) "Public agency" means the State of California, every governmental subdivision, every district, every public and quasi-public corporation, every public agency and public service corporation and every town, city, county, city and county and municipal corporation, whether incorporated or not and whether chartered or not.

(c) "Public employee" means any person employed by any public agency excepting those persons elected by popular vote or appointed to office by the Governor of this State.

Employees Right to organize

3502. Except as otherwise provided by the Legislature, public employees shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Public employees also shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the public agency.

Organizations Right to represent members

3503. Employee organizations shall have the right to represent their members in their employment relations with public agencies. Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership. Nothing in this section shall prohibit any employee from appearing in his own behalf in his employment relations with the public agency.

Scope of representation

3504. The scope of representation shall include all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment.

Meetings

3505. The governing body of a public agency, or such boards, commissions, administrative officers or other representatives as may be properly designated by law or by such governing body, shall meet and confer with representatives of employee organizations upon request, and shall consider as fully as it deems reasonable such presentations as are made by the employee organization on behalf of its members prior to arriving at a determination of policy or course of action.

Interference in rights

3506. Public agencies and employee organizations shall not interfere with, intimidate, restrain, coerce or discriminate against public employees because of their exercise of their rights under Section 3502.

Rules and regulations: Provisions

3507. A public agency may adopt reasonable rules and regulations for the administration of employer-employee relations under this chapter (commencing with Section 3500).

Such rules and regulations may include provisions for (a) verifying that an organization does in fact represent employees of the public agency (b) verifying the official status of employee organization officers and representatives (c) access of employee organization officers and representatives to work locations (d) use of official bulletin boards and other means of communication by employee organizations (e) furnishing nonconfidential information pertaining to employment relations to employee organizations (f) such other matters as are necessary to carry out the purposes of this chapter.

For employees in the state civil service, rules and regulations in accordance with this section may be adopted by the State Personnel Board.

Limitations

3508. The governing body of a public agency may, in accordance with reasonable standards, designate positions or classes of positions which have duties consisting primarily of the enforcement of state laws or local ordinances, and may by resolution or ordinance adopted after a public hearing, limit or prohibit the right of employees in such positions or classes of positions to form, join or participate in employee organizations where it is in the public interest to do so.

The right of employees to form, join and participate in the activities of employee organizations shall not be restricted by a public agency on any grounds other than those set forth in this section. This section is not applicable to any employee subject to the provisions of Chapter 4 (commencing with Section 1960) of Part 7, Division 2 of the Labor Code.

Construction

3509. The enactment of this chapter shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public employees.

CHAPTER 1965

An act to amend Section 565 of the Agricultural Code, relating to ice cream.

[Approved by Governor July 17, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 565 of the Agricultural Code is amended to read:

565. Nut or candy ice cream is ice cream containing not less than 1 percent by weight of sound, nonrancid nut meats or candy.

The milk fat and total milk solids content of nut or candy ice cream may be reduced by the addition of nuts or candy but in no case shall the milk fat be less than 8 percent nor the total milk solids less than 16 percent.

The term candy includes candies, cakes, cookies, glacéed fruits, prepared cereals and similar products

"Chocolate ice cream" is ice cream flavored with chocolate or cocoa which may be sweetened and which may be added as such or as a suspension in sirup. It contains not less than 8 percent of milk fat and not less than 16 percent of total milk solids.

CHAPTER 1966

An act to amend Section 9906 of the Government Code, relating to legislative representatives.

In effect September 15, 1961

[Approved by Governor July 17, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 9906 of the Government Code is amended to read:

9906. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California shall, before doing anything in furtherance of such object, register with the Clerk of the Assembly and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. He shall also, at the time of registering, submit to the clerk and the secretary a written authorization from each person by whom he is employed to act in furtherance of such object. Such person shall again register at each succeeding General Session of the Legislature and again submit at that time the information and authorization required by this subdivision (a), unless he at that time is no longer engaged for pay or other consideration for the purposes hereinabove specified.

(b) Each such person so registering shall, between the 1st and 15th day of each calendar month, so long as his activity continues, file with the clerk and secretary a detailed report under oath of all money received and each expenditure of twenty-five dollars ($25) or more during the preceding calendar month in carrying on his work; to whom paid; for what purposes; the total of all expenditures during the preceding calendar month; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Legislature of the State of California in support of or opposition to legislation; nor to any state official acting in his official capacity; nor to any elected public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical,

radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, radio or television station or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Legislature of the State of California in support of or in opposition to such legislation; nor to a person when representing a bona fide church solely for the purpose of protecting the public right to practice the doctrines of such church.

(c) All information required to be filed under the provisions of this section with the Clerk of the Assembly and the Secretary of the Senate and not previously published shall be compiled by said clerk and secretary, acting jointly, as soon as practicable after the close of the calendar month with respect to which such information is filed and shall be printed in the Journal of the Assembly within the week immediately preceding the constitutional recess, or within the week immediately preceding final adjournment, at each general session, or within the week immediately preceding final adjournment at each budget session, whichever is the earliest date after such filing.

CHAPTER 1967

An act to amend Sections 29038, 29047, 29100, 29121, 29152, 29159, 29171, 29172, 29180, 29202, 29240, 29250, and 29252 of, to repeal Sections 29185, 29186, and 29187 of, and to add Section 29231 to, and to add Article 11 (commencing with Section 29290) to Chapter 8, Part 2, Division 10 of, the Public Utilities Code, to amend Sections 30779 and 30782 of the Streets and Highways Code, and to amend Section 53090 of the Government Code, relating to rapid transit districts.

[Approved by Governor July 17, 1961. Filed with Secretary of State July 18, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 29038 of the Public Utilities Code is amended to read:

29038. The rates and charges for service furnished pursuant to this part shall be fixed by a two-thirds vote of the board and shall be reasonable. Insofar as practicable, such rates shall be fixed so as to result in revenue which will:

Rates and charges

(a) Pay the operating expenses of the district;

(b) Provide for repairs, maintenance, and depreciation of works owned or operated by the district;

(c) Provide for the purchase, lease, or acquisition of rolling stock, including provisions for interest, sinking funds, reserve

funds, or other funds required for the payment of any obligations incurred by the district for the acquisition of rolling stock; and

(d) After making any current allocation of funds required for the foregoing purposes and by the terms of any indebtedness incurred under Articles 6 (commencing with Section 29240) and 7 (commencing with Section 29250) of Chapter 8 of this part, provide funds for any purpose the board deems necessary and desirable to carry out the purposes of this part

SEC. 2. Section 29047 of said code is amended to read:

Regulations of Public Utilities Commission

29047. The district shall be subject to regulations of the Public Utilities Commission relating to safety appliances and procedures, and the commission shall inspect all work done pursuant to this part and may make such further additions or changes necessary for the purpose of safety to employees and the general public.

The commission shall enforce the provisions of this section.

SEC. 3. Section 29100 of said code is amended to read:

Investment of surplus money

29100. Subject to any agreement or covenant between the district and the holders of any of its obligations limiting or restricting classes of investments, the district may invest any surplus money in its treasury, including money in any sinking fund, reserve fund, or other fund created or established for the benefit of holders of any outstanding obligations of the district, in any of the following:

(a) Its own bonds.

(b) Treasury notes, certificates of indebtedness, bills, bonds of the United States, or any other evidence of indebtedness secured by the full faith and credit of the United States.

(c) Obligations issued pursuant to the Federal Home Loan Bank Act or the National Housing Act.

(d) Treasury notes or bonds of this State, or of any public corporation, municipal corporation, public district, or political subdivision within this State which are legal as security for the deposit of public funds

(e) In any investment in which county funds may be placed pursuant to the general laws of the State of California.

SEC. 4. Section 29121 of said code is amended to read:

Tax levy

29121. The board shall, at the time of fixing the general tax levy and in the manner provided for the general tax levy, levy and collect annually until the general obligation bonds of the district are paid, or until there is a sum in the treasury of the district set apart for that purpose to meet all sums coming due for principal and interest on the bonds as they become due and payable, a tax sufficient to pay the annual interest on the bonds and such part of the principal thereof, including any sinking fund installments required by any of the district's agreements with its bondholders, as becomes due before the proceeds of a tax levied at the next general tax levy will be available for such purposes.

SEC. 5. Section 29152 of said code is amended to read:

29152. Such engineers, economists, fiscal experts and others shall make reports to the district, which shall include: Reports

(a) A general description of the facilities to be acquired or constructed from the proceeds of the proposed bond issue.

(b) The estimated total cost of constructing or acquiring, or both, such facilities.

(c) The estimated period of construction of such facilities.

(d) An estimate of the revenues which may be expected to be derived therefrom.

(e) The amount of bonds which will be required to pay the estimated total cost of constructing or acquiring such facilities. If the district determines to make interest payments out of bond proceeds, the estimate may include a sum sufficient to pay interest on the bonds during the estimated period of construction and for three years, or less, thereafter.

(f) An estimate of the taxes required to be levied for all district purposes, the sources from which such taxes shall be obtained, and the proportion or amount to be derived from each source.

SEC. 6. Section 29159 of said code is amended to read:

29159. The resolution calling the special election shall contain: Resolution: Contents

(a) A statement of the general object and purpose of incurring the indebtedness.

(b) Statement of the estimated cost of the proposed work and improvements.

(c) The amount of the principal of the indebtedness to be incurred therefor.

(d) The maximum term, which shall not exceed fifty (50) years, that the bonds proposed to be issued shall run before maturity.

(e) The maximum rate of interest to be paid on said indebtedness, which shall not exceed six (6) percent per annum.

(f) A statement declaring whether interest, to be paid upon such bonds during the estimated period of construction of the works of the district and for three years thereafter, or less, shall be a capital charge, and shall be payable out of the principal sum realized from the sale of bonds, and, if so, to what extent.

(g) An estimate of the taxes required to be levied for all district purposes, the sources from which such taxes shall be obtained, and the proportion or amount to be derived from each source.

(h) The date on which the special bond election will be held, the hours during the day which the polls will be open, and the manner of voting for and against the incurring of such indebtedness; provided, however, the district shall have no power or authority, within six (6) months after an election at which a proposition submitted to the qualified electors of the district failed to receive the requisite number of votes as provided in Section 29168, to call or order another election for

incurring any indebtedness for purposes substantially the same as voted upon at such prior election. If the special bond election is consolidated with any other election, the hours during which the polls shall be kept open in each county shall be the same as those provided for the election with which the election called pursuant to this part is consolidated and reference to that effect in the resolution shall be sufficient without specifying the particular hours.

SEC. 7. Section 29171 of said code is amended to read:

Denomination of bonds

29171. Coupon bonds may be issued in demoninations of one thousand dollars ($1,000), or multiples thereof, as the district may determine. Coupon bonds of different denominations shall be exchangeable for coupon bonds of other denominations or for registered bonds on such terms and conditions as the district may determine, including provisions for the authentication of any bonds issued upon such exchange by the registration agent or other agents appomted by the district for that purpose.

SEC. 8 Section 29172 of said code is amended to read:

Registered bonds

29172. Registered bonds may be issued without limitation as to principal amount, as may be determined by the district, except that registered bonds shall be in denominations of one thousand dollars ($1,000) or multiples thereof. Registered bonds of any denomination shall be exchangeable with bonds, either in registered or coupon form, of other denominations on such terms and conditions as the district shall determine, including provisions for authentication of bonds issued upon such exchange by the registration agent or other agents appointed by the district for that purpose, and upon the payment of such reasonable charges as may be prescribed by the district.

SEC. 9 Section 29180 of said code is amended to read:

Form of bonds

29180. The district may prescribe the form of such bonds, and of the interest coupons attached thereto. Bonds shall be signed by the president of the board (or such other member of the board as the board shall by resolution designate) and countersigned by the secretary of the district and the seal of the district shall be affixed thereto. The interest coupons on said bonds shall be numbered consecutively and signed by the treasurer of said district. The signature on all coupons and one signature on the bonds may be engraved, lithographed, or printed facsimile signature The seal of the district may be affixed to any bond by mechanical reproduction of a facsimile thereof In case any officer whose signature or countersignature appearing on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of the bonds. If the district appoints a registration agent, fiscal agent, or other agent to authenticate bonds, any bond of the district, whether in coupon or registered form, may be signed by the facsimile signatures of the officers of the district with a facsimile seal

of the district affixed mechanically or otherwise reproduced thereon, provided that such bonds shall be authenticated by the fiscal agent, registration agent, or other agent appointed by the district for that purpose. Any agent appointed by the district to authenticate registered bonds or exchange bonds of different denominations, or coupon bonds for registered bonds, or vice versa, shall be a bank or trust company authorized to transact, and transacting, business in the State of California or the State of New York.

SEC. 10. Section 29185 of said code is repealed. Repeal

SEC. 11. Section 29186 of said code is repealed. Repeal

SEC. 12. Section 29187 of said code is repealed. Repeal

SEC. 12.5. Section 29234 is added to said code, to read:

29234. The district may borrow money in anticipation of the sale of bonds which have been authorized to be issued, but which have not been sold and delivered, and may issue negotiable bond anticipation notes therefor and may renew the same from time to time, but the maximum maturity of any such notes, including the renewals thereof, shall not exceed five years from the date of delivery of such original notes. Such notes may be paid from any moneys of the district available therefor and not otherwise pledged. If not previously otherwise paid the notes shall be paid from the proceeds of the next sale of the bonds of the district in anticipation of which they were issued and if not so paid taxes may be levied for their payment in the same manner as taxes are levied for the payment of general obligation bonds pursuant to Section 29121 until such bonds are issued. Such notes shall not be issued in an amount in excess of the aggregate amount of bonds which the district has been authorized to issue, less the amount of any bonds of such authorized issue previously sold, and also less the amount of other bond anticipation notes therefor issued and then outstanding. The notes shall be issued and sold in the same manner as the bonds. Such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions, or limitations which a resolution of the district authorizing the issuance of bonds may contain. Borrowing in anticipation of sale of bonds

SEC. 13. Article 11 (commencing with Section 29290) is added to Chapter 8, Part 2, Division 10 of said code, to read:

Article 11. General Provisions

29290. All bonds and other evidences of indebtedness issued by the district under the provisions of this part, and the interest thereon, are free and exempt from all taxation within the State of California, except for transfer, franchise, inheritance and estate taxes. Tax exemption

29291. Prior to the issuance of any bonds, or other evidences of indebtedness, the district may commence a special proceeding to determine the right to issue the bonds or other evidences of indebtedness and their validity. Such proceedings Validation proceedings

shall be instituted and prosecuted in accordance with Article 2 (commencing with Section 22670), Chapter 4, Part 5, Division 11 of the Water Code, and these sections apply to and govern all such proceedings instituted under this part. Such proceeding is a proceeding in rem and the judgment rendered therein is conclusive against all persons whomsoever and against the State of California.

Same Without probable cause Liability

29292. Any person who, without probable cause, institutes in any court, state or federal, any action or proceeding contesting the validity of the issuance or sale by the district of any bonds or other evidences of indebtedness authorized by this part, and who does not prevail in such action or proceeding, shall be liable in damages to the district, in an amount which will compensate the district for all the detriment proximately caused thereby, or which, in the ordinary course of things, would be likely to result therefrom. He shall also be liable for the costs and attorney's fees paid or incurred in the defense of the action or proceeding. No proceeding of a kind described in this section shall be instituted following the expiration of six months from and after the date of the election authorizing the issuance of the bonds or, in the case of indebtedness for which an election is not required, six months from and after the date of the resolution of the board authorizing the issuance of the indebtedness involved.

SEC. 14. Section 29202 of said code is amended to read:

Published notice of sale Contents

29202. The published notice of sale shall describe the bonds and set forth the terms and conditions of sale, including the following:

(a) It shall state that sealed proposals for the bonds to be sold will be received, opened publicly at the time and place stated in the notice of sale, and not before, and shall be publicly announced.

(b) It shall invite bidders to name the rate or rates of interest to be borne by the bonds, which rate or rates shall be stated in multiples of one-eighth or one-twentieth of 1 per centum, but in no event exceed 6 per centum per annum, payable as provided in the notice of sale. Bidders may be permitted to bid different rates of interest and to split rates irrespective of the maturities of said bonds, within such limitations as the notice of sale may provide.

(c) It shall state that the bonds will not be sold for less than the par value of such bonds, and accrued interest at the stated rate or rates thereon to date of payment of the purchase price.

(d) It shall state that the bonds will be awarded to the highest responsible bidder or bidders considering the interest rate or rates specified and the premium offered, if any. The highest bid will be determined by deducting the amount of the premium bid (if any) from the total amount of interest which the district would be required to pay from the date of said bonds to the respective maturity dates thereof at the coupon rate or rates specified in the bid and the award will be

made on the basis of the lowest net interest cost to the district. The lowest net interest cost shall be computed on a 360-day year basis.

(e) It shall require all bidders to deposit a certified or cashier's check, drawn on a bank or trust company transacting business in the State of California, payable to the order of the district treasurer, in an amount up to, but not exceeding, 2 per centum of the par value of the bonds proposed to be sold, to partially secure the district from any loss resulting from the failure of the bidder to comply with the term of his bid. The specific amount of the good faith deposit required of all bidders will be stated in the notice of sale. The good faith deposits of unsuccessful bidders will be returned by mail or personal delivery at the time of making the award to the successful bidder. No interest will be paid upon deposit made by the successful bidder.

(f) It shall state that the district shall reject any and all bids which do not comply with the terms of the notice. Any bidder whose bid has been rejected by reason of any irregularity or informality or other defect in the bid shall be disqualified from purchasing the bonds offered pursuant to the notice of sale at any subsequent private sale of the same bonds.

(g) It shall state that if no bids are received, or if the highest bid received is not satisfactory as to price, the district may reject all bids received, if any, and either readvertise or sell the bonds at private sale. However, if the bonds are to be sold at private sale, they may not be sold at a price lower than the highest bid received at public sale. Bidders whose bids have been rejected at public sale because of irregularity or informality in their bids will not be permitted to bid at private sale.

(h) It shall state that the district will take action awarding the bonds or rejecting all bids not later than 24 hours after expiration of the time prescribed in the notice for receipt of proposals, provided that the award may be made after the expiration of the specified time, if the bidder shall not have given the district notice in writing of the withdrawal of such proposal.

(i) It shall state that delivery of bonds will be made to the successful bidder at a designated office as soon as the bonds can be prepared (but not prior to the date of the bonds). The district may also provide for delivery of bonds at such place or places, anywhere in the United States, as may be specified in the notice of sale and for receipt and transmittal of purchase price in cash or bank credits in the form of certified Federal Reserve Bank funds. The cost of printing, engraving, or lithographing the bonds will be borne by the district.

(j) It shall provide that the successful bidder shall have the right, at his option, to cancel the contract of purchase if the bonds are not tendered for delivery within 60 days from

the date of sale thereof, and in such event the successful bidder shall be entitled to the return of the deposit accompanying his bid.

(k) It shall provide that if prior to the delivery of the bonds the income received by private holders from bonds of the same type and character shall be declared to be taxable under any federal income tax laws, either by the term of such laws or by ruling of a federal income tax authority or official, which is followed by the Internal Revenue Service or by decision of any federal court, the successful bidder may at his option prior to the tender of said bonds by the district, be relieved of his obligation under the contract to purchase the bonds and in such case the deposit accompanying his bid will be returned.

(*l*) It shall state that there is no controversy or litigation pending or threatened concerning the validity of the bonds to be sold, the corporate existence of said district, or the title of the officers to their respective offices, and the district will deliver to the successful bidder a no-litigation certificate certifying to the foregoing as of and at the same time of delivery of the bonds.

(m) It shall state that a legal opinion from a nationally recognized firm of municipal bond attorneys, approving the validity of bonds in all respects, will be furnished to the successful bidder without charge. Such opinions of municipal bond attorneys may be printed on the back of the bonds with or without cost to the successful bidder, as the district may determine.

SEC. 15. Section 29240 of said code is amended to read:

Alternative procedure for raising funds

29240. As an alternative procedure for the raising of funds, the district is hereby authorized to issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed by the district, in the manner provided by the Revenue Bond Law of 1941, all of the provisions of which are hereby made applicable to the district, provided however, that no election shall be required in the case of revenue bonds authorized by the board of directors for the acquisition of equipment such as cars, trolley buses and motor buses and rolling equipment if prior to such authorization a proposition for the issuance of general obligation bonds has been adopted by vote of the qualified electors of the district pursuant to Section 29168; and provided, further, that nothing contained in the Revenue Bond Law of 1941 shall be deemed to restrict the power of the district to levy taxes and use their proceeds for all district purposes within the restrictions established by this part.

SEC. 16. Section 29250 of said code is amended to read:

Equipment

29250. The district shall have power to purchase equipment such as cars, trolley buses and motor buses, rolling equipment, and may execute agreements, leases and equipment trust certificates in the forms customarily used by private corporations engaged in the rapid transit business appropriate to effect such purchase and leasing of rolling equipment

and may dispose of such equipment trust certificates upon such terms and conditions as the board may deem appropriate. All money required to be paid by the district under the provisions of such agreements, leases and equipment trust certificates shall be payable solely from the revenue or income to be derived from the transportation system and from grants and loans as provided in Sections 29080 and 29081 of this part. Payment for such equipment, or rentals therefor, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates payable solely from such revenue or income, and title to such equipment shall not vest in the district until the equipment trust certificates are paid.

SEC. 17. Section 29252 of said code is amended to read:

29252. The agreements and leases shall be duly acknowledged before some person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds and such agreements, leases, and equipment trust certificates shall be authorized by resolution of the district and shall contain such covenants, conditions and provisions which may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from the revenue or income to be derived from the rapid transit system

Acknowledgement of agreements, etc.

SEC. 18. Section 30779 of the Streets and Highways Code is amended to read:

30779. Other than the improvement of the San Francisco-Oakland Bay Bridge and the improvement, if authorized by the 1959 Session of the Legislature, of the San Mateo-Hayward Bridge, the construction of the rapid transit tube shall precede the construction of any additional crossing of San Francisco Bay, financed in whole or in part by the tolls or revenues of the San Francisco-Oakland Bay Bridge, providing, however, that if by November 30, 1963, the voters of the district have not approved the issuance of general obligation bonds of the district for the construction of a regional rapid transit system, the provisions of this section and Sections 30775, 30777, and 30778 shall be of no further force or effect.

Rapid transit tube

In the event the voters of the district have not approved the issuance of such bonds by November 30, 1963, the accumulated tolls or revenues from the San Francisco-Oakland Bay Bridge shall immediately be used to finance a vehicular crossing of San Francisco Bay from a point south of the San Francisco-Oakland Bay Bridge to an eastern terminus in Alameda County. A portion of such accumulated tolls and revenues may be used to finance engineering studies by the department to determine the most appropriate termini for, and the approaches to, the crossing.

SEC. 19. Section 30782 of the Streets and Highways Code is amended to read:

30782. The tube and approaches shall be so located and constructed as to interfere as little as reasonably practicable with the operation and traffic of the San Francisco Port Authority. The San Francisco Port Authority shall be entitled

Tube and approach location

to just compensation for any taking or damage to its interest in property, improvements, betterments or structures caused by such location and construction.

SEC. 20. Section 53090 of the Government Code is amended to read:

53090. As used in this article:

"Local agency" (a) "Local agency" means an agency of the State for the local performance of governmental or proprietary function within limited boundaries. "Local agency" does not include the State, a city, a county, a rapid transit district whose board of directors is appointed by public bodies or officers within the area comprising the district, or the San Francisco Port Authority.

"Building ordinances" (b) "Building ordinances" means ordinances of a county or city regulating building and construction and removal of buildings, including ordinances relating to the matters set forth in Section 38660 and similar matters, and including ordinances relating to building permits and building inspection.

CHAPTER 1968

An act to amend Section 103.4 of the Welfare and Institutions Code, relating to public assistance.

In effect September 15, 1961

[Approved by Governor July 17, 1961. Filed with Secretary of State July 18, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 103.4 of the Welfare and Institutions Code is amended to read:

103.4. For the purposes of the provisions of this code relating to public assistance, including but not limited to aid to the aged, aid to needy children, aid to the needy disabled, aid to needy blind, and aid to potentially self-supporting blind residents, the continued absence of a recipient of public assistance from this State for a period of one year or longer shall be prima facie evidence of the intent of the recipient to have changed his residence to a place outside this State. The county granting the aid shall make inquiry from such persons as to their intent to remain residents of California or to become residents of another state, and shall redetermine the residence of such persons for purposes of this chapter. In any case where the inquiry made under this section establishes that the recipient is no longer a resident of this State, his aid shall be terminated immediately.

If a recipient of aid is prevented by illness or other good cause from returning to this State at the end of one year, and has not by act or intent, established residence elsewhere, he shall not be deemed to have lost his residence in this State.

If a recipient of aid is disqualified for aid on the ground that he has left the State, and returns to the State within one year after leaving, he shall be considered to have resided in the State for a sufficient time to qualify for aid, and, if otherwise eligible, aid shall be granted to him as of the first day of the month following his application.

CHAPTER 1969

An act to amend Section 2160 of, and to add Section 4163.5 to, the Welfare and Institutions Code, relating to public assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 18, 1961. Filed with Secretary of State July 20, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 2160 of the Welfare and Institutions Code is amended to read:

2160. Aid shall be granted under this chapter to any person who comes within all of the following descriptions: Persons eligible for aid

(a) Who has attained the age of 65 years; provided, that if, when and during such time as the federal government shall provide or make available to this State grants-in-aid to persons who have attained the age of 60 years, the age contained in this subdivision shall be reduced to 60 years and persons who have attained the age of 60 years and who come within all of the descriptions hereinafter contained shall be eligible for aid under this chapter;

(b) Who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of application;

(c) Who is not cared for under a contract for a period of time exceeding one month; provided, however, that during such times as the federal statutes or rules and regulations of the Federal Security Agency provided for federal sharing, all persons cared for under such a contract may be granted assistance for their personal and incidental expenses not to exceed ten dollars ($10) per month if the contract does not specifically provide for this need; provided further, that during such time as the additional federal funds made available for that purpose by federal legislation enacted in 1952 remain available, all persons cared for under a contract mentioned in the last preceding clause of this subdivision may be granted assistance for their personal and incidental expenses not to exceed fifteen dollars ($15) per month in lieu of the ten-dollar ($10) grant authorized by said last preceding clause, if the contract does not specifically provide for this need;

(d) Who is not receiving adequate support from a husband or wife, or child able and responsible under the laws of this State to furnish such support; free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be grounds for refusing aid;

(e) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

(f) Who is not a patient in a public institution for tuberculosis or mental disease;

(g) Who is not a patient in a public medical institution as the result of a diagnosis as having tuberculosis or psychosis;

(h) Who is not an inmate of a public institution of a custodial (nonmedical), penal or correctional character;

(i) Who is not an inmate of a federal medical institution.

SEC. 2. Section 4163.5 is added to said code, to read:

Real property defined

4163.5. For the purposes of this chapter, any place of abode of an applicant or recipient, whether house, boat, trailer, or other habitation, shall be considered real property.

Operative date

SEC. 3. Section 1 of this act shall become operative on January 1, 1962.

Urgency

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There are now applicants for aid to the disabled who are prevented from receiving such aid due to the fact that they live in trailers or other places of abode other than houses, and thus are unable to meet the property qualifications prescribed for aid In order that this inequity in the law may be eliminated, and that these applicants may qualify for aid at the earliest possible time, it is essential that this act go into effect immediately.

CHAPTER 1970

An act to amend Sections 2160 and 4160 of, and to add Section 2160.2 and 4160.2 to, and to repeal Section 2160.4, of the Welfare and Institutions Code, relating to eligibility for public assistance.

In effect September 15, 1961

[Approved by Governor July 18, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 2160 of the Welfare and Institutions Code is amended to read:

Persons eligible for aid

2160. Aid shall be granted under this chapter to any person who comes within all of the following descriptions:

(a) Who has attained the age of 65 years; provided, that if, when and during such time as the federal government shall provide or make available to this State grants-in-aid to persons who have attained the age of 60 years, the age contained in this subdivision shall be reduced to 60 years and persons who have attained the age of 60 years and who come within all of the descriptions hereinafter contained shall be eligible for aid under this chapter;

(b) Who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of application;

(c) Who is not cared for under a contract for a period of time exceeding one month; provided, however, that during such times as the federal statutes or rules and regulations of the Federal Security Agency provided for federal sharing, all persons cared for under such a contract may be granted assistance for their personal and incidental expenses not to exceed ten dollars ($10) per month if the contract does not specifically provide for this need; provided further, that during such time as the additional federal funds made available for that purpose by federal legislation enacted in 1952 remain available, all persons cared for under a contract mentioned in the last preceding clause of this subdivision may be granted assistance for their personal and incidental expenses not to exceed fifteen dollars ($15) per month in lieu of the ten-dollar ($10) grant authorized by said last preceding clause, if the contract does not specifically provide for this need.

(d) Who is not receiving adequate support from a husband or wife, or child able and responsible under the laws of this State to furnish such support; free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be grounds for refusing aid;

(e) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

(f) Who is not a patient in a public institution for tuberculosis or mental disease.

(g) Who is not a patient in a public medical institution as the result of a diagnosis as having tuberculosis or psychosis.

(h) Who is not an inmate of a public institution of a custodial (nonmedical), penal or correctional character.

(i) Who is not an inmate of a federal medical institution.

SEC. 2. Section 4160 of said code is amended to read:

4160. Aid shall be granted under this chapter to any needy disabled person who comes within all of the following descriptions: Same

(a) Who has attained the age of 18 years.

(b) Who resides in the State and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of application.

(c) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

(d) Who is not at the time of receiving such aid a patient in an institution for tuberculosis or mental disease, a patient in a medical institution as the result of a diagnosis of tuberculosis or psychosis, an inmate of a public institution of a custodial (nonmedical), penal, or correctional character, or an inmate of a federal medical institution. Any such inmate or patient, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate or patient, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The aid shall be granted to him from the first day of the month in which the determination is made that he is eligible, but in no event shall the aid commence prior to the date of the application. The applicant may remain an inmate or patient until he receives his first monthly payment, whereupon he shall cease to be such inmate or patient.

(e) Who is not receiving adequate support from a husband or wife, or parent, or child.

SEC. 3. Section 2160.2 is added to said code, to read:

Exception

2160.2. No aid shall be granted under this chapter to any alien who has been convicted of an overt act against the government of the United States.

SEC. 4. Section 4160.2 is added to said code, to read:

Same

4160.2. No aid shall be granted under this chapter to any alien who has been convicted of an overt act against the government of the United States.

Repeal

SEC. 5. Section 2160.4 of said code is repealed.

Operative date

SEC. 6. This act shall become operative January 1, 1962.

CHAPTER 1971

An act to add Chapter 6 (commencing with Section 450) to Division 1 of, and to repeal Sections 2163, 2163.1, 2163.2, 2163.3, 2163.4, 2163.5, 2163.6, 2163.7, 2163.8, 2164, 2165, 2165a, 2165d, 3047, 3047.01, 3047.02, 3047.2, 3047 21, 3047 22, 3047 24, 3047.25, 3047.27, 3047.3, 3047.5, 4162, 4163, 4164, 4165, 4166 and 4167 of, the Welfare and Institutions Code, relating to property qualifications for public assistance applicants and recipients.

[Approved by Governor July 18, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing the Section 450) is added to Division 1 of the Welfare and Institutions Code, to read:

CHAPTER 6. PROPERTY QUALIFICATIONS

Legislative intent

450. It is the intent of this chapter to set forth the amount of personal or real property or both which an applicant for public assistance may retain and remain eligible to receive public assistance provided he meets the other eligibility requirements for the category of public assistance for which he is an applicant.

In the formulation of any regulations pursuant to this chapter and in the administration thereof consideration shall be given to the ability and circumstances of the applicant in order that undue hardship is not imposed upon any applicant in making plans to comply with the provisions of this chapter. No applicant shall be considered ineligible for retaining property where disposition would alter or impair reasonable access to or the normal use of his home.

Conformity with federal requirements

451. If the United States Department of Health, Education, and Welfare issues a formal ruling that any section of this code relating to public assistance cannot be given effect without causing this State's plan to be out of conformity with federal requirements, the section shall become inoperative to the extent that it is not in conformity with federal requirements.

452. As used in this chapter:

Definitions

(a) "Public assistance" means Old Age Security, Aid to Needy Blind, Aid to Needy Disabled, and Medical Assistance for the Aged as provided for in Chapter 1 (commencing with Section 2000) of Division 3, Chapter 1 (commencing with Section 3000) of Part 1 of Division 5, Chapter 1 (commencing with Section 4000) of Part 2 of Division 5, and Part 4 (commencing with Section 4700) of Division 5 respectively of this code

(b) "Applicant" means an applicant for or a recipient of public assistance.

Ineligibility: Exceptions

453 An applicant shall be ineligible to receive public assistance unless the property he owns is held for the following purposes:

1. The property is used to provide the applicant with a home and conforms to the provisions of Section 454 of this code.

2. The property is producing income for the support of the applicant and conforms to the provisions of Section 455 of this code.

3. The property is held as a reserve to meet a contingent need, not included within the standard of assistance for which an assistance payment is made, and conforms to the provisions of Section 456 of this code.

4. The property is personal in nature, or meets a special need of the applicant, or is part of a self-care or rehabilitation plan, or is not available for expenditure or disposition by the applicant and conforms to provisions of Section 457 of this code.

Personal or real property Home

454. An applicant may retain personal or real property owned by him or in combination with any other person without reference to its value if it serves to provide the applicant with a home. The basic home may be a multiple dwelling unit if the units not occupied by the applicant are producing income for the support of the applicant consistent with their rental value.

Any applicant who does not own a suitable home may apply other real property or the proceeds received therefrom for the acquisition of a home. Such property in whatever form held shall be considered to be used as a home during such time as the following conditions apply:

1. A plan has been made which will provide that the property will be used through conversion or transfer within six months for the purpose of providing a home.

2. Any proceeds received from the sale are used within one year of the date of conversion or application for aid under this chapter whichever is later for the purchase of a home, or for the costs of moving, necessary furnishings, or necessary repairs or alterations to the home, except that an amount may be set aside within the limits permitted by Section 456 of this code.

3. Proceeds of conversion which are received in a form not readily applicable to the initial payment on purchase of the home are retained and all payments thereafter received on such proceeds are applied to the balance due on the home, or for the costs of moving, necessary furnishings, or necessary repairs or alterations to the home.

Income producing real property

455. Real property owned by the applicant or in combination with his spouse which is producing income, reasonably consistent with its value, which is used for the support of the applicant, may be retained in an amount not to exceed an assessed valuation of five thousand dollars ($5,000) as assessed by the county assessor.

Reserve for future contingencies

456. The applicant may retain as a reserve for future contingencies any combination of personal or real property not to

exceed a total value of one thousand two hundred dollars ($1,200) or in case of a married couple both receiving public assistance two thousand dollars ($2,000). Any real property held as such reserve shall be valued at its net appraised market value.

457. The value of the following property shall be excluded in determining eligibility under this chapter: Excluded items

1. Personal jewelry, personal effects, home furnishings and other property used to provide, equip and maintain a home for the applicant.

2. Equipment and material which is necessary to implement a rehabilitation or self-care plan for the applicant.

3. Motor vehicle needed for transportation.

4. Any property right which is essential to land use or which is not available for the use of or expenditure by or in behalf of the applicant to meet a current or future need of said applicant.

SEC. 2. Section 2163 of said code is repealed. Repeals

SEC. 3. Section 2163.1 of said code is repealed.

SEC. 4. Section 2163 2 of said code is repealed.

SEC. 5. Section 2163.3 of said code is repealed.

SEC. 6. Section 2163.4 of said code is repealed.

SEC. 7. Section 2163.5 of said code is repealed.

SEC. 8. Section 2163.6 of said code is repealed.

SEC. 9. Section 2163.7 of said code is repealed.

SEC. 10. Section 2163.8 of said code is repealed.

SEC. 11. Section 2164 of said code is repealed.

SEC. 12. Section 2165 of said code is repealed.

SEC. 13. Section 2165a of said code is repealed.

SEC. 14. Section 2165d of said code is repealed.

SEC. 15. Section 3047 of said code is repealed.

SEC. 16. Section 3047.01 of said code is repealed.

SEC. 14. Section 3047.02 of said code is repealed.

SEC. 17. Section 3047.2 of said code is repealed.

SEC. 18. Section 3047.21 of said code is repealed.

SEC. 19. Section 3047.22 of said code is repealed.

SEC. 20. Section 3047.24 of said code is repealed.

SEC. 21. Section 3047.25 of said code is repealed.

SEC. 22. Section 3047.27 of said code is repealed.

SEC. 23. Section 3047.3 of said code is repealed.

SEC. 24. Section 3047.5 of said code is repealed.

SEC. 25. Section 4162 of said code is repealed.

SEC. 26. Section 4163 of said code is repealed.

SEC. 27. Section 4164 of said code is repealed.

SEC. 28. Section 4165 of said code is repealed.

SEC. 29. Section 4166 of said code is repealed.

SEC. 30. Section 4167 of said code is repealed.

SEC. 31. This act shall become operative January 1, 1962 Operative date

CHAPTER 1972

An act to amend Section 630 of the Probate Code, relating to administration of estates.

In effect September 15, 1961

[Approved by Governor July 18, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 630 of the Probate Code is amended to read:

630. When a decedent leaves no real property, nor interest therein nor lien thereon, in this State, and the total value of the decedent's property in this State, over and above any amounts due to the decedent for services in the armed forces of the United States, and over and above the amount of salary not exceeding two thousand dollars ($2,000), including compensation for unused vacation, owing to decedent for services from any employment, does not exceed two thousand dollars ($2,000), the surviving spouse, the children, lawful issue of deceased children, the parent, the brother or sister of the decedent, the lawful issue of a deceased brother or sister, or the guardian of the estate of any minor or insane or incompetent person bearing such relationship to the decedent, if such person has a right to succeed to the property of the decedent, or is the sole beneficiary under the last will and testament of the decedent, may, without procuring letters of administration, or awaiting the probate of the will, collect any money due the decedent, receive the property of the decedent, and have any evidences of interest, indebtedness or right transferred to him upon furnishing the person, representative, corporation, officer or body owing the money, having custody of such property or acting as registrar or transfer agent of such evidences of interest, indebtedness or right, with an affidavit showing the right of the affiant or affiants to receive such money or property, or to have such evidences transferred.

CHAPTER 1973

An act to amend Section 89 of the Code of Civil Procedure, relating to court proceedings.

In effect September 15, 1961

[Approved by Governor July 18, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 89 of the Code of Civil Procedure is amended to read:

89. 1. Municipal courts shall have original jurisdiction of civil cases and proceedings as follows:

(a) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to five thousand dollars ($5,000) or less, except cases which involve the legality of any tax, impost, assessment, toll or municipal fine.

(b) In actions for dissolution of partnership, where the total assets of the partnership do not exceed five thousand dollars ($5,000); in actions of interpleader, where the amount of money, or the value of the property involved, does not exceed five thousand dollars ($5,000).

(c) To cancel or rescind a contract, when such relief is sought in connection with an action to recover money, not exceeding five thousand dollars ($5,000), or property of a value not exceeding five thousand dollars ($5,000), paid or delivered under or in consideration of such contract; to revise a contract where such relief is sought in an action upon such contract, of which action the court otherwise has jurisdiction.

(d) In all proceedings in forcible entry or forcible or unlawful detainer, where the rental value is six hundred dollars ($600) or less per month, and where the whole amount of damages claimed is five thousand dollars ($5,000) or less.

(e) In all actions to enforce and foreclose liens on personal property, where the amount of such liens is five thousand dollars ($5,000) or less.

(f) In all actions to enforce and foreclose liens of mechanics, materialmen, artisans, laborers, and of all other persons to whom liens are given under the provisions of Chapter 2, Title 4. Part 3 of this code, where the amount of such liens is five thousand dollars ($5,000) or less; provided, that where an action to enforce any such lien is pending in a municipal court, and affects property which is also affected by a similar action pending in a superior court, or where the total amount of such liens sought to be foreclosed against the same property, by action or actions in a municipal court, aggregates an amount in excess of five thousand dollars ($5,000), the municipal court, in which any such action, or actions, is, or are, pending, upon motion of any interested party, shall order such action or actions pending therein transferred to the proper superior court. Upon the making of such order, the same proceedings shall be taken as are provided by Section 399 of this code, with respect to the change of place of trial.

(g) To issue temporary restraining orders and preliminary injunctions, to take accounts, and to appoint receivers, where necessary to preserve the property or rights of any party to an action of which the court has jurisdiction; to appoint a receiver in aid of execution as provided in Section 564, subdivision 4 of the Code of Civil Procedure; to charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by such court in the manner provided in Section 2422 of the Civil Code, or any amendment thereof, and in such cases to appoint a receiver and to make any order or perform any act mentioned or authorized

in said section; in proceedings under Section 689 of this code, or any amendments thereof, to determine title to personal property seized in an action pending in, or upon execution issued by, such court.

(h) In all actions under Section 720 for the recovery of an interest in personal property or to enforce the liability of the debtor of a judgment debtor, where the interest claimed adversely is of a value not exceeding five thousand dollars ($5,000) or the debt denied does not exceed five thousand dollars ($5,000).

(i) In all actions transferred to the municipal court pursuant to Section 396.5 of the Code of Civil Procedure, and each municipal court shall have jurisdiction in all actions so transferred to enter such judgment as may be determined appropriate therein, notwithstanding that the judgment exceeds any limitation on the jurisdiction of the municipal court imposed by any other provision of this section or by any other law.

2. Each municipal court shall have jurisdiction of all cases in equity to try title to personal property when the amount involved is not more than five thousand dollars ($5,000) and of all cases in equity when pleaded as defensive matter, in any case properly pending in such municipal court.

CHAPTER 1974

An act to amend Section 42001 of the Vehicle Code, relating to fines and penalties.

In effect September 15 1961

[Approved by Governor July 18, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 42001 of the Vehicle Code is amended to read:

42001. Every person convicted of a misdemeanor for a violation of Division 10 (commencing with Section 20000), Division 11 (commencing with Section 21000), except Chapters 11 (commencing with Section 22950) and 13 (commencing with Section 23250) and except Section 21461 as it applies to vehicular crossings, and Section 25264, Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000), and Division 15 (commencing with Section 35000) and Sections 2800, 2801, 2802, 2803, 2804 insofar as they affect failure to stop and submit to inspection of equipment or for an unsafe condition endangering any person, 2806, 2809, and 2812, except where a different penalty is expressly provided in said provisions, shall be punished upon a first conviction by a fine not exceeding fifty dollars ($50) or by imprisonment in the county jail for not exceeding five days

and for a second conviction within a period of one year by a fine of not exceeding one hundred dollars ($100) or by imprisonment in the county jail for not exceeding 10 days, or by both such fine and imprisonment and for a third or any subsequent conviction within a period of one year by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months or by both such fine and imprisonment.

In addition to imposing any other punishment authorized by this section, the court may require any person convicted of a misdemeanor described in this section involving a traffic violation to attend a traffic violators' school for not more than 12 hours for instruction in the operation of a motor vehicle consistent with the provisions of this code.

For the purposes of this section, a prior bail forfeiture shall be deemed to be a conviction of the offense charged.

CHAPTER 1975

An act to amend Sections 4830, 4831, 4831.5, 4831.7 and 4833 of the Health and Safety Code, relative to annexations to county sanitation districts.

[Approved by Governor July 18, 1961. Filed with Secretary of State July 20, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 4830 of the Health and Safety Code is amended to read:

Annexation

4830. Territory, whether situated within the same or another county and whether incorporated or unincorporated, which is contiguous to a district, and not included in any other county sanitation district or other district formed for similar purposes, may be annexed, if the board of supervisors finds and determines that the additional territory will be benefited by annexation. Such annexation may include annexation to an existing improvement district of the district. Territory already a part of a district may be annexed to an improvement district of the district in the same manner as annexation of territory to a sanitation district. The annexation may be effected in the same manner as the formation of a sanitation district in the first instance, in which case the procedure set forth in Section 4831 shall be followed or by verified petition in the manner provided in Section 4831.5, or 4831.7.

SEC. 2. Section 4831 of said code is amended to read:

Proceedings: Property in same county

4831. For the purpose of annexing territory situated within the same county to a district the board of supervisors may proceed in the same manner as for the formation of a sanitation district in the first instance; except that wherever

it is required to set forth the boundaries of the proposed district there shall instead be set forth the boundaries of the territory proposed to be annexed and wherever protests are called for or authorized or an election is to be held, the provisions relating thereto shall refer only to the territory proposed to be annexed.

The district board shall before such annexation is completed, by resolution, find and declare that the district will be benefited by the annexation of the territory and consent to its annexation.

Provided, however, that if a refuse transfer or disposal system of the district, or both, is in existence, said territory proposed to be annexed shall be and become a part of said system unless an express finding is made by the board of supervisors that said territory proposed to be annexed will not be benefited by its inclusion in said system.

SEC. 3. Section 4831.5 of said code is amended to read:

Same. Property in other county

4831.5. Property contiguous to a sanitation district but which is situated in a county other than the county in which the sanitation district has been organized may be annexed to said sanitation district and to any improvement district therein pursuant to this section. A verified petition signed by the owners of more than 50 percent of the assessed value of the property sought to be annexed shall be presented to the board of supervisors of the county in which said annexing property is located. Upon receipt of such petition, the board of supervisors shall either approve or disapprove said proposed annexation, and, if such approval is given, it shall transmit to the board of directors of the sanitation district a copy of the petition for annexation and a copy of the resolution approving same. Upon receipt of said petition and resolution, the board of directors of the sanitation district shall either consent to or reject said proposed annexation and shall give written notice to said board of supervisors of the action so taken. Any consent granted may be contingent upon the territory to be annexed being subject to existing or authorized bonded indebtedness of the district or of any improvement district therein and to such other terms and conditions as the board of directors may deem advisable. Upon receipt of notice that said board of directors have consented to said proposed annexation, the board of supervisors of said county in which the annexing territory is so located shall proceed on the matter of annexation in the same manner as for the formation of a district in the first instance; except that wherever it is required to set forth the boundaries of the proposed district there shall be set forth the boundaries of the territory proposed to be annexed, and wherever protests are called for or authorized or an election is to be held, the provisions therefor shall refer only to the territory proposed to be annexed. Upon either (a) disapproval of said proposed annexation by said board of supervisors or (b) rejection thereof by the board of directors of

said sanitation district as specified above, the procedures for annexation shall terminate and no further petitions for annexation shall be circulated or presented for a period of six months thereafter.

SEC. 4. Section 4831.7 of said code is amended to read:

Bonded debt Petition requesting election

4831.7. If a district to which it is proposed to annex territory has incurred or authorized the incurring of any bonded indebtedness for the acquisition, construction, or completion of sewerage lines or sewage disposal facilities, a verified petition signed by at least 10 percent of the registered voters in the territory proposed to be annexed may be filed with the board of supervisors of the county in which the territory is located requesting that an election be held for the purpose of submitting to the registered voters in the territory the question whether the territory shall be annexed to the district and the property in the territory subjected to taxation after annexation equally with the property in the district to pay a portion of the bonded indebtedness of the district outstanding or authorized on the date the petition is filed

If it is proposed to annex territory to a district and also to an improvement district of such district which has authorized the incurring of any bonded indebtedness for the acquisition, construction, or completion of sewerage lines or sewage disposal facilities, a verified petition signed by at least 10 percent of the registered voters in the territory proposed to be annexed may be filed with the board of supervisors of the county in which the territory is located requesting that an election be held for the purpose of submitting to the registered voters in the territory the question whether the territory shall be annexed to the district and the property in the territory subjected to taxation after annexation equally with the property in the improvement district to pay a portion of the bonded indebtedness authorized by the improvement district on the date the petition is filed.

If the board of directors of either such district has fixed an amount of money to represent the value to the territory proposed to be annexed of sewerage lines and sewage disposal facilities in the district, or within an improvement district in the district, which have already been paid for by district taxpayers or by taxpayers in the improvement district, a petition requesting the holding of an election may request that, in addition or alternatively to either question referred to above, there be submitted to the registered voters in the territory the question whether the territory shall be annexed to the district and the property in the territory subjected to taxation after annexation to pay the amount of money fixed by the board of directors

Election

Upon the receipt of a petition of a type prescribed by this section, the board of supervisors of the county in which the territory proposed to be annexed is located shall call an election at which the question, or questions, presented by the petition shall be submitted to the registered voters in the territory.

The provisions relating to an election for the formation of a district in the first instance shall govern the manner in which the election is called and held except the provisions therefor shall refer only to the territory proposed to be annexed. If a question to be submitted at the election provides that the property in the territory shall be subjected to taxation after annexation to pay a portion of the bonded indebtedness of the district outstanding or authorized on the date the petition was filed, or a portion of the bonded indebtedness authorized by an improvement district in the district on the date the petition was filed, the board of supervisors shall notify the board of directors of the district and the board of directors of the district shall fix the portion of the bonded indebtedness to be stated in the question.

Results Order annexing territory

If a majority of the votes cast upon a question at the election are in favor of annexation upon the terms prescribed by the question, and the district board by resolution has found and declared that the district will be benefited by the annexation and consents thereto, the board of supervisors shall make an order annexing the territory to the district. The property in the territory annexed shall not be subjected to taxation to pay a greater portion of the bonded indebtedness of the district outstanding or authorized on the date the petition was filed, or a greater portion of the bonded indebtedness authorized by an improvement district in the district on the date the petition was filed, than that stated in a question which received an affirmative vote by a majority of those voting thereon. Nor shall the property in the territory be subjected to taxation to pay a greater amount of money to represent the value to the territory of sewerage lines and sewage facilities in the district, or within an improvement district in the district, paid for prior to the annexation by district taxpayers, or by taxpayers in the improvement district, than that stated in a question which received an affirmative vote by a majority of those voting thereon.

SEC. 5. Section 4833 of said code is amended to read:

Tax levy

4833. Taxes for a district which is situated in more than one county as provided in this article shall be levied in accordance with the following procedure:

(a) The board of directors shall annually, before the time of fixing the general tax levy for county purposes, estimate the amount of money necessary to be raised by taxation to meet the requirements for operation, maintenance, and payment of principal and interest on outstanding bonds which will become payable before the proceeds of another tax levy made at the time of the next general tax levy for county purposes can be made available for payment of such operation, maintenance, principal and interest.

(b) The total estimate shall be divided by the board of directors in proportion to the value of the real property of the district and any improvement district in each county. The value shall be determined from the equalized values of the

last assessment rolls of the counties. When the division of the estimate has been made, the board of directors shall promptly certify to the boards of supervisors of the counties in which the district is situated the respective parts of the estimate apportioned to each county.

(c) The board of supervisors of each county in which is situated any part of a district shall annually, at the time of levying county taxes, levy a tax upon all the property within the district or any improvement district situated in the county sufficient to raise the amount so certified to the board of supervisors by the board of directors.

(d) The tax shall be collected by the same officers and in the same manner as other county taxes, and the money so collected shall be deposited in the county treasury of the county in which the original district was created and credited to the account of said district.

(e) The treasurer of the county in which is situated the annexing territory shall at any time, but not oftener than twice a year, upon order of the board of directors, settle with the board of directors and pay over to the county treasurer, who is the repository of the funds of said district, all money in his possession belonging to said district.

CHAPTER 1976

An act to add Part 3 (commencing with Section 23000) to Title 3 of Division 3 of, and to amend Section 25153 of, the Corporations Code, relating to real estate investment trusts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 18, 1961 Filed with Secretary of State July 20, 1961] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Part 3 (commencing with Section 23000) is added to Title 3 of Division 3 of the Corporations Code, to read:

PART 3. REAL ESTATE INVESTMENT TRUSTS

23000. A real estate investment trust is an unincorporated trust or association which complies or intends to comply with Sections 856, 857 and 858 of the Federal Internal Revenue Code of 1954, as amended, or such section or sections of any subsequent Internal Revenue Code as may be applicable to organizations described in Public Law 86-779. Real estate investment trust

23001. The shareholders or beneficiaries of a real estate investment trust shall not, as such, be personally liable for any of its obligations arising after the effective date of this part, nor shall persons who become shareholders or beneficiaries Liability of shareholders

after the effective date of this part be personally liable, as such, for obligations of the real estate investment trust existing on the effective date of this part.

Permit

23002. A permit issued by the Commissioner of Corporations finding that an unincorporated trust or association is a real estate investment trust shall be conclusive evidence thereof, so far as Section 23001 is concerned, as to all persons who become shareholders or beneficiaries of the unincorporated trust or association after the issuance of the permit and prior to its suspension or revocation, if any, and as to all obligations of the unincorporated trust or association arising after the effective date of this part, whether they arose before or after the permit was issued, and prior to suspension or revocation of the permit. Expiration of the issuance authority in the permit shall not be deemed a suspension or revocation within the meaning of this section.

Redeemable securities

23003. A real estate investment trust shall not issue any security redeemable at the option of the holder of the security.

SEC. 2. Section 25153 of said code is amended to read:

Subscriptions Conditions

25153. (a) No provision of the Corporate Securities Law prohibits subscriptions for shares of a domestic or foreign corporation made prior to the incorporation thereof, or interests in a real estate investment trust before the due execution of the declaration of trust therefor; but each such subscription is made and accepted upon the following conditions:

(1) The corporation shall be incorporated or the declaration of trust shall be duly executed within 90 days thereafter.

(2) The corporation, when incorporated, or the real estate investment trust, when the declaration of trust is executed, shall with reasonable diligence apply for and secure from the commissioner a permit authorizing the issue of the shares or the sale of the interests so subscribed for, in accordance with such subscriptions.

(b) Except as is specifically required by any law of this State, nothing in this section permits any of the following:

(1) The collection of any portion of the consideration to be paid on account of subscriptions made prior to incorporation or execution of the declaration of trust, as the case may be, unless and until a permit has been issued by the commissioner authorizing such collection.

(2) The taking of subscriptions for any security of any company other than a domestic or foreign corporation or real estate investment trust, or collection of any portion of the consideration to be paid on account of such subscriptions, unless and until a permit has been issued by the commissioner authorizing the taking of such subscriptions or the collection thereof.

Urgency

SEC. 3 This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are

Congress enacted amendments to the Federal Internal Revenue Code of 1954 which became Sections 856, 857, and 858 and which became effective January 1, 1961. These sections provide certain tax benefits for real estate investment trusts. Real estate investment trusts are now being organized and their shares are being sold to the public. The protection of investors in such trusts and persons dealing with the trusts requires that the provisions of this bill relating to the liabilities of investors in such trusts go into immediate effect.

CHAPTER 1977

An act to amend Section 1002 of, and to repeal Section 2009 of, the Fish and Game Code, relating to scientific or propagation collectors.

[Approved by Governor July 18, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1002 of the Fish and Game Code is amended to read:

1002. The department may issue permits, subject to such restrictions and regulations as the commission deems desirable, to take, in any part of the State, for scientific or propagation purposes, mammals, birds and the nests and eggs thereof, fish, amphibia or any other form of plant or animal life. Permits

The fee for such permits is five dollars ($5) per year, except that a permit without fee may be issued authorizing only the banding of birds. The license year for such permits is the calendar year or any part thereof. It is not necessary for the possessor of such a permit to have a sport fishing or hunting license to pursue the scientific collecting of any fish, aquatic animal or plant, bird, or mammal in this State. Fee

A special student permit may be issued pursuant to this section, on the payment of an annual fee of one dollar ($1), to any student in a school of collegiate level who is required by an instructor in wildlife research in such school to collect specimens used in laboratory work in the school under supervision and in connection with a course in wildlife research or in the conduct of wildlife investigations and studies on behalf of the public. Special student permit

Nothing in this section authorizes any act which violates Section 597 of the Penal Code. Scope

Such a permit does not authorize the taking of fish or mammals from the ocean waters of this State which are within the boundaries of any city if the city has filed with the department an objection to such taking.

SEC. 2. Section 2009 of said code is repealed. Repeal

CHAPTER 1978

An act to add Article 3 (commencing with Section 5161) to Chapter 5 of Part 9 of Division 1 of the Revenue and Taxation Code, relating to the recovery of property taxes.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 5161) is added to Chapter 5 of Part 9 of Division 1 of the Revenue and Taxation Code, to read:

Article 3. Action by Public Agency

5161. (a) Any action to recover taxes pursuant to Sections 5103 or 5138 by any county, city and county, or municipal corporation shall be brought and tried in any county other than the plaintiff or the county in which the plaintiff is situated and other than the defendant or the county in which defendant is situated.

(b) No judge of the superior court in the plaintiff county or the county in which the plaintiff is situated or in the defendant county or the county in which the defendant is situated shall sit or act in any action brought pursuant to this section.

(1) Any party to or any attorney appearing in any such action may establish such disqualification by an oral or written motion without notice supported by affidavit that the judge before whom such action is pending or to whom it is assigned is disqualified by virtue of this section. Where the judge assigned to or who is scheduled to try the cause or hear the matter is known at least 10 days before the date set for trial or hearing, the motion shall be made at least five days before that date. If directed to the trial of a cause where there is a master calendar, the motion shall be made to the judge supervising the master calendar not later than the time the cause is assigned for trial. In no event shall any judge entertain such motion if it be made after the drawing of the name of the first juror, or if there be no jury, after the making of an opening statement by counsel for plaintiff, or if there be no such statement, then after swearing in the first witness or the giving of any evidence or after trial of the cause has otherwise commenced. If the motion is directed to a hearing (other than the trial of a cause), the motion must be made not later than the commencement of the hearing. In the case of trials or hearings not herein specifically provided for, the procedure herein specified shall be followed as nearly as may be.

(2) If such motion is duly presented and such affidavit is duly filed, thereupon and without any further act or proof, the judge supervising the master calendar, if any, shall assign some other judge to try the cause or hear the matter. In other

cases, the trial of the cause or the hearing of the matter shall be assigned or transferred to another judge of the court in which the trial or matter is pending or, if there is no other judge of the court in which the trial or matter is pending, the chairman of the judicial council shall assign some other judge to try such cause or hear such matter as promptly as possible. Under no circumstances shall a party or attorney be permitted to make more than one such motion in any one action pursuant to this section; and in actions where there may be more than one plaintiff or similar party or more than one defendant or similar party appearing in the action, only one motion for each side may be made in any one action or special proceeding.

(3) Unless required for the convenience of the court or unless good cause is shown, a continuance of the trial or hearing shall not be granted by reason of the making of a motion under this section. If a continuance is granted, the cause or matter shall be continued from day to day or for other limited periods upon the trial or other calendar and shall be reassigned or transferred for trial or hearing as promptly as possible.

CHAPTER 1979

An act to amend the heading of Chapter 2 (commencing with Section 6201) of Division 3 of, and to amend Sections 6202, 6231 and 6265 of, the Public Utilities Code, relating to franchises by municipalities.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 2 (commencing with Section 6201) of Division 3 of the Public Utilities Code is amended to read:

CHAPTER 2. GAS, ELECTRIC, AND WATER FRANCHISES BY MUNICIPALITIES

SEC. 2. Section 6202 of said code is amended to read:

6202. The legislative body of any municipality is empowered to grant a franchise to any person, firm, or corporation, whether operating under an existing franchise or not, to use, or to construct and use, poles, wires, conduits, and appurtenances for transmitting and distributing electricity for all purposes, or to use, or to lay and use, pipes and appurtenances for transmitting and distributing gas for any and all purposes, or to lay and use pipes, ditches, flumes, conduits, and appurtenances for transmitting and distributing water for any and all purposes, under, along, across, or upon the public streets, ways,

Power to grant franchises

alleys and places within the municipality, upon the terms and conditions provided in this chapter.

SEC. 3. Section 6231 of said code is amended to read:

Application. Contents

6231. An applicant for a franchise shall file with the legislative body of the municipality in which the franchise is desired an application stating:

(a) The name of the applicant.

(b) The purpose and term, whether definite or indeterminate, for which the franchise is desired.

(c) That the applicant if granted the franchise will pay to the municipality during the life of the franchise two percent (2%) of the gross annual receipts of applicant arising from the use, operation, or possession of the franchise; provided, however, that such payment shall in no event be less than one percent (1%) of the gross annual receipts of applicant derived from the sale within the limits of the municipality of the utility service for which the franchise is awarded; provided, further, if the application is for a franchise complementary to a franchise derived under Section 19 of Article XI of the State Constitution as the section existed prior to its amendment on October 10, 1911, then in lieu of either of the aforesaid percentages applicant will pay annually, if the application is for an electric franchise, a sum equivalent to two percent (2%) of the gross annual receipts of applicant arising from the use, operation, or possession of the franchise; provided, however, that such payment shall in no event be less than a sum equivalent to one half percent (½%) of the gross annual receipts derived by applicant from the sale of electricity within the limits of the municipality under both the electric franchises; or, if the application is for a gas or water franchise, a sum equivalent to two percent (2%) of the gross annual receipts of applicant arising from the use, operation, or possession of the franchise; provided, however, that such payment shall in no event be less than a sum equivalent to one percent (1%) of the gross annual receipts derived by applicant from the sale of gas or water, as the case may be, within the limits of the municipality under both the gas or water franchises, as the case may be.

SEC. 4. Section 6265 of said code is amended to read:

Rights included in franchise

6265. Every gas franchise granted pursuant to this chapter confers upon the grantee the right to use, or to lay and use, gas pipes and appurtenances for the purpose of transmitting and distributing gas, and every water franchise so granted confers upon the granter thereof the right to use, or to lay and use, pipes, ditches, flumes, conduits, and appurtenances for the purpose of transmitting and distributing water, and every electric franchise so granted confers upon the grantee thereof the right to use, or to construct and use, poles, wires or conduits and appurtenances for the purpose of transmitting and distributing electricity for any and all purposes, under, along, across, or upon the public streets, ways, alleys, and places as they now or hereafter exist within the municipality.

CHAPTER 1980

An act to amend Section 518 of the Agricultural Code, relating to milk.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 518 of the Agricultural Code is amended to read:

518. Pasteurized skim milk, derived from market milk and used for standardizing pasteurized market milk, may be repasteurized once. Market cream which has not been packaged for distribution to consumers may be repasteurized once.

CHAPTER 1981

An act to add Sections 72602.1 and 72750.5 to the Government Code, relating to municipal courts.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 72602.1 is added to the Government Code, to read:

72602.1. In addition to the number of judges prescribed by Section 72602, there shall be one additional judge for the Long Beach Municipal Court District. Additional judge

SEC. 2. Section 72750.5 is added to said code, to read:

72750.5. Whenever any provision of this article refers to a municipal court district having five judges authorized by law, the provision shall also be applicable to any district having six judges authorized by law. Same

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CHAPTER 1982

An act to add Section 652 to the Insurance Code, relating to automobile liability insurance.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 652 is added to the Insurance Code, to read:

652. Every notice of cancellation mailed pursuant to the provisions of Section 651 shall contain a statement on a form to be prescribed by the Insurance Commissioner setting forth a

brief description of the California Assigned Risk Plan (Article 4 (commencing with Section 11620), Chapter 1, Part 3, Division 2) and advising the assured of his possible right to obtain liability insurance coverage under the plan and a brief description of the manner in which he may avail himself of such plan.

CHAPTER 1983

An act to amend Section 11628 of the Insurance Code, relating to discrimination in conduct of the insurance business.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 11628 of the Insurance Code is amended to read:

11628. No admitted insurer, licensed to issue motor vehicle liability policies as defined in Section 16450 of the Vehicle Code shall fail or refuse to accept an application for such insurance, to issue such insurance to an applicant therefor, or issue or cancel such insurance under conditions less favorable to the insured than in other comparable cases, except for reasons applicable alike to persons of every race, color, religion, national origin or ancestry; nor shall race, color, religion, national origin or ancestry of itself constitute a condition or risk for which a higher rate, premiums, or charge may be required of the insured for such insurance.

CHAPTER 1984

An act to amend Section 11624 of the Insurance Code, relating to the California automobile assigned risk plan.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 11624 of the Insurance Code is amended to read:

11624. Such plan shall contain:

(a) Standards for determining eligibility of applicants for insurance, and in establishing such standards the following may be taken into consideration in respect to the applicant or any other person who may reasonably be expected to operate the applicant's automobile with his permission:

(1) His criminal conviction record;

(2) His record of suspension or revocation of a license to operate an automobile;

(3) His automobile accident records;

(4) His age and mental, physical and moral characteristics which pertain to his ability to safely and lawfully operate an automobile;

(5) The condition or use of the automobile.

(b) Procedures for making application for insurance, for apportionment of eligible applicants among the subscribing insurers and for appeal to the commissioner by persons who believe themselves aggrieved by the operation of the plan.

(c) A provision that the organization administering such plan shall notify the Department of Motor Vehicles regarding the name of each applicant for insurance who is rejected by the assigned risk plan and the statutory grounds for such rejection. The information contained in such notification shall be for the confidential use of the Department of Motor Vehicles.

(d) Rules and regulations governing the administration and operation of the plan,

(e) Provisions showing the basis upon which premium charges shall be made, and the manner of payment thereof, and

(f) Such other provisions as may be necessary to carry out the purpose of this article.

CHAPTER 1985

An act to add Section 26911 to the Government Code, relating to special purpose assessing or taxing districts.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 26911 is added to the Government Code, to read:

26911. Every special purpose assessing or taxing district within the county shall file with the county auditor a copy of its annual budget. The county auditor shall review and hold on file the annual budget of special purpose assessing or taxing districts for public inspection at all reasonable hours. Every special purpose assessing or taxing district within the county which does not prepare an annual budget shall file with the county auditor a written statement to that effect. The county auditor shall hold on file such statement for public inspection at all reasonable hours.

CHAPTER 1986

An act to amend Sections 828 65 and 829.35 of, and to add Sections 813.1 and 828 64 to, the Agricultural Code, relating to cauliflower.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 813.1 is added to the Agricultural Code, to read:

Containers, Cauliflower

813 1. All cauliflower when packed shall be in standard containers number 46, 46A, 46B or 46C. Other size containers may be used if conspicuously marked on the outside of the end or side which bears any marks intended to describe the contents of such container, in letters not less than one-half inch in height, "irregular container"

SEC. 2. Section 828.64 is added to said code, to read:

Same

828.64.

46	Standard cauliflower crate --	8½	18	21⅝
46A	Standard cauliflower crate --	5½ to 6	17½	21⅞ or 22
46B	Standard cauliflower crate --	10½ to 11½	12¼	18¼
46C	Standard cauliflower crate --	14¼	18¼	20½

SEC. 3. Section 828.65 of said code is amended to read:

Same Sweet potato

828 65.

47	Sweet potato container ----------	11½	10 1/16	16⅜
48	Sweet potato container ----------	10	11	16¾
48A	Sweet potato box ----------	10½	11½	18
48B	Three-fourths sweet potato container -	7½	11	16¾

SEC. 2. Section 829 35 of said code is amended to read:

Same Carrots, etc.

829.35. 14 Carrots, numbers 45N, 45O, 45P, 45Q, 45R, 45T, 45U and 45V. Use of containers 45U and 45V shall not be authorized after September 30, 1961.

Cauliflower

15. Cauliflower, numbers 46, 46A, 46B, or 46C.

Celery

15.5. Celery, numbers 45E, 45F, 45G, 45H, 45I, 45J, and 45K.

CHAPTER 1987

An act to amend Sections 35250 and 35450 of the Government Code, relating to the annexation of territory to cities.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows

SECTION 1. Section 35250 of the Government Code is amended to read:

Approval of alteration

35250. Upon receipt of a petition for the alteration of the boundaries by the exclusion of a part of the territory thereof

and the annexation of it to a contiguous city, containing a description of the territory, and signed by not less than one-fourth of the registered electors residing within the territory proposed to be excluded, the legislative body of each city may approve the proposed alteration, by a four-fifths vote of its members.

SEC. 2. Section 35450 of said code is amended to read:

Annexation of highways

35450. The board of supervisors may effect the annexation to any city or cities of contiguous unincorporated territory consisting solely of a highway or highways, or portions thereof, bounded on both sides by city boundaries, pursuant to the provisions of this article.

CHAPTER 1988

An act to amend Sections 34080, 34302.5, 34307.1, 34311, 34325.1, 35007, 35108, 35117, 35120, 35121.5, 35122, 35146, 35254, 35303, 35304, 35306, 35313.5, 35314, 35315, and 35318 of, and to add Sections 35121.1 and 35313.2 to, the Government Code, and to add Section 1722.2 to the Education Code, relating to cities.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 34080 of the Government Code is amended to read:

Filing of affidavit

34080. The clerk of the legislative body conducting the proceeding shall file with the recorder of the county in which the city is located, an affidavit stating that all requirements of law pertaining to the proceeding have been complied with, if it relates to:

(a) Incorporation of territory as a city.

(b) Consolidation of cities.

(c) Change of name of a city.

(d) Disincorporation of a city.

(e) Annexation of territory to, or exclusion of territory from, a city.

(f) The boundaries of any city.

The city shall not perform any official act, the validity of which depends upon such proceedings, until the affidavit of completion has been filed. If the proceeding is a proceeding for the annexation of territory to a city the territory shall be deemed to be unincorporated territory until the affidavit required by this section is filed by the city clerk, or until a later specified date if a later date is specified pursuant to Section 35146 or 35318.

SEC. 2. Section 34302.5 of said code is amended to read:

Notice of intention: Filing

34302.5. Before circulating a petition seeking the incorporation of a new city, the proponents shall file a notice of intention to so do with the board of supervisors. The notice shall contain the names and addresses of and be signed by not less than 25 nor more than 50 qualified signers as proponents intending to circulate the petition, the specific boundaries of the territory proposed to be incorporated, and shall designate the name and address of the person to act as chairman of the proponents for the purpose of receiving notices, process and other communications regarding such incorporation.

Notice of receipt

Notice of receipt of the notice of intention to circulate shall be given by the clerk of the board of supervisors to the legislative bodies of all cities whose territorial limits lie within three miles of any of the territory proposed to be incorporated into a new city. Such notice shall be given by mail addressed to the legislative bodies of the cities entitled thereto and shall in general terms indicate the area proposed to be incorporated.

Limitation

Not more than two such notices affecting areas of the same territory shall be filed within a period of one year.

SEC. 3. Section 34307.1 of said code is amended to read:

Limitation on further proceedings

34307.1. If the report shows that the petition is not signed by the requisite number of qualified signers, no further action may be taken under the proposal for incorporation, and no other notice of intention to circulate a petition for incorporation of any of the same territory shall be filed for a period of two years from the date of filing of the notice of intention.

SEC. 4. Section 34311 of said code is amended to read:

Time of hearing

34311. The board shall hold a hearing at the time fixed, and may adjourn the hearing from time to time, for periods not to exceed two months in all.

Majority protest

If upon the final hearing the board of supervisors finds and determines that written protests to the proposed incorporation have been filed with the board, signed by the owners of land within the boundaries of the proposed incorporation representing 51 percent of the total assessed valuation of the land within said boundaries, the jurisdiction of the board of supervisors shall cease; no election shall be called and no further petition for the incorporation of any of the same territory shall be initiated for one year after the date of such determination.

For the purposes of this section written requests for exclusion shall be deemed to be protests.

SEC. 5. Section 34325.1 of said code is amended to read:

Defeat

34325.1. If a majority of the votes cast is against incorporation, no further proceedings for the incorporation of any of the same territory shall be initiated for two years after the date of the election.

SEC. 6. Section 35007 of said code is amended to read:

Termination of proceedings

35007. The legislative body shall have power to terminate annexation proceedings at any time prior to the date set for the hearing of protests. However, if protests against the annexation or the election are filed with the legislative body prior

to the hour set for hearing objections thereto, the city legislative body shall proceed to hear and pass upon all protests so made in the manner provided for in Section 35121 or 35313, whichever is applicable to the proceedings, even though the proceedings have been terminated. The city legislative body shall, at the hearing or within 10 days thereafter, find and declare by resolution whether or not a majority protest is made. If the city legislative body finds that a majority protest as therein provided is made, no further proceedings for the annexation of any of the territory shall be taken for one year after the date of the adoption of the resolution. If the city legislative body finds that a majority protest as therein provided for is not made or it finds that no protests have been filed, new proceedings for the annexation of all or part of the same territory to the city may be instituted and proceeded with as provided in this chapter at any time after the date of the adoption of the resolution.

SEC. 7. Section 35108 of said code is amended to read:

35108. In cities having a planning commission, consent shall not be given by the legislative body pursuant to Sections 35106 and 35107 until it has received a report or recommendations from the commission. Planning commission recommendations

SEC. 8. Section 35117 of said code is amended to read:

35117. The resolution shall describe specifically the boundaries of the territory proposed to be annexed and designate the territory by some appropriate name by which it may be referred to upon the ballots used at the election. It shall contain a notice of the day, hour, and place any person owning real property within the territory may appear before the legislative body concerning written protest against the annexation filed pursuant to Section 35120. Description

SEC. 9. Section 35120 of said code is amended to read:

35120. At any time not later than the hour set for hearing objections to the election, any owner of property within the territory may make a written protest against the annexation. If at the time set for hearing objections to the annexation, there are insufficient protests to terminate further proceedings, the meeting shall be recessed for 10 days and supplemental protests may be filed within such 10-day period and until the hour set for reconvening the hearing. The protest shall state the name of the owner of the property affected and the street address or other description of the property sufficient to identify it on the last equalized assessment roll. A metes and bounds description shall not be required if the property can be otherwise described in a manner sufficient to identify it on the last equalized assessment roll. As used in this article, "owner" means the owner as shown on the last equalized assessment roll, or the person or persons entitled to be shown as owner on the current assessment roll who shall be deemed the owner, or where such land is subject to a recorded written agreement to buy, the purchaser under such agreement to buy Protests

Contents

Owner"

shall be deemed the owner. Protests may be made on behalf of the owner by an agent authorized in writing by the owner to act as agent with respect to such land.

Protest petitions

If protests are made by petition, the petition shall contain the same information required of individual protests, and

Affidavit

there shall be attached to the petition an affidavit made by a voter or owner of property within the territory described in the petition, or an agent of either such owner or voter. The affidavit shall state that the affiant circulated that particular paper, saw written the signatures appended thereto; that he resides at _____; and that according to the best information and belief of affiant:

(a) Each is the genuine signature of the person whose name it purports to be.

(b) The signer is an owner or duly authorized agent of the owner of property within the territory.

The city shall, on request and without charge, provide forms of protest petitions and the affidavit required by this section to owners of property within the territory.

SEC. 10. Section 35121.1 is added to said code, to read:

Resolution concerning protest

35121.1. The city legislative body shall find and declare by resolution adopted at the hearing or within 10 days after the hearing on protests whether or not a majority protest has been made. If it does not adopt such a resolution within such period, it shall be deemed to have adopted on the 10th day a resolution that a majority protest has been made.

If a resolution finding and declaring that a majority protest is made is adopted or deemed adopted, no further proceedings for the annexation of any of the same territory to the city shall be taken for one year after the date of the adoption of the resolution.

SEC. 11. Section 35121.5 of said code is amended to read:

Boundary changes

35121.5. If the city legislative body finds by resolution adopted pursuant to Section 35121.1 that a majority protest has not been made in accordance with Section 35121 and if it elects to proceed it may make such changes in the boundaries of the territory proposed to be annexed as it finds proper, but it shall not include any territory outside of the boundaries described in the petition nor shall it diminish the land area of the territory proposed to be annexed by more than 5 percent.

SEC. 12. Section 35122 of said code is amended to read:

Special annexation election

35122. If it finds by resolution adopted pursuant to Section 35121.1 that a majority protest is not made as prescribed in Section 35121, the city legislative body shall call a special election without delay and submit to the electors residing in the territory the question whether it shall be annexed to and incorporated within the city. Such election shall be held not sooner than 54 days and not later than 75 days after the termination of the hearing on protests or supplemental protests.

If it finds that the value of the territory proposed to be annexed equals one-half, or more, of that within the city, as

shown by the last equalized assessment rolls, or that the number of qualified electors of the territory equals one-half, or more, of the number of qualified electors within the city, as shown by the county registration of voters, then the city legislative body shall also call a special election and submit to the electors residing in the city the same question at the same time as that submitted to the electors residing within the territory proposed to be annexed.

Termination of proceedings

The city legislative body, as an alternative to the foregoing, may by its resolution thereupon terminate the proceedings without the necessity of calling such election. If proceedings are terminated hereunder, no further proceedings shall be taken for the annexation pursuant to this article of any of such territory by the city for one year.

SEC. 13. Section 35146 of said code is amended to read:

Annexation complete

35146. From the date of filing by the Secretary of State, annexation proceedings are complete. The annexed territory is a part of the city from the date fixed by the legislative body in the notice described in Section 35124, but not later than one year after the date of filing by the Secretary of State or the due date of property taxes levied by the city in the territory, whichever occurs first, except that for the purpose of compliance with Sections 34080 and 54900 of this code, and any action required for the assessment and levy of property taxes, the territory shall be deemed a part of the city from the date of filing by the Secretary of State. If no date is fixed by the legislative body in the resolution described in Section 35124, the territory is a part of the city for all purposes from the date of filing by the Secretary of State or the date of the filing of the affidavit with the recorder of the county pursuant to Section 34080, whichever occurs later.

SEC. 14. Section 35254 of said code is amended to read:

Against exclusion

35254. If a majority of the votes cast in the territory is against exclusion, an election for the exclusion of any of the same territory shall not be held again within one year from the date of the election.

SEC. 15. Section 35303 of said code is amended to read:

Uninhabited territory defined

35303. For purposes of this article territory shall be deemed uninhabited if less than 12 persons who have been registered to vote within the territory for at least 54 days reside within the territory at the time of the filing of the petition for annexation or the institution of proceedings on motion of the city legislative body.

SEC. 16. Section 35304 of said code is amended to read:

Territory within another city

35304. Territory included within another city may be annexed pursuant to this article if the legislative body of that city:

(a) Receives the written consent of at least two-thirds of the owners of real property within the territory, holding at least two-thirds in value of the real property, in the territory.

(b) Consents to the detachment, by resolution.

SEC. 17. Section 35306 of said code is amended to read:

Contents of resolution

35306. The resolution shall describe the boundaries of the territory specifically, designate it by an appropriate name, and contain a notice of the time and place the legislative body will hear written protests against the annexation made by any person owning real property within the territory. In the resolution the legislative body may set a date when, pursuant to Section 35318, the annexation will become effective if such annexation is completed.

SEC. 18. Section 35313.2 is added to said code, to read:

Resolution concerning protest

35313.2. The city legislative body shall find and declare by resolution adopted at the hearing or within 10 days after the hearing on protests whether or not a majority protest has been made. If it does not adopt such a resolution within such period, it shall be deemed to have adopted on the 10th day a resolution that a majority protest has been made.

If a resolution finding and declaring that a majority protest is made is adopted or deemed adopted, no further proceedings for the annexation of any of the same territory to the city shall be taken for one year after the date of the adoption of the resolution.

SEC. 19. Section 35313.5 of said code is amended to read:

Boundary changes

35313.5. If the city legislative body finds by resolution adopted pursuant to Section 35313.2 that a majority protest has not been presented in accordance with Section 35313 and if it elects to proceed it may make such changes in the boundaries of the territory proposed to be annexed as it finds proper, but it shall not include any territory outside of the boundaries described in the resolution giving notice of the proposed annexation nor shall it diminish the land area of the territory proposed to be annexed by more than 5 percent.

SEC. 20. Section 35314 of said code is amended to read:

Ordinance

35314. If the city legislative body finds by resolution adopted pursuant to Section 35313.2 that a majority protest has not been made, the legislative body shall approve or disapprove the annexation, by ordinance adopted within 60 days after the hearing on protests. If the legislative body fails to adopt the ordinance within such period, it shall be deemed to have adopted, on the 60th day of such period, an ordinance disapproving the annexation.

SEC. 21. Section 35315 of said code is amended to read:

Limitation on resubmission

35315. If an ordinance disapproving the annexation is adopted or deemed to have adopted, a new petition or proceeding embracing any of the same territory shall not be filed with, or initiated by, the city for 12 months after the date of the adoption of the ordinance.

SEC. 22. Section 35318 of said code is amended to read:

Annexation complete

35318. From the date of filing by the Secretary of State, annexation proceedings are complete. The annexed territory is a part of the city from the date fixed by the legislative body in the resolution described in Section 35306, but not later than one year after the date of filing by the Secretary of State or

the due date of property taxes levied by the city in the territory, whichever occurs first, except that for the purpose of compliance with Sections 34080 and 54900 of this code, and any action required for the assessment and levy of property taxes, the territory shall be deemed part of the city from the date of filing by the Secretary of State. If no date is fixed by the legislative body in the resolution described in Section 35306 the territory is a part of the city for all purposes from the date of filing by the Secretary of State or the date of the filing of the affidavit with the recorder of the county pursuant to Section 34080, whichever occurs later.

SEC. 23. Section 1722.2 is added to the Education Code, to read:

School districts

1722.2. Territory annexed to a city pursuant to Articles 3, 4, 7, and 8 (commencing with Sections 35200, 35250, 35450, and 35470, respectively) of Chapter 1, Part 2, Division 2, Title 4 of the Government Code shall not become a part of any school district within such city pursuant to Section 1721.

CHAPTER 1989

An act to amend Section 375 of, to add Section 303 and 25100 to, and to repeal Section 25100 of, the Vehicle Code, relating to clearance and side-marker lamps on vehicles.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 303 is added to the Vehicle Code, to read:

"Driveaway-towaway operation"

303. A "driveaway-towaway operation" is any operation in which any motor vehicle or combination of motor vehicles coupled together constitutes the commodity being transported, when one or more sets of wheels of any such motor vehicle or motor vehicles are on the roadway, and when one or more of such vehicles are being operated under a manufacturer's, dealer's, or transporter's special plates.

SEC. 2. Section 375 of said code is amended to read:

"Lighting equipment"

375. "Lighting equipment" is any of the following lamps or devices:

(a) Any headlamp, auxiliary driving, passing, or fog lamp, rear lamp, stop lamp, license plate lamp, clearance lamp, side-marker lamp, signal lamp or device, or turn signal pilot indicator lamp mounted on the exterior of the vehicle.

(b) Any dimout or air-raid lamp, fender turning lamp, diffused nonglaring lamp, and flashing red schoolbus lamp.

(c) Any equipment regulating the light emitted from any lamp or device in subdivisions (a) or (b) or the light sources therein.

(d) Reflectors, including red reflectors for use on bicycles and reflectors used for required warning devices

(e) Any steady burning red warning lamps used on authorized emergency vehicles on and after July 1, 1962.

(f) Any flashing red warning lamps and flashing amber warning lamps used on any vehicle on and after January 1, 1963.

Repeal

SEC. 3. Section 25100 of said code is repealed.

SEC. 4. Section 25100 is added to said code, to read:

Lighting equipment

25100. (a) Except as provided in subdivisions (b) and (d), every vehicle 80 inches or more in overall width shall be equipped during darkness as follows:

(1) At least one amber clearance lamp at each side on the front and at least one red clearance lamp at each side on the rear.

(2) At least one amber side-marker lamp on each side near the front and at least one red side-marker lamp on each side near the rear.

(3) At least one amber side-marker lamp on each side at or near the center on trailers and semitrailers 30 feet or more in length and which are manufactured and first registered after January 1, 1962.

(b) The following vehicles when 80 inches or more in overall width and not equipped as provided in subdivision (a) shall be equipped during darkness as follows:

(1) Truck tractors shall be equipped with at least one amber clearance lamp at each side on the front of the cab or sleeper and may be equipped with amber side-marker lamps on each side.

(2) Pole or pipe dollies shall be equipped with at least one combination clearance and side-marker lamp on each side showing red to the front, side and rear.

(3) Vehicles, except truck tractors, which are 80 inches or more in width over a distance not exceeding three feet from front to rear shall be equipped with at least one amber combination clearance lamp and side-marker lamp on each side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one such red lamp if the projection is near the rear of the vehicle.

(4) Towing motor vehicles engaged in driveaway-towaway operations shall be equipped with at least one amber clearance lamp at each side on the front and at least one amber side-marker lamp on each side near the front.

(5) Towed motor vehicles engaged in driveaway towaway operations shall be equipped with at least one red side-marker lamp on each side, and the rearmost such vehicle shall in addition be equipped with at least one red clearance lamp at each side on the rear.

(c) Loads extending beyond the side of a vehicle where the overall width of vehicle and load is 80 inches or more shall be equipped with an amber combination clearance and side-marker lamp on the side at the front and a red combination

clearance and side-marker lamp on the side at the rear. In lieu of the foregoing requirement, projecting loads not exceeding three feet from front to rear at the extreme width shall be equipped with at least one amber combination clearance and side-marker lamp on the side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one such red lamp if the projection is near the rear of the vehicle.

(d) Clearance and side-marker lamps are not required on auxiliary dollies and passenger vehicles.

(e) Clearance lamps shall be visible from all distances between 500 feet and 50 feet to the front or rear of the vehicle, and side-marker lamps shall be visible from all distances between 500 feet and 50 feet to the side of the vehicle. Clearance lamps shall, so far as is practicable, be mounted to indicate the extreme width and height of the vehicle except that front clearance lamps on flatbed trucks shall be mounted on the front of the bed if it extends beyond the side of the cab. Side-marker lamps shall be mounted so the lenses project to the outer extremity of vehicle or load. Clearance lamps may be combined with side-marker lamps provided the combination lamp meets the requirements for both types of lamp and is mounted as specified for side-marker lamps.

CHAPTER 1990

An act to amend Section 563 of, and to add Section 563.1 to, the Agricultural Code, relating to sherbet and frozen products.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 563 of the Agricultural Code is amended to read:

Sherbet

563. Sherbet is a frozen product containing milk or products of milk with or without sweeting, harmless flavoring and coloring approved by the director.

Sherbet shall contain not less than 1 percent milk fat nor more than 2 percent milk fat and not more than 5 percent total milk solids, not more than five-tenths of 1 percent harmless stabilizer or more than two-tenths of 1 percent emulsifier approved by the director.

Sherbet shall have an acidity of not less than the amount specified in the rules and regulations promulgated by the director and shall contain not less than 10 percent by weight of clean, mature, sound fruit or juice thereof, or its equivalent in other form except as hereinafter provided.

Milk or milk products used in the manufacture of sherbet shall be pasteurized. Sherbet when sold by the manufacturer or retailer shall not contain more than 75,000 bacteria per gram. Sherbet must weigh not less than six pounds per gallon.

Citrus sherbets may contain not less than 2 percent fruit, and berry sherbets may contain not less than 6 percent fruit or their equivalent in other forms.

SEC. 2. Section 563.1 is added to said code, to read:

Quiescently frozen confections

563.1. Quiescently frozen confections means a clean and wholesome frozen, sweetened, flavored product in the manufacture of which freezing has not been accompanied with stirring or agitation (generally known as quiescent freezing). This confection may be acidulated with harmless organic acid, may contain milk solids, may be made with or without added harmless pure or imitation flavoring, with or without added harmless coloring approved by the director. The finished product may contain not more than one-half of 1 percent by weight of stabilizer composed of wholesome edible material. The finished product shall contain not less than 17 percent by weight of total food solids.

Such confections may be sold under trade names which are not misleading or deceptive.

This confection shall be manufactured in the form of servings, individually packaged, bagged or otherwise wrapped, properly labeled, and purveyed to the consumer in its original factory-filled package.

In the production of this quiescently frozen confection, no processing or mixing prior to the quiescently freezing shall be used that develops in the finished confection mix any physical expansion in excess of 10 percent.

CHAPTER 1991

An act to add Article 15 (commencing with Section 73910) to Chapter 10, Title 8 of the Government Code, relating to municipal courts.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Article 15 (commencing with Section 73910) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 15. Santa Maria

Title

73910. This article applies to the municipal court established in the Santa Maria Judicial District.

One judge

73911. There shall be one judge.

73912. There shall be one clerk, one assistant clerk, one deputy court clerk, one deputy clerk III and two deputy clerks II, each of whom shall receive a salary in accordance with Section 73914 and Section 73915. Clerk, etc

73913. There shall be one marshal, two deputy marshals, and one marshal's clerk, each of whom shall receive a salary in accordance with Section 73914 and Section 73915. Marshal, etc.

73914. The monthly salaries for the following classes of positions shall be, and shall be increased in accordance with the schedule set forth below: Salary schedule

	A	B	C	D	E
Clerk of the municipal court	$527	$553	$581	$610	$641
Assistant clerk	412	433	455	478	502
Deputy court clerk	373	392	412	433	455
Deputy clerk III	338	355	373	392	412
Deputy clerk II	322	338	355	373	392
Marshal	527	553	581	610	641
Deputy marshal	373	392	412	433	455
Marshal's clerk	292	307	322	338	355

All figures in columns A, B, C, D and E represent dollars per calendar month.

On and after the effective date of this section, the following regulations will govern the administration of the classification and compensation schedules contained herein:

(1) All new employees shall be hired at the first step of the appropriate salary range.

(2) A one-year service period shall be required for each normal salary step increase.

(3) The salary anniversary date for persons employed on the effective date of this section shall be October 1st of each year.

(4) The salary anniversary date for new employees shall be the date hired.

(5) An employee promoted to a higher class shall receive a one-step increase over his salary before promotion, or the first step of the salary range of the new class, whichever is greater.

(6) An employee demoted to a lower class shall retain his present salary rate, or shall be paid at step "E" of the lower class, whichever is smaller.

(7) On the effective date of this section, present employees shall be paid at column A in the appropriate salary schedule, provided however, that the deputy clerk III and deputy court clerk employed by the superseded court prior to January 1, 1954, shall be paid at column B of the appropriate salary schedule.

73915. To each monthly salary rate set forth in columns A, B, C, D and E of Section 73914, there is added the following amounts to the classes of positions set forth below: Additional salaries

Clerk of the municipal court and marshal	$30 per calendar month
Assistant clerk	$25 per calendar month
Deputy court clerk and deputy marshal	$20 per calendar month
Deputy clerk III, deputy clerk II, marshal's clerk	$15 per calendar month

Operative date

This section shall become operative on the same date as a general salary increase is effective for other permanent county monthly salaried employees. If a general salary increase is effective for other permanent county monthly salaried employees between December 1, 1960, and the effective date of this section, it shall become operative on its effective date. For the purpose of determining the operative date of this section, a "general salary increase" shall be considered to have been granted when seventy-five percent (75%), or more, of the permanent, monthly salaried employees of the county have been granted a salary increase of approximately five percent (5%), or more, in addition to any regular annual increase for length of service. This section shall remain in effect until the 91st day after the final adjournment of the 1963 Regular Session of the Legislature.

Time in effect

CHAPTER 1992

An act to add Article 2 (commencing with Section 73340) to Chapter 10, Title 8 of, and to repeal Article 7.5 (commencing with Section 73580), Article 19 (commencing with Section 74080), Article 27.5 (commencing with Section 74610) and Article 35 (commencing with Section 74900), of Chapter 10, Title 8 of, the Government Code, relating to municipal courts.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Article 2 (commencing with Section 73340) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 2. Municipal Courts in Contra Costa County

Application

73340. This article applies only to municipal courts established in judicial districts in Contra Costa County.

Number of judges

73341. Each municipal court district established in Contra Costa County shall have the number of judges set forth opposite the name of the judicial district over which such court has jurisdiction.

Concord Judicial District	1
Richmond Judicial District	3
San Pablo Judicial District	1
Walnut Creek Judicial District	1

Official reporters

73342. Official reporters shall be appointed by the judges of each municipal court district pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

In lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, they shall receive a salary of eight hundred dollars ($800) a month, which shall be a charge against the general fund of the county.

Additional reporters

73343. Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in the sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive thirty-seven dollars ($37) a day, which shall upon order of the court be a charge against the general fund of the county.

Official reporter pro tempore

73344. Any official reporter may be assigned by the presiding judge of his district to act as official reporter pro tempore in any municipal court in Contra Costa County. During any such assignment he shall continue to receive his regular salary in lieu of any other compensation provided by law.

Fees

73345. Fees for transcription of testimony and proceedings in the court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

Retirement system

73346. The official reporters of the court shall be members of any retirement system maintained by the county. For the purposes of such retirement system, the salary provided for reporters in this article shall be deemed their entire compensation.

The official reporter shall perform the duties required of him by law. When not actually engaged in the performance of any other duty imposed on him by law, he shall render stenographic or clerical assistance, or both, to the judge or judges of the district to which he is assigned as such judge or judges may direct.

Fees

73347. In any civil action or proceeding, in addition to the fees required by Article 2 (commencing with Section 72050) of Chapter 8 of Title 8, a fee of six dollars ($6) shall be paid to the clerk of the court by each party or jointly by parties

appearing jointly, once only in any such action or proceeding, in the following instances:

(a) Upon the filing of a complaint or other first paper.

(b) Upon the filing of the answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff.

(c) Upon the filing of papers transmitted from one court on the transfer of a civil action or special proceeding. The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court. All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 of Chapter 8 of Title 8.

Civil service

73348. Except as provided in this article, all paid employments of any municipal court and marshal's office now established or which may subsequently be established in Contra Costa County shall be under the civil service system established in the county. The civil service commission of the county shall exercise the same jurisdiction over municipal court employments as it exercises over other county employments in the same manner as they apply to other civil service employments in the Contra Costa County service.

In the event that the civil service commission is unable to certify one or more eligibles to a vacancy within six months of the date the position became vacant, the appointing authority may, with the approval of the judge in a single-judge district, the presiding judge in a two-judge district and the majority of the judges in a three-or-more judge district, fill the vacancy by appointing any candidate who meets the minimum qualifications for the classification as set forth in the classification specification. Such appointee shall thereby obtain civil service status as described above.

Present employees

73349. Except as otherwise provided in this article, all employments of any municipal court and marshal's office now established or which may be established in Contra Costa County shall be compensated and receive other benefits in accordance with the provisions of the salary ordinance of the county governing other county employments. Any subsequent change in benefits provided by the salary ordinance to employees of the county shall apply equally to employees of the municipal courts and marshals' offices, and shall have the same effective date. These benefits may also be retroactively applied. References hereafter to range allocation and salary steps apply to the basic salary schedule set forth in Section 73351.

Within range step increases shall be granted only upon the affirmative recommendation of the appointing authority and the approval of the judge in a single-judge district, the presiding judge in a two-judge district and a majority of the judges in a multijudge district.

Overtime payments must bear the same approval as within range step increases.

In recognition of previous service for which no formal sick leave accruals were provided those marshals who prior to the effective date of this section were elective officers shall receive a credit of sixteen (16) hours sick leave for each completed year or portion thereof of service with Contra Costa County. Notwithstanding the effective date of this section, vacation credits for these marshals shall commence accruing on July 1, 1961 and shall accrue from that date forward in accordance with the provisions of the salary ordinance governing other county employments.

Classes of positions

73350. There are the following classes of positions into which each of the positions of the municipal courts and marshals' offices shall be assigned as prescribed in the section pertaining to each court or marshal's office.

(a) Deputy clerk I, which shall include all municipal courts and marshals' offices employments assigned routine clerical tasks under continuous immediate supervision.

(b) Deputy clerk II, which shall include all municipal courts and marshals' offices employments assigned clerical tasks requiring exercise of discretion as to methods and priorities and which supervision is available on a periodic basis only.

(c) Deputy clerk III, which shall include all municipal courts and marshals' offices employments assigned clerical duties of a complex and varied nature requiring exercise of initiative and discretion in work organization, methods and priorities and in which supervision is available only on policy matters. Positions of this class may assign and review the work of several deputy clerks I or deputy clerks II.

(d) Deputy clerk IV, which shall include clerical duties of a complex and varied nature in which the incumbent works independently, such as an employment having as a primary assignment the discharge of a court's orders and the maintenance of court minutes.

(e) Clerk of the court I, which shall include all municipal court positions in single-judge courts charged with the overall responsibility for managing and supervising the court clerical operations including courtroom clerical duties.

(f) Clerk of the court II, which shall include any municipal court position in a multijudge court charged with the overall responsibility for managing and supervising the court clerical operations including courtroom clerical duties.

(g) Deputy marshal I, which shall include all marshals' offices employments assigned to discharge the peace officer responsibilities of the marshal including establishment and maintenance of law and order in the judicial district, service of various court orders and acting as bailiff when the municipal court is in session.

(h) Deputy marshal II, which shall include any position in a marshal's office responsible for assigning and reviewing the work of several deputy marshals I in serving court processes and other peace officer activities.

(i) Marshal I, which shall include any nonelective position responsible for the management and supervision of the duties of the office of marshal in any single-judge judicial district.

(j) Marshal II, which shall include any nonelective position responsible for the management and supervision of the duties of the office of marshal in any multijudge judicial district.

Salary schedule

73351. The following salary schedule shall apply to all persons employed by municipal courts in Contra Costa County.

Salary Schedule

No. of Range	Step (1)	Step (2)	Step (3)	Step (4)	Step (5)
20	$255	$268	$281	$295	$310
21	268	281	295	310	325
22	281	295	310	325	341
23	295	310	325	341	358
24	310	325	341	358	376
25	325	341	358	376	395
26	341	358	376	395	415
27	358	376	395	415	436
28	376	395	415	436	458
29	395	415	436	458	481
30	415	436	458	481	505
31	436	458	481	505	530
32	458	481	505	530	556
33	481	505	530	556	584
34	505	530	556	584	613
35	530	556	584	613	644
36	556	584	613	644	676
37	584	613	644	676	710
38	613	644	676	710	745
39	644	676	710	745	782
40	676	710	745	782	821
41	710	745	782	821	862
42	745	782	821	862	905
43	782	821	862	905	950
44	821	862	905	950	998
45	862	905	950	998	1,047
46	905	950	998	1,047	1,100
47	950	998	1,047	1,100	1,155
48	998	1,047	1,100	1,155	1,213
49	1,047	1,100	1,155	1,213	1,273
50	1,100	1,155	1,213	1,273	1,337
51	1,155	1,213	1,273	1,337	1,404
52	1,213	1,273	1,337	1,404	1,474
53	1,273	1,337	1,404	1,474	1,547
54	1,337	1,404	1,474	1,547	1,625
55	1,404	1,474	1,547	1,625	1,706
56	1,474	1,547	1,625	1,706	1,791
57	1,547	1,625	1,706	1,791	1,882
58	1,625	1,706	1,791	1,882	1,975
59	1,706	1,791	1,882	1,975	2,074

Classes of positions provided in this article are allocated to the salary schedule as follows:

(a)	Deputy clerk I	Range 23
(b)	Deputy clerk II	Range 26
(c)	Deputy clerk III	Range 29
(d)	Deputy clerk IV	Range 34
(e)	Clerk of court I	Range 35
(f)	Clerk of court II	Range 41
(g)	Deputy marshal I	Range 33
(h)	Deputy marshal II	Range 35
(i)	Marshal I	Range 40
(j)	Marshal II	Range 42

Equivalent classifications

73352. Certain classifications in the municipal courts and marshals' offices are deemed to be equivalent in job and salary level to certain classifications in the service of Contra Costa County and whenever the salary of a classification in the service of Contra Costa County is adjusted by the board of supervisors, the salary of the comparable classification in the municipal courts or marshals' offices shall be adjusted a commensurate number of ranges on the salary schedule. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until 90 days after the adjournment of the next regular session of the Legislature.

(a) The class of deputy clerk I is equivalent in job and salary level to the class of typist-clerk in the service of Contra Costa County. The class of deputy clerk II is equivalent to intermediate typist-clerk, and the class of deputy clerk III is equivalent to senior clerk.

(b) Whenever the salary of the class of deputy clerk III is adjusted as described above, the class of deputy clerk IV, clerk of the court I and clerk of the court II shall be adjusted an equivalent number of ranges on the salary schedule.

(c) The class of deputy marshal I is equivalent in job and salary level to the class of deputy sheriff, grade II in the service of Contra Costa County. The classes of deputy marshal II and marshal I and II shall be adjusted a commensurate number of ranges on the salary schedule as the class of deputy marshal I above is adjusted.

(d) The position of municipal court reporter is equivalent in job responsibility to positions described and functioning as superior court reporters in Contra Costa County. Whenever the superior court reporters are authorized a basic salary adjustment, the salary of municipal court reporters shall be adjusted. Such adjustment shall be effective on the same date as the superior court reporter salaries are adjusted.

Appointments: By judge

73353. The judge of the court, the presiding judge in a two-judge district, or a majority of the judges in a multijudge district shall appoint the clerk of the court. The clerk of the

court of the particular municipal court shall appoint all other employments in the municipal court office subject to the approval of the judge in a single-judge district, the presiding judge in a two-judge district, or a majority of the judges in a multijudge district.

Same

73354. The judge of the court, the presiding judge in a two-judge district, or a majority of the judges in a multijudge district shall appoint the marshal. The marshal of the district shall appoint all other employments in the marshal's office of that district, subject to the approval of the judge in a single-judge district, the presiding judge in a two-judge district or a majority of the judges in a multijudge district.

By clerk

73355. In a municipal court district having three judges, the clerk may appoint:

(a) One (1) clerk of the court II
(b) Five (5) deputy clerks IV
(c) Two (2) deputy clerks III
(d) Five (5) deputy clerks II
(e) Three (3) deputy clerks I

By marshal

73356. In a municipal court district having three judges, the marshal may appoint:

(a) One (1) marshal II
(b) One (1) deputy marshal II
(c) Five (5) deputy marshals I
(d) One (1) deputy clerk III
(e) One (1) deputy clerk II
(f) One (1) deputy clerk I
(g) Ten (10) deputies, who shall be custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered. Deputies serving under the provisions of this subdivision are not paid employees of the judicial district for purposes of obtaining civil service status or any other benefits of this article.

By clerk

73359. In a municipal court district having one judge, the clerk may appoint:

(a) One (1) clerk of the court I
(b) One (1) deputy clerk IV
(c) One (1) deputy clerk III
(d) Two (2) deputy clerks II
(e) One (1) deputy clerk I

By marshal

73360. In a municipal court district having one judge, the marshal may appoint:

(a) One (1) marshal I
(b) Two (2) deputy marshals I
(c) One (1) deputy clerk II
(d) Ten (10) deputies who shall be custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

Deputies serving under the provisions of this subdivision are not considered paid employees of the judicial district for purposes of obtaining civil service status or any other benefits of this article.

Additional employees

73361. If an increase in the business of the court or any other emergency requires a greater number of employees for the prompt and faithful discharge of the business of the court than the number expressly provided by law or requires the performance of duties of positions in the lowest salary bracket where all such positions have been filled, with the approval of the judge in a single-judge district, the presiding judge in a two-judge district and the majority of the judges in a three-or-more judge district and in all cases with the approval of the board of supervisors, the clerk or the marshal may appoint as many additional deputies as are needed. The additional deputies shall be selected in the same manner as those for whom express provision is made, and they shall receive compensation on the basis of the hourly equivalent to the base rate of pay as provided in the salary schedule in the same amount as the lowest salary bracket provided for such class of employee. Employees may continue in such positions not longer than 90 days after the adjournment of the next regular session of the Legislature.

Present employees

73362. Except as provided in this article (commencing with Section 73340), all persons presently serving as permanent employees of the municipal courts or marshals' offices shall be assigned to the positions authorized in this article in accordance with the duties and responsibilities of their present permanent assignment and their position classification. Such assignments will be made by the appointing authority subject to approval by the civil service commission.

Repeal

SEC. 2. Article 7.5 (commencing with Section 73580), Article 19 (commencing with Section 74080), Article 27.5 (commencing with Section 74610) and Article 35 (commencing with Section 74900), of Chapter 10 of Title 8 of said code are repealed.

CHAPTER 1993

An act to add Chapter 2.5 (commencing at Section 1440) to Division 2 of the Health and Safety Code, to repeal Sections 200, 201, 202, 203, 203.5, 203.6, 203.7, 203.8, 203.9, 204, 206, and 206.5 of the Welfare and Institutions Code, relating to county medical facilities.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.5 is added to Division 2 of the Health and Safety Code, to read:

CHAPTER 2.5. COUNTY MEDICAL FACILITIES

Article 1. Administration

"Board" 1440. As used in this chapter the term "board" means the board of supervisors of a county.

County hospital 1441. The board of supervisors in each county may establish and maintain a county hospital, prescribe rules for the government and management thereof, appoint a county physician and other necessary officers and employees thereof, who shall hold office during the pleasure of the board and authorize said hospital to be a member of and maintain membership in any local, state or national group or association organized and operated for the promotion of the public health and welfare or the advancement of the efficiency of hospital administration and in connection therewith to use tax funds for the payment of dues and fees.

Transportation 1443. The board may provide for transporting the needy sick to and from hospitals to which they may be sent by authority of the board, and may provide for transporting indigents to other counties or states when such indigents will thereby cease to become public charges, or when friends or relatives of such indigents agree to assume the cost and expense of the care and maintenance of such indigents, or when such indigents are legally public charges in the places to which they are so transported.

Ambulance service 1444. The board of supervisors in each county or city and county, having a population of one million or more, may purchase ambulances, establish and maintain an ambulance service, and prescribe rules for the government and management thereof. In any county where such a service has been established, any person who has been injured in an accident or is ill and in need of immediate transportation to a hospital may be taken to any available hospital. If he is indigent and unable to pay for the service, the cost shall be a proper charge against the county. If he is not indigent, he shall reimburse the county for the cost of transportation, which shall be in accordance with a schedule to be adopted by the board, and in no case less than the actual cost.

Indigents 1445. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors in each county may provide for the care and maintenance of the indigent sick or dependent poor of the county, and may provide medical and dental care and health services and supplies to persons in need thereof who are unable to provide the same for themselves, and for these purposes may levy the necessary taxes. Each county may, insofar as it is able to do so, provide the means to meet promptly and adequately the health needs of the indigent sick, the aged, and the poor, for the better prevention of serious illness and incapacity, to the end that such persons

will not become public charges at the greater expense of those resources set aside for the public health and welfare.

Residence required

1446. Except as otherwise provided in this chapter, a person, in order to be eligible for care, shall be a resident of the State and county wherein care is furnished as defined in Division 4, Chapter 2, Article 2, of the Welfare and Institutions Code.

Provision for medical care

1447. Notwithstanding any other provisions of the Welfare and Institutions Code, the county which is responsible for the payment of public assistance to any person or group of persons under Chapter 1 of Part 2 of Division 2, Chapter 1 of Division 3, or Division 5 of that code, and the needy relative in the case of aid to needy children, shall provide the necessary hospital or medical care, or both, if otherwise qualified for such care. If a recipient of public assistance moves from one county to another county within this State to make his home, the county to which such recipient removes shall become responsible for providing medical or hospital care or both, if he is otherwise qualified for such care, upon notification by the first county that such recipient has moved to the second county for the purpose of making his home in said county.

Care for indigent sick, etc., by contract

1451. (a) The board shall not let the care, maintenance or attendance of the indigent sick or dependent poor by contract to any person. However, in cases:

(1) Of unusual difficulty, or

(2) Which require treatment, or hospital services, or the use of facilities not immediately available in the county hospital, or

(3) Of emergency and for continued treatment after the emergency has ceased to exist,

the board may secure for the indigent sick, and other persons admissible to the county hospital, at an agreed rate, hospital service or any portion thereof from any public or private hospital, clinic, rest home, sanitarium, or other suitable facility or from any corporation formed under Section 9201 of the Corporations Code or under Chapter 11A of Part 2, Division 2, of the Insurance Code, and operating in the State.

(b) As used in this section, "hospital service" includes medical, surgical, radiological, laboratory, nursing service, convalescent care, and the furnishing of the necessary professional personnel, equipment, and facilities to manage the needs of patients on a continuing basis in accordance with accepted medical standards, with a staff of professional nursing personnel who are assigned and available under a clear and definite responsibility to the institution rendering the service for the provision of services to the patients, and such other care, service or supplies as may be necessary for the treatment of the sick or injured.

(c) The county may also contract with licensed boarding homes for 24-hour care for dependent children under the age

of 21 years, when suitable facilities are not otherwise available in any institution or establishment maintained and operated by the county.

(d) The county may also contract for medical treatment of persons admissible to the county hospital with any licensed physician and surgeon, or a corporation operating under Section 9201 of the Corporations Code.

Hospital trust fund

1452. The board of supervisors of counties of the 20th class and 40th to 58th class, inclusive, in connection with the administration of a county hospital may establish in the county treasury a special fund to be known as the "Hospital Trust Fund," into which may be placed deposits made voluntarily by patients entering such hospital.

At the time of any patient's dismissal from a county hospital, there shall be refunded to him, upon the order of the business manager or other person designated by the board of supervisors, such portion of the deposit made voluntarily by the patient at the time of his entrance into the hospital as was unneeded for his care while confined therein. The portion earned by the hospital shall be transferred to the hospital fund in the county treasury.

Upon presentation of an order for refund under this section, the county auditor shall draw his warrant on the Hospital Trust Fund, and the county treasurer shall pay the amount due thereon.

If no refund is made within 30 days after the patient's discharge, the patient may file a claim against the county pursuant to Article 1 of Chapter 4 of Division 3 of Title 3 of the Government Code

Patients' personal deposit fund

1453. The board of supervisors of any county in connection with the administration of any county hospital may establish in the county treasury a special fund to be known as the "patients' personal deposit fund." When such fund is established, any patient in such hospital may request the superintendent thereof to deposit in said fund any moneys belonging to such patient. Upon any such request by any patient any moneys belonging to him shall be deposited in the name of that patient in said patients' personal deposit fund, except that if a guardian of the estate is appointed for any such patient, then said guardian shall have the right to demand and receive such moneys or to withdraw either in whole or in part the moneys theretofore deposited in said fund in the name of any such patient. Any of the funds belonging to a patient deposited in the patients' personal deposit fund may be used for the purchase of personal incidentals for the patient or otherwise used for the personal needs and benefits of said patient upon his request. At the time of the discharge from the hospital of any patient there shall be refunded to him upon the order of the superintendent the balance of any moneys standing to the credit of such patient in said fund.

Prior to the time of the discharge of any patient, upon the demand of the patient there shall be refunded to him upon

the order of the superintendent the whole or any portion of the balance of any moneys standing to the credit of such patient in said fund. Upon such demand of the patient, or upon the discharge of the patient from the hospital, or upon the demand of the guardian of the estate of the patient, the superintendent shall order the refund to the patient or the payment to such guardian as hereinbefore provided.

Expectant mothers

1454. In any county where a county hospital has been established, any expectant mother who is unable to pay for her necessary care shall be admitted to the county hospital, and the cost of her maintenance and care shall be a proper charge against and shall be paid by the county of her residence.

Graduates in medicine

1455 The board shall appoint a suitable graduate, or graduates, in medicine to attend such indigent sick or dependent poor in the county hospitals and almshouses.

Article 2. Liability for Cost of Care

Rates

1473 The board of supervisors in each county may fix the rates to be charged patients admitted to any county hospital and may direct any county officer to collect the amounts due the county for hospitalization and medical care. In fixing and collecting hospital charges the board may exercise all the powers conferred by Article 4 of Chapter 2 of Division 4 of the Welfare and Institutions Code. The board, or such county officer as it may authorize or designate, may adjust or compromise hospital charges according to the financial condition of the patient, his estate, or legally responsible relatives.

Collection charges

1474. In collecting charges for care rendered under this chapter, the board may exercise all powers provided in Article 4, Chapter 2, Division 4 of the Welfare and Institutions Code, and as it may be amended at the 1961 Regular Session and thereafter.

Duty of county

1475. Unless there exists a reciprocal agreement relating to the expense of medical care and treatment, it shall be the duty of every county to pay for the expense of treatment of its indigent residents furnished by the county hospital of any other county. As a condition of liability, the county providing such medical and hospital care shall, not more than ten (10) days after admission, give notice to the county of residence.

Repeals

SEC. 2. Section 200 of said code is repealed.
SEC. 3. Section 201 of said code is repealed.
SEC. 4. Section 202 of said code is repealed.
SEC. 5. Section 203 of said code is repealed.
SEC. 6. Section 203 5 of said code is repealed.
SEC. 7. Section 203 6 of said code is repealed.
SEC. 8. Section 203.7 of said code is repealed.
SEC. 9. Section 203.8 of said code is repealed.
SEC. 10. Section 203.9 of said code is repealed.
SEC. 11. Section 204 of said code is repealed.
SEC. 12. Section 206 of said code is repealed.
SEC. 13. Section 206.5 of said code is repealed.

CHAPTER 1994

An act to amend Sections 2181 and 2224 of, and to add Section 2181.06 to, the Welfare and Institutions Code, relating to relatives' responsibility requirements in the Old Age Security Law.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 2181 of the Welfare and Institutions Code is amended to read:

Adult child Support of parent

2181. The ability of an adult child to contribute to the support of a parent shall be determined in accordance with this section.

Maximum amount

The maximum monthly amount an adult child shall be required to contribute toward the support of a parent in receipt of aid under this chapter shall not exceed the amount specified by the relatives' contribution scale. Regulations of the State Social Welfare Board shall prescribe the criteria, methods of investigation and test check procedures relating to the determination of the maximum amount any adult child may be held liable to contribute toward the support of a parent to the end that the required contribution does not impose an undue hardship upon the adult child and administrative time and effort are not expended on nonproductive investigative activities.

Definition

For purposes of this chapter, income of an adult child is defined as the sum of the income constituting the separate property of the adult child, the income (excluding earnings) which is community property subject to the direction and control of the adult child, and the earnings of the adult child but not of his or her spouse.

25 percent allowance

In computing net income, a flat 25 percent allowance shall be permitted for the cost of personal income taxes, disability insurance taxes and social security taxes, expenses necessary to produce the income, including the cost of transportation to and from work, meals eaten at work, and union dues, and the cost of tools, equipment and uniforms.

A responsible relative who is self-employed shall also be allowed to deduct the expenses necessary for obtaining the income.

The State Social Welfare Board in establishing criteria and regulations for the administration of this section shall provide for consideration of contributions made in kind.

RELATIVES' CONTRIBUTION SCALE

A. Net monthly income	B. Number of persons dependent upon income 1	2	3	4	5	6 or more
	C. Maximum required monthly contributions					
$400 or under	$0	$0	$0	$0	$0	$0
401– 450	5	0	0	0	0	0
451– 500	10	0	0	0	0	0
501– 550	15	0	0	0	0	0
551– 600	20	0	0	0	0	0
601– 650	25	5	0	0	0	0
651– 700	30	10	0	0	0	0
701– 750	35	15	0	0	0	0
751– 800	40	20	0	0	0	0
801– 850	45	25	5	0	0	0
851– 900	50	30	10	0	0	0
901– 950	55	35	15	0	0	0
951–1,000	60	40	20	0	0	0
1,001–1,025	65	45	25	5	0	0
1,026–1,050	70	50	30	10	0	0
1,051–1,075	75	55	35	15	0	0
1,076–1,100	80	60	40	20	0	0
1,101–1,125	85	65	45	25	5	0
1,126–1,150	90	70	50	30	10	5
1,151–1,175	95	75	55	35	15	10

Contribution where income over $1,175

The maximum required monthly contribution of responsible relatives in one family where the net monthly income is over one thousand one hundred seventy-five dollars ($1,175) shall be the amount computed by entering the column of maximum required monthly contribution appropriate to number of persons dependent upon income as shown in the relatives' contribution scale for a net monthly income of one thousand one hundred fifty-one dollars ($1,151) to one thousand one hundred seventy-five dollars ($1,175) and then adding to the required monthly contribution thus ascertained an additional sum of five dollars ($5) contribution for each and every bracket of twenty-five dollars ($25) net income over and above one thousand one hundred seventy-five dollars ($1,175), the same as if the relatives' contribution scale were extended by brackets of twenty-five dollars ($25) net income in column A with corresponding step-by-step increases of five dollars ($5) monthly contribution in each column under B and C.

Applicability

Notwithstanding any other provision of this code to the contrary, the provisions of this section and the regulations of the State Social Welfare Board adopted pursuant thereto shall be the basis for determining the extent of liability of an adult child to contribute to the support of any aged person, or defraying the cost of any medical care or hospital care and other services rendered to a recipient pursuant to any provision of

this code if he is an applicant for or a recipient of aid under this chapter at the time such medical care or hospital care or other services are rendered.

SEC. 1.5. Section 2181.06 is added to said code, to read:

Earnings not community property

2181.06. To encourage the spouse of a recipient of aid under this chapter to retain or seek employment in order to be self-supporting and to avoid becoming a recipient of public aid, the net earnings of the spouse, up to the amount of two hundred dollars ($200) per month, after deduction for the expenses incurred in connection with such earnings, shall not be considered community property. Where the spouse is engaged in seasonal employment, the estimated annual earnings of the spouse shall be prorated on a monthly basis.

Operative period

This section shall cease to be operative on October 1, 1963.

SEC. 2. Section 2224 of said code is amended to read:

Action against child

2224. If an adult child living within this State fails to contribute to the support of his parent as required by Section 2181, the county granting aid under this chapter may proceed against such child. Upon request to do so the district attorney or other civil legal officer of the county may maintain an action, in the superior court of the county granting such aid, to recover that portion of the aid granted as it is determined that the child is liable to pay, and to secure an order requiring payment of any sums which may become due in the future.

The granting of or continued receipt of aid shall not be held to be contingent upon any court action or order or the child's compliance with provisions of Section 2181.

Any adult child held to be liable to make a contribution for the full or partial support of his parent pursuant to the provisions of Section 2181 of this code may appeal to the State Social Welfare Board for modification of the required contributions. Such appeal shall be handled in the same manner as specified in Sections 104.1 to 104.6, inclusive, for appeals filed by an applicant for or a recipient of public assistance

In the event the amount of earnings, as reported by the relative, is disputed, and it is found necessary to contact the relative's employer, the county shall give prior notice of its intention to do so to the relative.

Operative date

SEC. 3. This act shall become operative on January 1, 1962.

CHAPTER 1995

An act to amend Section 3449 of, and to repeal Sections 3474 and 3474.1 of, and to add Sections 3411, 3447.15, and 3447.25 to, the Welfare and Institutions Code, and to amend Section 206.7 of the Civil Code, relating to aid to the potentially self-supporting blind.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 3411 is added to the Welfare and Institutions Code, to read:

Relatives not liable

3411. No relative shall be held legally liable to support or to contribute to the support of any applicant for or recipient of aid under this chapter. No relative shall be held liable to defray in whole or in part the cost of any medical care or hospital care or other service rendered to said recipient pursuant to any provision of this code if he is an applicant for or a recipient of aid under this chapter at the time such medical care or hospital care or other service is rendered.

Notwithstanding the provisions of Section 206 of the Civil Code, or Section 270c of the Penal Code, or any other provision of this code no demand shall be made upon any relative to support or contribute toward the support of any applicant for or recipient of aid under this chapter. No county or officer or employee thereof shall threaten any such relative with any legal action against him, by or in behalf of the county or with any penalty whatsoever.

SEC. 2. Section 3447.15 is added to said code, to read:

Retention of property

3447.15. In addition to that prescribed in Section 3447, an applicant may retain personal or real property owned by him or in combination with any other person without reference to its value if it serves to provide the applicant with a home. The basic home may be a multiple dwelling unit if the units not occupied by the applicant are producing income for the support of the applicant consistent with their rental value.

SEC. 3. Section 3447.25 is added to said code, to read:

Property excluded

3447.25. The value of the following property shall be excluded in determining eligibility under this chapter:

1. Personal jewelry, personal effects, home furnishings and other property used to provide, equip and maintain a home for the applicant.

2. Equipment and material which is necessary to implement a rehabilitation or self-care plan for the applicant.

3. Motor vehicle needed for transportation.

4. Any property right which is essential to land use or which is not available for the use of or expenditure by or in behalf of the applicant to meet a current or future need of said applicant.

SEC. 4. Section 3449 of said code is amended to read:

Board and lodging

3449. Free board and lodging supplied to an applicant, because of his necessity therefor, by a friend or relative shall not be a ground for refusing aid.

Repeal

SEC. 5. Section 3474 of said code is repealed.

Repeal

SEC. 6. Section 3474.1 of said code is repealed.

SEC. 7. Section 206.7 of the Civil Code is amended to read:

Order freeing child from responsibility for parent

206.7. In the event that the parent of a person seeking to maintain an action pursuant to Section 206.5 is an applicant for or recipient of aid under Chapter 1 of Division 3, Chapter 2 of Division 4, Chapter 1 of Part 1 of Division 5, or Chapter 1 of Part 2 of Division 5 of the Welfare and Institutions Code, the person seeking to maintain the action shall first make application to the board of supervisors of the county responsible for granting such aid for an order freeing him from responsibility for the support of his parent. At the time of making such application, the person shall produce proof, either by a person who was in a position to know the facts, other than the parent against whom relief is sought, or by documentary or other reliable evidence, that while he was a minor he was abandoned by the parent for a period of two or more years and that during such period the parent was physically and mentally able to support him. If the board denies his request or fails to act upon such request within 30 days, such person shall be entitled to file an action pursuant to Section 206.5. In the event such an action is filed, such person shall serve a copy of the petition on the clerk of the board at least 10 days prior to the hearing.

Operative date

SEC. 8. This act shall become operative on January 1, 1962.

CHAPTER 1996

An act to add Section 3011 to, and to repeal Sections 3088 and 3088.1 of, the Welfare and Institutions Code, and to amend Section 206.7 of the Civil Code, relating to the responsibility of relatives to support recipients of aid to the blind.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 3011 is added to the Welfare and Institutions Code, to read:

Relatives not liable

3011. No relative shall be held legally liable to support or to contribute to the support of any applicant for or recipient to aid under this chapter. No relative shall be held liable to defray in whole or in part the cost of any medical care or hospital care or other service rendered to said recipient pursuant to any provision of this code if he is an applicant for

or a recipient of aid under this chapter at the time such medical care or hospital care or other service is rendered.

Notwithstanding the provisions of Section 206 of the Civil Code, or Section 270c of the Penal Code, or any other provision of this code no demand shall be made upon any relative to support or contribute toward the support of any applicant for or recipient of aid under this chapter. No county or officer or employee thereof shall threaten any such relative with any legal action against him, by or in behalf of the county or with any penalty whatsoever.

Repeal

SEC. 2. Section 3088 of said code is repealed.

Repeal

SEC. 3. Section 3088.1 of said code is repealed.

SEC. 4. Section 206.7 of the Civil Code is amended to read:

Order freeing child from responsibility for parent

206.7. In the event that the parent of a person seeking to maintain an action pursuant to Section 206.5 is an applicant for or recipient of aid under Chapter 1 of Division 3, Chapter 2 of Division 4, Chapter 3 of Part 1 of Division 5, or Chapter 1 of Part 2 of Division 5 of the Welfare and Institutions Code, the person seeking to maintain the action shall first make application to the board of supervisors of the county responsible for granting such aid for an order freeing him from responsibility for the support of his parent. At the time of making such application, the person shall produce proof, either by a person who was in a position to know the facts, other than the parent against whom relief is sought, or by documentary or other reliable evidence, that while he was a minor he was abandoned by the parent for a period of two or more years and that during such period the parent was physically and mentally able to support him. If the board denies his request or fails to act upon such request within 30 days, such person shall be entitled to file an action pursuant to Section 206.5. In the event such an action is filed, such person shall serve a copy of the petition on the clerk of the board at least 10 days prior to the hearing.

Operative date

SEC. 5 This act shall become operative on January 1, 1962

CHAPTER 1997

An act to amend Sections 2181 and 2224 of, and to add Section 218106 to, the Welfare and Institutions Code, relating to the responsibility of adult children to contribute to the support of their parents.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 2181 of the Welfare and Institutions Code is amended to read:

Adult child Support of parent

2181. The ability of an adult child to contribute to the support of a parent shall be determined in accordance with this section.

Maximum amount

The maximum monthly amount an adult child shall be required to contribute toward the support of a parent in receipt of aid under this chapter shall not exceed the amount specified by the Relatives' Contribution Scale. Regulations of the State Social Welfare Board shall prescribe the criteria, methods of investigation and test check procedures relating to the determination of the maximum amount any adult child may be held liable to contribute toward the support of a parent to the end that the required contribution does not impose an undue hardship upon the adult child and administrative time and effort are not expended on nonproductive investigative activities.

Definition

For purposes of this chapter, income of an adult child is defined as the sum of the income constituting the separate property of the adult child, the income (excluding earnings) which is community property subject to the direction and control of the adult child, and the earnings of the adult child but not of his or her spouse.

25 percent allowance

In computing net income, a flat 25 percent allowance shall be permitted for the cost of personal income taxes, disability insurance taxes and social security taxes, expenses necessary to produce the income, including the cost of transportation to and from work, meals eaten at work, and union dues, and the cost of tools, equipment and uniforms.

A responsible relative who is self-employed shall also be allowed to deduct the expenses necessary for obtaining the income.

The State Social Welfare Board in establishing criteria and regulations for the administration of this section shall provide for consideration of contributions made in kind.

RELATIVES' CONTRIBUTION SCALE

A. Net monthly income	B. Number of persons dependent upon income					
	1	2	3	4	5	6 or more
	C. Maximum required monthly contributions					
$400 or under	$0	$0	$0	$0	$0	$0
401- 450	5	0	0	0	0	0
451- 500	10	0	0	0	0	0
501- 550	15	0	0	0	0	0
551- 600	20	0	0	0	0	0
601- 650	25	5	0	0	0	0
651- 700	30	10	0	0	0	0
701- 750	35	15	0	0	0	0
751- 800	40	20	0	0	0	0
801- 850	45	25	5	0	0	0
851- 900	50	30	10	0	0	0
901- 950	55	35	15	0	0	0
951-1,000	60	40	20	0	0	0
1,001-1,025	65	45	25	5	0	0
1,026-1,050	70	50	30	10	0	0
1,051-1,075	75	55	35	15	0	0
1,076-1,100	80	60	40	20	0	0
1,101-1,125	85	65	45	25	5	0
1,126-1,150	90	70	50	30	10	0

Contributions where income over $1,150

The maximum required monthly contribution of responsible relatives in one family where the net monthly income is over one thousand one hundred fifty dollars ($1,150) shall be the amount computed by entering the column of maximum required monthly contribution appropriate to number of persons dependent upon income as shown in the relatives' contribution scale for a net monthly income of one thousand one hundred twenty-six dollars ($1,126) to one thousand one hundred fifty dollars ($1,150) and then adding to the required monthly contribution thus ascertained an additional sum of five dollars ($5) contribution for each and every bracket of twenty-five dollars ($25) net income over and above one thousand one hundred fifty dollars ($1,150), the same as if the relatives' contribution scale were extended by brackets of twenty-five dollars ($25) net income in Column A with corresponding step by step increases of five dollars ($5) monthly contribution in each column under B and C.

Applicability

Notwithstanding any other provision of this code to the contrary, the provisions of this section and the regulations of the State Social Welfare Board adopted pursuant thereto shall be the basis for determining the extent of liability of an adult child to contribute to the support of, or defray the cost of any medical care or hospital care and other services rendered to a recipient pursuant to any provision of this code if he is a recipient of aid under this chapter at the time such medical care or hospital care or other services are rendered.

Earnings not community property

SEC. 1.5. Section 2181.06 is added to said code, to read:

2181.06. To encourage the spouse of a recipient of aid under this chapter to retain or seek employment in order to be self-supporting, taxpaying, and to avoid becoming a recipient of public aid, the net earnings of the spouse, up to the amount of two hundred dollars ($200) per month, after deduction for the expenses incurred in connection with such earnings, shall not be considered community property. Where the spouse is engaged in seasonal employment, the estimated annual earnings of the spouse shall be prorated on a monthly basis.

SEC. 2. Section 2224 of said code is amended to read:

Action against child

2224. If an adult child living within this State fails to contribute to the support of his parent as required by Section 2181, the county granting aid under this chapter may proceed against such child. Upon request to do so the district attorney or other civil legal officer of the county may maintain an action, in the superior court of the county granting such aid, to recover that portion of the aid granted as it is determined that the child is liable to pay, and to secure an order requiring payment of any sums which may become due in the future.

The granting of or continued receipt of aid shall not be held to be contingent upon any court action or order or the child's compliance with provisions of Section 2181.

Any adult child held to be liable to make a contribution for the full or partial support of his parent pursuant to the provisions of Section 2181 of this code may appeal to the State Social Welfare Board for modification of the required contributions. Such appeal shall be handled in the same manner as specified in Sections 104.1 to 104.6, inclusive, for appeals filed by an applicant for or a recipient of public assistance.

In the event the amount of earnings, as reported by the relative, is disputed, and it is found necessary to contact the relative's employer, the county shall give prior notice of its intention to do so to the relative.

Operative date

SEC. 3. This act shall become operative January 1, 1962.

CHAPTER 1998

An act to repeal Section 4189 of, and to add Section 4011 to, the Welfare and Institutions Code, relating to the responsibility of relatives to contribute to the support of disabled persons.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 4189 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 4011 is added to said code, to read:

4011. No relative shall be held legally liable to support or to contribute to the support of any applicant for or recipient of aid under this chapter. No relative shall be held liable to defray in whole or in part the cost of any medical care or hospital care or other service rendered to said recipient pursuant to any provision of this code if he is an applicant for or a recipient of aid under this chapter at the time such medical care or hospital care or other service is rendered. Relatives not liable

Notwithstanding the provisions of Section 206 of the Civil Code, or Section 270c of the Penal Code, or any other provision of this code no demand shall be made upon any relative to support or contribute toward the support of any applicant for or recipient of aid under this chapter. No county or officer or employee thereof shall threaten any such relative with any legal action against him, by or in behalf of the county or with any penalty whatsoever.

SEC. 3. This act shall become operative January 1, 1962. Operative date

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CHAPTER 1999

An act to add Sections 3011 and 3411 to, and to repeal Sections 3088, 3088.1, 3474, and 3474.1 of, the Welfare and Institutions Code, relating to the responsibility of relatives to contribute to the support of blind persons.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 3011 is added to the Welfare and Institutions Code, to read:

3011. No relative shall be held legally liable to support or to contribute to the support of any applicant for or recipient of aid under this chapter. No relative shall be held liable to defray in whole or in part the cost of any medical care or hospital care or other service rendered to said recipient pursuant to any provision of this code if he is an applicant for or a recipient of aid under this chapter at the time such medical care or hospital care or other service is rendered. Relatives not liable

Notwithstanding the provisions of Section 206 of the Civil Code, or Section 270c of the Penal Code, or any other provision of this code no demand shall be made upon any relative to support or contribute toward the support of any applicant for or recipient of aid under this chapter. No county or officer or employee thereof shall threaten any such relative with any legal action against him, by or in behalf of the county or with any penalty whatsoever.

SEC. 2. Section 3411 is added to said code, to read:

3411. No relative shall be held legally liable to support or to contribute to the support of any applicant for or recipient Same

of aid under this chapter. No relative shall be held liable to defray in whole or in part the cost of any medical care or hospital care or other service rendered to said recipient pursuant to any provision of this code if he is an applicant for or a recipient of aid under this chapter at the time such medical care or hospital care or other service is rendered.

Notwithstanding the provisions of Section 206 of the Civil Code, or Section 270c of the Penal Code, or any other provision of this code no demand shall be made upon any relative to support or contribute toward the support of any applicant for or recipient of aid under this chapter. No county or officer or employee thereof shall threaten any such relative with any legal action against him, by or in behalf of the county or with any penalty whatsoever.

Repeal SEC. 3. Section 3088 of said code is repealed.

Repeal SEC. 4. Section 3088.1 of said code is repealed.

Repeal SEC. 5. Section 3474 of said code is repealed.

Repeal SEC. 6. Section 3474.1 of said code is repealed.

Operative date SEC. 7. This act shall become operative January 1, 1962

CHAPTER 2000

An act to amend Sections 10176 and 10176.1 of the Insurance Code, relating to disability insurance policies.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 10176 of the Insurance Code is amended to read:

Disability insurance provisions

10176. In disability insurance the policy may provide for payment of medical, surgical or hospital expenses upon a reimbursement basis, and provision may be made therein for payment of all or a portion of the amount of the charge for such services without requiring that the insured first pay such expenses. No such policy shall prohibit the insured from selecting any holder of a certificate under Section 2135 of the Business and Professions Code to perform the particular medical or surgical services covered under the terms of the policy, such certificate holder being authorized to perform such services.

SEC. 2. Section 10176.1 of said code is amended to read:

Construction of policies

10176.1. All disability insurance policies issued or renewed on and after September 18, 1959 shall be construed to be in compliance with Section 10176 as amended by Chapter 138, Statutes of 1959, and further amended by Section 1 of this act, and any provision in such policies in conflict therewith shall be of no effect.

CHAPTER 2001

An act to add Chapter 4 (commencing with Section 1920) to Division 2.5 of the Streets and Highways Code, relating to city streets.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 1920) is added to Division 2.5 of the Streets and Highways Code, to read:

CHAPTER 4. REMOVAL FROM PUBLIC USE AND MAINTENANCE

Removal of street from public use

1920. When the governing body of a city by resolution or ordinance removes a street from public use, or closes it to vehicular or pedestrian traffic, such resolution or ordinance may set forth such minimum maintenance requirements, including the maintenance of drainage, for the street as the governing body determines are necessary for the public safety.

Maintenance

1921. The governing body of any city shall have jurisdiction to prescribe the requirements for maintenance, including the maintenance of drainage, of all streets within the limits of the city.

CHAPTER 2002

An act to add Section 69103.5 to the Government Code, relating to district courts of appeal.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 69103.5 is added to the Government Code, to read:

69103.5. The District Court of Appeal for the Third Appellate District consists of one division and shall hold its regular sessions at Sacramento.

CHAPTER 2003

An act to amend Section 647 of the Government Code, relating to claims against the State.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 647 of the Government Code is amended to read:

647. At the time of filing the complaint in any action against the State, except in an action based upon a claim arising under Sections 17000 to 17003, inclusive, of the Vehicle Code, the plaintiff shall file therewith an undertaking in such sum, but not less than two hundred fifty dollars ($250), as a judge of the court shall fix, with two sufficient sureties, to be approved by a judge of the court. The undertaking shall be conditioned upon payment by the plaintiff of all costs incurred by the State in the suit, including a reasonable counsel fee to be fixed by the court, if plaintiff fails to recover judgment in the action. Where no such undertaking is filed at the time of the filing of the complaint the State may file and serve a demand therefor. Within twenty (20) days after service of a demand, the plaintiff shall file an undertaking as required herein or the action shall be dismissed.

CHAPTER 2004

An act to add Section 7201.1 to the Revenue and Taxation Code, relating to local sales and use taxes.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 7201.1 is added to the Revenue and Taxation Code, to read:

7201.1. On or after October 1, 1961, the adoption by the board of supervisors of any county or the legislative body of any city of an ordinance pursuant to this part or the amendment or repeal of any ordinance adopted pursuant to this part shall require the affirmative recorded vote of two-thirds of the entire elected membership of the board of supervisors or the legislative body of the city, as the case may be.

CHAPTER 2005

An act to convey Montgomery Memorial State Park to the County of San Diego.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the County of San Diego, and to its successors, all of the right, title, and interest of the State of California in and to all of the Montgomery Memorial State Park bounded and described as follows:

Grant to County of San Diego

All that certain real property situate in the County of San Diego, State of California, more particularly bounded and described as follows:

Parcel 1:

Those portions of the Northeast Quarter of the Northeast Quarter and of the Southeast Quarter of the Northeast Quarter of Section 27, Township 18 South, Range 2 West, San Bernardino Meridian, in the County of San Diego, State of California, according to United States Government Survey approved February 25, 1870, described as follows:

Beginning at the Northeast corner of the Northwest Quarter of Southeast Quarter of Northeast Quarter of said Section 27; thence along the South line of said Northeast Quarter of Northeast Quarter South 89° 49′ 45″ West 500.15 feet to a point on the Easterly line of California State Highway District XI, San Diego County, Route 2, Section "F", said point being on a curve in said Easterly line having a radius bearing North 75° 34′ 53″ East 2950 feet from said point, said point being the true point of beginning of the property herein described; thence Northerly along said Easterly line being along said curve through a central angle of 10° 58′ 07″ a distance of 564.74 feet to the end of said curve; thence continuing along said Easterly line of said State highway North 3° 27′ West (record North 3° 18′ West) 56.00 feet; thence at right angles North 86° 33′ East 46.96 feet; thence South 41° 32′ 22″ East 820.66 feet to the said Northeast corner of said Northwest Quarter of said Southeast Quarter of said Northeast Quarter; thence along the North line of the Northeast Quarter of said Southeast Quarter of said Northeast Quarter North 89° 49′ 45″ East 665.39 feet to the Northeast corner of said Northeast Quarter of said Southeast Quarter of said Northeast Quarter; thence along the East line of said Section 27 South 0° 04′ East 667.62 feet to the Southeast corner of said Northeast Quarter of said Southeast Quarter of said Northeast Quarter; thence along the South line of said Northeast Quarter of said Southeast Quarter of said Northeast Quarter South 89° 49′ West 664.86 feet to the Southwest corner of said Northeast Quarter of said Southeast Quarter of said Northeast Quarter; thence along the North

and South center line of said Southeast Quarter of said Northeast Quarter South 0° 06′ 54″ East 382.61 feet to said Northeasterly line of said State Highway; thence along said Northeasterly line as follows: North 34° 05′ West (Record North 33° 56′ West) 157.30 feet to the beginning of a tangent 2950 foot radius curve concave Northeasterly; thence Northwesterly along said curve through a central angle of 8° 16′ 25″ a distance of 425.98 feet; thence radial to said curve North 64° 11′ 25″ East 15.00 feet to a point in a 2935 foot radius curve concave Easterly and concentric with said 2950 foot radius curve; thence Northwesterly along said 2935 foot radius curve through a central angle of 5° 43′ 46″ a distance of 293.50 feet; thence radial to said curve South 69° 55′ 11″ West 15.00 feet to a point in said 2950 foot radius curve; thence Northwesterly along the last named curve through a central angle of 5° 39′ 42″ a distance of 291.50 feet to the true point of beginning.

Parcel 2:

That portion of the Southeast Quarter of Southeast Quarter of Northeast Quarter of Section 27, Township 18 South, Range 2 West, San Bernardino Meridian, in the County of San Diego, State of California, according to United States Government Survey approved February 25, 1870, lying North of a line beginning on the South line of Northeast Quarter, 301.59 feet East of the Southwest corner of Southeast Quarter of Northeast Quarter; being the beginning of a B line of County Highway known as Road Survey No. 367, according to Map thereof filed in the office of the County Surveyor of San Diego County; thence following the said center line of said Road Survey Easterly on a curve concave Northwesterly radius of 500 feet, a distance of 261.22 feet; thence North 59° 56′ East 570.78 feet; thence Easterly on a curve concave Southeasterly radius 500 feet a distance of 248.13 feet; thence North 88° 22′ East to the East line of Section 27, Township 18 South, Range 2 West.

Mineral rights

SEC. 2. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said property, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said property.

Highway purposes

SEC. 3. The property herein described is granted subject to the express reservation and condition that the State may at any time in the future use said property or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

CHAPTER 2006

An act to amend Section 7253 of the Education Code, relating to school libraries.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 7253 of the Education Code is amended to read:

7253. In no case shall the sum transferred to the library fund of any district be less than one hundred dollars ($100) for each 35 units of average daily attendance or fraction thereof and for each 300 units of average daily attendance in the district during the preceding fiscal year exclusive of the average daily attendance of pupils of the seventh and eighth grades of the district attending a junior high school.

CHAPTER 2007

An act to add Section 20804.7 to the Government Code, relating to the State Employees' Retirement System

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 20804.7 is added to the Government Code, to read:

20804.7. A state member may elect, at any time prior to retirement, to contribute and receive current service credit for time spent in compensated state employment in which he was not eligible for membership in the system if the board finds that he was ineligible solely because his compensation was paid from other than state-controlled funds. Time spent in work as a work relief recipient under programs such as, but not limited to, the Works Progress Administration, the Civil Works Administration, the Federal Emergency Relief Administration, the National Youth Administration, and the Civilian Conservation Corps, does not constitute time spent in state employment for purposes of this section.

A member electing to receive credit for service under this section shall contribute in a lump sum or by installment payments over a period not in excess of the length of time for which the member has elected to receive credit for service and subject to minimum payments fixed by the board, an amount equal to

(1) The contributions he would have made to the Retirement Fund if he had been in state service during the time he

was in such employment, computed by applying the rate of contribution applicable to him on the date of his membership to the monthly compensation earnable by him on that date plus

(2) The interest which would have accrued to such member contributions if they had been made on the date of his membership from that date until the completion of payments of those contributions, computed at the interest rate in effect on the date of his election.

No election shall be effective for any purpose unless accompanied by a lump-sum payment of contributions and interest due or by an authorization for immediate institution of payroll deduction for installment payments thereof. No service credit may be received hereunder for employment for which the person has received credit or is entitled to receive credit under another system supported in whole or in part from public funds. No service constituting prior service shall be credited to a member hereunder if he also has such service constituting current service and has not elected to receive credit and contributed for all such service.

Any member who has elected to make contributions by installment payments may, at any time prior to the effective date of his retirement, complete payment of such contributions by lump-sum payment. All contributions made pursuant to this section shall be considered to be and shall be administered as normal contributions by the member.

Operative date

SEC. 2. This act shall become operative on October 1, 1961.

CHAPTER 2008

An act to amend Section 18060 of the Education Code, relating to transportation of public school pupils.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 18060 of the Education Code is amended to read:

18060. (a) In addition to all other amounts allowed to a school district under this article (commencing at Section 18051), the Superintendent of Public Instruction shall allow to each school district an amount equal to the current expense of the district during the preceding fiscal year of transporting blind, deaf, aphasic, cerebral palsied, and orthopedically handicapped minor pupils and mentally retarded minors who come within the provisions of Section 6903, to and from special day classes but not in excess of four hundred seventy-five dollars ($475) for each unit of average daily attendance of such

pupils during the next preceding fiscal year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the district.

(b) The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the current expense of the county superintendent of schools during the preceding fiscal year of transporting blind, deaf, aphasic, cerebral palsied, and orthopedically handicapped minor pupils and mentally retarded minors who come within the provisions of Section 6903, to and from special day classes but not in excess of four hundred seventy-five dollars ($475) for each unit of average daily attendance during the next preceding year resulting from the attendance of such pupils on the special day classes to and from which they were transported by the county superintendent of schools.

CHAPTER 2009

An act to amend Sections 2621 and 2706 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2621 of the Revenue and Taxation Code is amended to read:

Delinquent role Cost

2621. After the second half of taxes on real property is delinquent, the tax collector shall collect a cost of three dollars ($3) for preparing the delinquent roll and published delinquent list on each separate valuation on the secured roll of:

(a) Real property, except possessory interests.

(b) Possessory interests.

The cost shall be collected even though the property appears on the roll due to a special assessment and no valuation of the property is given.

SEC. 2. Section 2706 of said code is amended to read:

Same

2706. After the second half of taxes on the secured roll is delinquent, the tax collector shall collect a cost of three dollars ($3) for preparing the delinquent roll and published delinquent list on each separate valuation on the secured roll of:

(a) Real property, except possessory interests.

(b) Possessory interests.

The cost shall be collected even though the property appears on the roll due to a special assessment and no valuation of the property is given.

SEC. 2. This act shall become operative July 1, 1962.

Operative date

CHAPTER 2010

An act to amend Section 718 of the Civil Code, relating to leases of city property.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 718 of the Civil Code is amended to read:

718. No lease or grant of any town or city lot, which reserves any rent or service of any kind, and which provides for a leasing or granting period in excess of 99 years, shall be valid. The property owned by, or that held by, or under the management and control of, any municipality, or any department or board thereof, may be leased for a period not to exceed 50 years. The property of any municipality not acquired for park purposes may, for the purpose of producing, or effecting the production of minerals, oil, gas or other hydrocarbon substances, be leased for a period not to exceed 35 years. Any tidelands or submerged lands, granted to any city by the State of California, may be leased for a period not to exceed 66 years unless the grant from the State of the use thereof provides specifically the term for which said lands may be leased. Tidelands and submerged lands owned or controlled by any city, together with the wharves, docks, piers and other structures or improvements thereon, and so much of the uplands abutting thereon as, in the judgment of the city council, or other governing body, of said city, may be necessary for the proper development and use of its waterfront and harbor facilities, may be leased for a period not to exceed 66 years. Said tidelands, submerged lands and uplands may be so leased only for industrial uses, the improvement and development of any harbor, or harbors, of said city, the construction and maintenance of wharves, docks, piers or bulkhead piers, or any other public use or purpose consistent with the requirements of commerce or navigation at, or in, any such harbor or harbors.

CHAPTER 2011

An act to repeal and add Section 10 of the Yuba County Water Agency Act, (Chapter 788, Statutes of 1959), Section 10 of the Mariposa County Water Agency Act (Chapter 2036, Statutes of 1959), Section 10 of the Sutter County Water Agency Act (Chapter 2088, Statutes of 1959), Section 9 of the San Mateo County Flood Control District Act (Chapter 2108, Statutes of 1959), Section 13 of the Plumas County Flood Control and Water Conservation District Act (Chapter 2114, Statutes of 1959), Section 13 of the Siskiyou

County Flood Control and Water Conservation District Act (Chapter 2121, Statutes of 1959), Section 42 of the Nevada County Water Agency Act (Chapter 2122, Statutes of 1959), Section 13 of the Sierra County Flood Control and Water Conservation District Act (Chapter 2123, Statutes of 1959), Section 13 of the Lassen-Modoc County Flood Control and Water Conservation District Act (Chapter 2127, Statutes of 1959), Section 40 of the Yuba-Bear River Basin Authority Act (Chapter 2131, Statutes of 1959), Section 10 of the Amador County Water Agency Act (Chapter 2137, Statutes of 1959), Section 41 of the El Dorado County Water Agency Act (Chapter 2139, Statutes of 1959), Section 24 of the Mojave Water Agency and the Antelope Valley-East Kern Water Agency Act (Chapter 2146, Statutes of 1959), Section 75 of the Mojave Water Agency and the Antelope Valley-East Kern Water Agency Act (Chapter 2146, Statutes of 1959), relating to claims against public entities and public officers and employees.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 10 of the Yuba County Water Agency Act (Chapter 788, Statutes of 1959) is repealed. Repeal

SEC. 2. Section 10 is added to the Yuba County Water Agency Act (Chapter 788, Statutes of 1959), to read:

Sec. 10. Claims for money or damages against the agency are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. Claims

SEC. 3. Section 10 of the Mariposa County Water Agency Act (Chapter 2036, Statutes of 1959) is repealed. Repeal

SEC. 4. Section 10 is added to the Mariposa County Water Agency Act (Chapter 2036, Statutes of 1959), to read:

Sec. 10. Claims for money or damages against the agency are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county. Claims

SEC. 5. Section 10 of the Sutter County Water Agency Act (Chapter 2088, Statutes of 1959) is repealed. Repeal

SEC. 6. Section 10 is added to the Sutter County Water Agency Act (Chapter 2088, Statutes of 1959), to read:

Claims

Sec. 10. Claims for money or damages against the agency are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

Repeal

SEC. 7. Section 9 of the San Mateo County Flood Control District Act (Chapter 2108, Statutes of 1959) is repealed.

SEC. 8. Section 9 is added to the San Mateo County Flood Control District Act (Chapter 2108, Statutes of 1959), to read:

Claims

Sec. 9. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

Repeal

SEC. 9. Section 13 of the Plumas County Flood Control and Water Conservation District Act (Chapter 2114, Statutes of 1959) is repealed.

SEC. 10. Section 13 is added to the Plumas County Flood Control and Water Conservation District Act (Chapter 2114, Statutes of 1959), to read:

Claims

Sec. 13. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

Repeal

SEC. 11. Section 13 of the Siskiyou County Flood Control and Water Conservation District Act (Chapter 2121, Statutes of 1959) is repealed.

SEC. 12. Section 13 is added to the Siskiyou County Flood Control and Water Conservation District Act (Chapter 2121, Statutes of 1959), to read:

Claims

Sec. 13. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes

or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

Repeal

SEC. 13. Section 42 of the Nevada County Water Agency Act (Chapter 2122, Statutes of 1959) is repealed.

SEC. 14. Section 42 is added to the Nevada County Water Agency Act (Chapter 2122, Statutes of 1959), to read:

Claims

Sec. 42. Claims for money or damages against the agency are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

Repeal

SEC. 15. Section 13 of the Sierra County Flood Control and Water Conservation District Act (Chapter 2123, Statutes of 1959) is repealed.

SEC. 16. Section 13 is added to the Sierra County Flood Control and Water Conservation District Act (Chapter 2123, Statutes of 1959), to read:

Claims

Sec. 13. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

Repeal

SEC. 17. Section 13 of the Lassen-Modoc County Flood Control and Water Conservation District Act (Chapter 2127, Statutes of 1959) is repealed.

SEC. 18. Section 13 is added to the Lassen-Modoc County Flood Control and Water Conservation District Act (Chapter 2127, Statutes of 1959), to read:

Claims

Sec. 13. Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

Repeal

SEC. 19. Section 40 of the Yuba-Bear River Basin Authority Act (Chapter 2131, Statutes of 1959) is repealed.

SEC. 20. Section 40 is added to the Yuba-Bear River Basin Authority Act (Chapter 2131, Statutes of 1959), to read:

Claims

Sec. 40. Claims for money or damages against the authority are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against counties.

Repeal

SEC. 21. Section 10 of the Amador County Water Agency Act (Chapter 2137, Statutes of 1959) is repealed.

SEC. 22. Section 10 is added to the Amador County Water Agency Act (Chapter 2137, Statutes of 1959), to read:

Claims

Sec. 10. Claims for money or damages against the agency are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

Repeal

SEC. 23. Section 41 of the El Dorado County Water Agency Act (Chapter 2139, Statutes of 1959) is repealed.

SEC. 24. Section 41 is added to the El Dorado County Water Agency Act (Chapter 2139, Statutes of 1959), to read:

Claims

Sec. 41. Claims for money or damages against the agency are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

Repeal

SEC. 25. Section 24 of the Mojave Water Agency and the Antelope Valley-East Kern Water Agency Act (Chapter 2146, Statutes of 1959) is repealed

SEC. 26. Section 24 is added to the Mojave Water Agency and the Antelope Valley-East Kern Water Agency Act (Chapter 2146, Statutes of 1959), to read:

Claims

Sec. 24. Claims for money or damages against the agency are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 27. Section 75 of the Mojave Water Agency and the Antelope Valley-East Kern Water Agency Act (Chapter 2146, Statutes of 1959) is repealed. Repeal

SEC. 28. Section 75 is added to the Mojave Water Agency and the Antelope Valley-East Kern Water Agency Act (Chapter 2146, Statutes of 1959), to read:

Sec. 75. Claims for money or damages against the agency are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against counties. Claims

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CHAPTER 2012

An act to amend Sections 7172 and 7193 of the Harbors and Navigation Code; to repeal Section 70200 of the Water Code; and to add Article 15 (commencing with Section 24376.40) to Chapter 2.6 of Division 20 of the Health and Safety Code, and Section 70200 to the Water Code, relating to claims against the State, local public entities and public officers and employees.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 7172 of the Harbors and Navigation Code is amended to read:

7172. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. Except for bonds and interest coupons which shall be paid when due, all claims shall be approved in writing by the president or a member of the board designated for such purpose, or approved by the board in open meeting. Claims

SEC. 2. Section 7193 of the Harbors and Navigation Code is amended to read:

7193. The county auditor shall draw warrants to pay claims made against the district when the claims have been approved in writing by the president or a member of the board designated for the purpose or approved by the board in open meeting. Warrants

SEC. 3. Article 15 (commencing with Section 24376.40) is added to Chapter 2.6 of Division 20 of the Health and Safety Code, to read:

Article 15. Claims

Claims

24376.40. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

Repeal

SEC. 4. Section 70200 of the Water Code is repealed.

SEC. 5. Section 70200 is added to the Water Code, to read:

Claims

70200. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as similar claims against the county. Upon request from the directors, the auditor shall draw his warrant on the treasurer for the payment of claims.

CHAPTER 2013

An act to add Section 592 to the Streets and Highways Code, relating to state highways.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 592 is added to the Streets and Highways Code, to read:

592. Route 292 is from Route 68 in the vicinity of Guadalupe River to Route 239 in the vicinity of Pearl Avenue.

Route 292 shall be added to the state highway system at the time the City of San Jose and the County of Santa Clara have acquired all rights-of-way necessary to construct a freeway on this route to state freeway standards and have conveyed said rights-of-way to the State without charge; provided, that the commission and the department may take all steps necessary to locate and design said freeway or any portion thereof prior to the time it is added to the state highway system.

CHAPTER 2014

An act to amend Sections 842 and 1538.5 of the Probate Code, relating to leases by executors or administrators.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 842 of the Probate Code is amended to read:

Leases by executor or administrator

842. At the time appointed, the court shall hear the petition and any objection thereto that may have been presented, and shall entertain and consider any other offer made, in good faith, at the hearing, to lease the same property on more favorable terms; and, if the court is satisfied that it will be to the advantage of the estate, it shall make an order authorizing the executor or administrator to make such lease to the person and on the terms stated in the order; provided, however, that the court shall not make an order authorizing the executor or administrator to make such a lease to any person other than the lessee named in the petition, unless the offer made at the hearing is acceptable to the executor or administrator. The order shall set forth the minimum rental or royalty and the period of the lease which must not be longer than 10 years, except as otherwise herein provided with respect to a lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances. The order may authorize other terms and conditions, including, with respect to a lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances, a provision for the payment of rental and royalty to a depositary, and for the appointment of a common agent to represent the interest of all the lessors, and, if the lease is for the purpose of production of oil, gas or other hydrocarbon substances, including a provision for the payment of a compensatory royalty in lieu of rental and in lieu of drilling and producing operations on the land covered by the lease, including provisions for pooling or unitization by the lessee, and including a provision empowering the lessee to enter into any agreement authorized by Section 3301 of the Public Resources Code with respect to land covered by the lease. If the lease covers additional property owned by other persons or an undivided interest of the decedent, or other interest of the decedent less than the entire ownership in the property, it may provide for division of rental and royalty in the proportion that the land or interest of each owner bears to the total area of the land or total interests covered by such lease. A lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances may be for a fixed period, and so long thereafter as minerals, oil, gas or other hydrocarbon substances are produced in paying quantities from the property leased or mining or drilling operations are conducted thereon and, if

the lease provides for the payment of a compensatory royalty, so long as such compensatory royalty is paid, and, if the land covered by the lease is included in an agreement authorized by Section 3301 of the Public Resources Code, so long as oil, gas or other hydrocarbon substances are produced in paying quantities from any of the lands included in any such agreement or drilling operations are conducted thereon. A certified copy of the order shall be recorded in the office of the recorder of every county in which the lease land or any portion thereof lies.

SEC. 2. Section 1538.5 of said code is amended to read:

Order authorizing lease

1538.5. An order authorizing the execution of a lease shall set forth the minimum rental or royalty and the period of the lease, which shall be for such time as the court may authorize, and may authorize other terms and conditions, including, with respect to a lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances, a provision for the payment of rental and royalty to a depositary, and for the appointment of a common agent to represent the interests of all the lessors and including, with respect to a lease for the purpose of production of oil, gas or other hydrocarbon substances, a provision for the payment of a compensatory royalty in lieu of rental and in lieu of drilling and producing operations on the land covered by the lease, and including a provision empowering the lessee to enter into any agreement authorized by Section 3301 of the Public Resources Code with respect to the land covered by the lease and including provisions for pooling or unitization by the lessee. If the lease covers additional property owned by other persons or an undivided interest of the ward or other interest of the ward less than the entire ownership in the property, it may provide for division of rental and royalty in the proportion that the land or interest of each owner bears to the total area of the land or total interests covered by such lease. A lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances may be for a fixed period and so long thereafter as minerals, oil, gas or other hydrocarbon substances are produced in paying quantities from the property leased or mining or drilling operations are conducted thereon and, if the lease provides for the payment of a compensatory royalty, so long as such compensatory royalty is paid, and, if the land covered by the lease is included in an agreement authorized by Section 3301 of the Public Resources Code, so long as oil, gas or other hydrocarbon substances are produced in paying quantities from any of the lands included in any such agreement or drilling operations are conducted thereon.

CHAPTER 2015

An act to amend Sections 532, 534, 867, 870 and 2905 of the Revenue and Taxation Code, relating to assessment and taxation of property escaping assessment.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 532 of the Revenue and Taxation Code is amended to read:

532. The assessor shall not assess personal property without the taxpayer's written permission for the year in which it escaped assessment after two assessment years succeeding the lien date for the year in which it escaped nor shall he assess real property being sold under contract for the year in which it escaped assessment after two assessment years succeeding the lien date for the year in which it escaped if such real property is being sold pursuant to a contract which provides for retention of title in the vendor and if such real property is being sold by a person or agency that has been or is exempt from taxation. As used herein "two assessment years succeeding the lien date for the year in which it escaped" means two assessment years following the assessment year commencing on the lien date of the assessment year for which the property escaped taxation, as said words "assessment year" are defined in Section 118 of this code. Assessment of property escaping assessment

SEC. 2. Section 534 of the Revenue and Taxation Code is amended to read:

534. This property shall be treated like, and taxed at the same rate applicable to, property regularly assessed on the roll on which it is entered Rate

SEC. 3. Section 867 of the Revenue and Taxation Code is amended to read:

867. The board shall not, without the taxpayer's written permission, assess property for the year in which it escaped assessment after two assessment years succeeding the lien date for the year in which it escaped. As used herein "two assessment years succeeding the lien date for the year in which it escaped" means two assessment years following the assessment year commencing on the lien date of the assessment year for which the property escaped taxation, as said words "assessment year" are defined in Section 118 of this code Assessment of property escaping assessment

SEC. 4. Section 870 of the Revenue and Taxation Code is amended to read:

870. This escaped property shall be treated like property regularly assessed on the roll on which it is entered. The tax rate applicable thereto shall be the rate for property of the same kind on the roll upon which such escaped assessment is entered. Rate

SEC. 5. Section 2905 of the Revenue and Taxation Code is amended to read:

Tax rates

2905. In collecting taxes on unsecured property the tax rate to be used is the rate for property of the same kind on the secured roll last fixed before the lien date for the taxes to be collected. In collecting taxes on unsecured property that escaped taxation in any prior year or years the rate to be used is the rate for property of the same kind on the secured roll for the assessment year preceding that of the roll upon which such escaped assessment is entered. The taxes on unsecured property shall be computed in dollars and cents, rejecting the fractions of a cent.

Construction

SEC. 6. The amendments made by this act do not constitute a change in, but are declaratory of, the pre-existing law, and said amendments shall apply to escape assessments made prior to its effective date.

CHAPTER 2016

An act to amend Section 3108.5 of the Education Code as added by Chapter 251 of the Statutes of 1961, relating to the reorganization of school districts.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 3108.5 of the Education Code as added by Chapter 251 of the Statutes of 1961 is amended to read:

3108.5. On receipt of a petition signed by at least ten percent (10%), or 250, whichever is the lesser, of the qualified electors residing in any district for a consideration of unification or other reorganization of any area, the county committee shall hold a public hearing and determine, following such hearing, whether the committee shall study further the matter petitioned in the manner herein described in this chapter (commencing at Section 3001). In the event the petition involves territory already under study by the county committee, no further hearings shall be required.

The public hearing required by this section shall be called by:

(a) Sending a notice to the governing board of each school district involved at least ten (10) days prior to the hearing, and

(b) Publishing at least two (2) times in a newspaper of general circulation in the area a notice of the hearing.

The notices shall contain information as to the time, place, and purpose of the hearing.

CHAPTER 2017

An act to amend Sections 21 and 22508 of the Vehicle Code, relating to motor vehicle parking.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 21 of the Vehicle Code is amended to read:

Uniformity of code

21. Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the State and in all counties and municipalities therein, and no local authority shall enact or enforce any ordinance on the matters covered by this code unless expressly authorized herein.

SEC. 2. Section 22508 of said code is amended to read:

Parking meter zones

22508. Local authorities shall not establish parking meter zones or fix the rate of fees for such zones except by ordinance. An ordinance establishing a parking meter zone shall describe the area which would be included within the zone.

Parking spaces

Local authorities may by ordinance cause streets and highways to be marked with white lines designating parking spaces and require vehicles to park within the parking spaces.

No ordinance adopted by any local authority pursuant to this section with respect to any state highway shall become effective until the proposed ordinance has been submitted to and approved in writing by the Department of Public Works. The proposed ordinance shall be submitted to the department only by action of the local legislative body and the proposed ordinance shall be submitted in complete draft form.

Meters Referendum

Any ordinance adopted pursuant to this section establishing a parking meter zone or fixing rates of fees for such a zone shall be subject to local referendum processes in the same manner as if such ordinance dealt with a matter of purely local concern.

CHAPTER 2018

An act to add an article heading and to add Article 2 (commencing with Section 8190) to Chapter 2.8 (commencing with Section 8160) of Division 1 of Title 2 of the Government Code, relating to the Governor's mansion.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. An article heading is added to Chapter 2.8 (commencing with Section 8160) of Division 1 of Title 2 of

the Government Code, preceding Section 8160 thereof, to read:

Article 1. Development of the Capitol Area

SEC. 2. Article 2 (commencing with Section 8190) is added to Chapter 2 8 (commencing with Section 8160) of Division 1 of Title 2 of the Government Code, to read:

Article 2. Governor's Mansion

Site

8190. The site of the Governor's mansion is hereby designated as all of the block bounded by 14th, 15th, N and O Streets with the exception of Lot 1 thereof in the City of Sacramento.

Architectural program

8191. The commission shall appoint an architect to be professional adviser to the commission for purposes of this article. The professional adviser, after consultation with the State Architect and the Director of Finance, shall formulate the architectural program of the commission under this article, together with such limitations on the program as are deemed advisable.

Competition

8192. The professional adviser shall provide for the holding of a competition among architects resident in the State for the design of the Governor's mansion, and the commission, in consultation with the professional adviser, shall select a panel consisting of three architects and two lay persons to act as a jury for the competition.

Insofar as practicable, the competition shall be held in accordance with the rules of the American Institute of Architects for architectural competition and shall be in two parts. The first part of the competition shall be open to all architects resident in the State, and the jury shall select the 10 most appropriate designs from the proposed designs submitted by the architects entering the competition. The second part of the competition shall be conducted among the 10 architects whose designs are selected in the first part of the competition. The professional adviser shall require the architects to submit such further designs, plans and information as he considers necessary, and the jury shall select the four most appropriate designs submitted by the architects and shall designate them for first award, second award, third award and fourth award.

The first award shall be adopted by the commission as the design from which the working drawings, detailed plans, and specifications for the Governor's mansion shall be prepared. The architect preparing such design shall be appointed by the Governor to prepare the working drawings, plans, and specifications in connection with the construction of the mansion. The prize received by such architect shall be deducted from any commissions to which he is entitled in connection with his services.

8193. The architectural competition provided for in this article shall be conducted in time to permit the final results thereof to be submitted to the Legislature prior to the adjournment of the 1962 Budget Session

Results of competition

8194. The Director of Finance is authorized and directed to immediately proceed with the acquisition and development, including landscaping, of the site designated in Section 8190 and with the major construction and improvements for the Governor's mansion and the equipping and furnishing thereof, to the extent that the timing of the architectural competition provided in Section 8192 permits and to the extent that moneys are specifically made available for such purposes by the Legislature.

Construction of mansion

CHAPTER 2019

An act to amend Section 1192.2 of the Insurance Code, relating to loans by insurance companies.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1192.2 of the Insurance Code is amended to read:

1192 2. An insurer may lend on the security of a first lien on a leasehold on real property having a period of not less than 30 years to run from the date of the loan, if.

(a) The term of the loan does not exceed five years and the amount does not exceed 60 percent of the sound market value of the leasehold together with any improvements located on the property which are made subject to the lien; or

(b) The real property subject to the leasehold is improved with a single family residence, the term of the loan does not exceed 20 years and is repayable in equal installments not less often than monthly, and the amount of the loan does not exceed 75 percent of the sound market value of the leasehold together with the improvements located on the property which are made subject to the lien.

CHAPTER 2020

An act to add Section 960 5 to the Education Code, relating to school district elections.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 960.5 is added to the Education Code, to read:

960.5 Immediately under the name of each candidate and not separated therefrom by any line may appear at the option of the candidate, one of the following designations:

(a) If the candidate be a candidate for the same office which he then holds, and only in that event the word "incumbent."

(b) Words designating the profession, vocation or occupation of the candidate which shall not exceed three in number. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate. Notwithstanding any other provision of law, if upon checking the nomination paper the officer in charge of the election finds the wording to be different than that upon the registration affidavit, he shall notify the candidate by registered mail, return receipt requested. The candidate shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days the officer shall leave the designation under his name blank (no designation).

No candidate shall assume a designation which would mislead the voters.

CHAPTER 2021

An act to amend Section 148.1 of the Penal Code, relating to explosives.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 148.1 of the Penal Code is amended to read:

148.1. Any person who reports to any police officer, sheriff, employee of a fire department or fire service, employee of a fire department or fire service, district attorney, newspaper, radio station, television station, deputy sheriff, deputy district attorney, member of the California Highway Patrol, employees of an airline, employees of an airport, employees of a railroad or busline, an employee of a telephone company, occupants of a building or a news reporter in the employ of a newspaper or radio or television station, that a bomb or other explosive has been placed or secreted in any public or private place knowing that such report is false, is guilty of a crime punishable by imprisonment in the state prison not to exceed three years, or imprisonment in the county jail not to exceed one year.

CHAPTER 2022

An act to amend Section 117 of the Code of Civil Procedure, relating to small claims courts.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 117 of the Code of Civil Procedure is amended to read:

117. All judges of the justice court, except as otherwise provided in this section, and judges of the municipal court shall exercise the jurisdiction conferred by this chapter, and while sitting in the exercise of said jurisdiction shall be known and referred to as the small claims court; provided, that the jurisdiction of such court, when sitting as a small claims court, shall be confined to cases for the recovery of money only where the amount claimed does not exceed two hundred dollars ($200), except that a municipal court judge sitting as a small claims court shall also have jurisdiction in proceedings in unlawful detainer after default in rent for residential property where the term of tenancy is not greater than month to month, and where the whole amount claimed is two hundred dollars ($200) or less.

Actions shall be commenced and maintained in small claims court as follows:

(1) When a defendant has contracted to perform an obligation in a particular judicial district, an action founded on such obligation may be commenced and maintained either in the judicial district where such obligation is to be performed, or in which the defendant, or any such defendant, resides at the commencement of the action.

(2) When the action be for injury to person or to personal property, either the judicial district where the injury occurs, or where the defendants, or any of them, reside at the commencement of the action, shall be the proper judicial district for the trial of the action.

(3) In all other cases, actions shall be commenced and maintained in the judicial district in which the defendant, or any such defendant, resides at the commencement of the action.

CHAPTER 2023

An act to amend Section 13050 of the Water Code, relating to regional water pollution control boards.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 13050 of the Water Code is amended to read:

13050. Each regional board shall:

(a) Establish an office.

(b) Select one of its members as chairman at the first regular meeting held each year.

(c) Appoint as its confidential employee, exempt from civil service, under Section 4(a)(5) of Article XXIV of the Constitution, and fix the salary of, an executive officer. The executive officer shall serve at the pleasure of the board.

(d) Employ such other assistants as may be determined necessary to assist the executive officer.

CHAPTER 2024

An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the City and County of San Francisco, State of California.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Any person or persons owning or claiming any interest in or to that certain real property located in the City and County of San Francisco, State of California, and described in this act, may bring suit against the State of California, in accordance with law in any court of competent jurisdiction of the State of California, to quiet title to said property and to prosecute said action to final judgment. If the judgment is given against the State in such suit, no costs shall be recovered against the State.

SEC. 2. Any action brought within the provisions of this act must be commenced within one year from the effective date hereof.

SEC. 3. Service of summons in any suit shall be upon the Director of Finance and Attorney General, and it shall be the duty of the Attorney General to represent the State in such suit.

SEC. 4. The real property referred to in Section 1 of this act is described as follows:

All that parcel of real property located in the City and County of San Francisco, State of California, described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, in Block 2993, according to map entitled, "Map of Sherwood Heights Subdivision," filed January 30, 1951, in Book "R" of Maps, pages 10 to 13 inclusive, in the office of the Recorder of the City and County of San Francisco, State of California.

CHAPTER 2025

An act to add Section 23366.1 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 23366.1 is added to the Business and Professions Code, to read:

23366.1. No distilled spirits manufacturer or any agent thereof shall solicit a consumer to purchase amounts or lots of distilled spirits through a specific retailer.

This section shall not prevent any distilled spirits manufacturer or the agent thereof who holds any license or licenses authorizing sales to consumers from making sales of alcoholic beverages to consumers as permitted by such license or licenses.

CHAPTER 2026

An act to add Section 2358.5 to the Welfare and Institutions Code, relating to life care contracts.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2358.5 is added to the Welfare and Institutions Code, to read:

2358.5. A holder of a certificate of authority, who has life care residents in the home, and who wishes to sell or transfer ownership of the home to another party, shall first obtain approval from the State Department of Social Welfare.

CHAPTER 2027

An act to amend Section 27 of the Probate Code, relating to wills.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 27 of the Probate Code is amended to read:

27. A testamentary disposition may be made to the United States, to any instrumentality of the United States, to any of the United States, to any foreign state complying with the provisions of Chapter 3 (commencing at Section 259) of Division 2 of this code, to the State, to counties, to municipal corporations, to natural persons capable by law of taking the property, to unincorporated religious, benevolent or fraternal societies or associations or lodges or branches thereof, and to corporations.

CHAPTER 2028

An act to add Sections 21015.5 and 21243.5 to the Public Utilities Code, relating to parachute jumps.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 21015.5 is added to the Public Utilities Code, to read:

"Parachute jump"

21015.5. "Parachute jump" means a jump from an aircraft in flight utilizing a parachute to return to the ground.

SEC. 2. Section 21243 5 is added to said code, to read:

Rules and regulations

21243.5. The commission may make and amend general or special rules, regulations, and procedures, and establish minimum standards, with respect to parachute jumps, in order to promote safety in aeronautics All rules and regulations of the commission pertaining to parachute jumps, promulgated prior to the effective date of this section and in effect on such date, are hereby confirmed, validated, and declared legally effective.

CHAPTER 2029

An act to add Section 16604 to the Business and Professions Code, relating to sales of magazines, books, and other periodicals.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 16604 is added to the Business and Professions Code, to read:

16604. Every person who, as a condition to a sale or consignment of any magazine, book, or other publication, requires that the purchaser or consignee purchase or receive for sale any other magazine, book, or other publication is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars ($500), or by both such imprisonment and such fine.

This section is not intended to prohibit an agreement requiring a person to purchase or accept on consignment a minimum number of copies of a single edition or issue of a magazine or of a particular book or other particular publication.

As used in this section, "person" includes a corporation, partnership, or other association.

This section does not apply with respect to any contract relating exclusively to the sale or consignment of any newspaper of general circulation as defined by Section 6000 of the Government Code.

CHAPTER 2030

An act to amend Section 601 of the Code of Civil Procedure, relating to jury challenges.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 601 of the Code of Civil Procedure is amended to read:

601. Either party may challenge the jurors, but where there are several parties on either side, they must join in the challenge before it can be made. The challenges are to individual jurors, and are either peremptory or for cause. Each side is entitled to eight peremptory challenges. When two or more actions are consolidated for trial the court shall in its order of consolidation determine the respective sides of the parties in the actions consolidated and may, where the interest of justice requires, determine that there are more than two sides and, in such event, each of the several sides is entitled

to eight peremptory challenges, and the court shall in its said order determine the order in which the sides shall exercise their respective peremptory challenges. If no peremptory challenges are taken until the panel is full, they must be taken or passed by the sides alternately, commencing with the plaintiff, and if each side passes consecutively, the jury shall then be sworn, unless the court, for good cause, shall otherwise order. Each side shall be entitled to have the panel full before exercising any peremptory challenge. The number of peremptory challenges remaining with a side shall not be diminished by any passing of a peremptory challenge.

CHAPTER 2031

An act to amend Section 5101 of the Streets and Highways Code, relating to the Improvement Act of 1911.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 5101 of the Streets and Highways Code is amended to read:

5101. Whenever in the opinion of the legislative body the public interest or convenience may require, it may order the whole or any portion, either in length or in width, of any one or more of the streets, places, public ways, or property, or rights-of-way, or tidelands, or submerged lands owned by any city, open or dedicated to public use, and any property for the immediate possession and use of which as rights-of-way required for public use, an order has been obtained in compliance with the provisions of Section 14 of Article I of the State Constitution, to be improved by or have constructed therein, over or thereon, either singly or in any combination thereof, any of the following:

(a) The grading or regrading, the paving or repaving, the planking or replanking, the macadamizing or remacadamizing, the graveling or regraveling, the oiling or reoiling thereof.

(b) The construction or reconstruction of sidewalks, crosswalks, steps, safety zones, platforms, seats, statuary, fountains, parks and parkways, culverts, bridges, curbs, gutters, tunnels, subways or viaducts.

(c) Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels or other appurtenances.

(d) Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools,

manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels and appurtenances.

(e) Poles, posts, wires, pipes, conduits, tunnels, lamps and other suitable or necessary appliances for the purpose of lighting said streets, places or public ways of any such city or property or rights-of-way owned by any such city, or for the purpose of furnishing electricity and electric service or telephone service to property within a city.

(f) Pipes, hydrants and appliances for fire protection.

(g) Breakwaters, levees, bulkheads and walls of rock or other material to protect the streets, places, public ways and other property in any such city, from overflow by water.

(h) Wells, pumps, dams, reservoirs, storage tanks, channels, tunnels, conduits, pipes, hydrants, meters or other appurtenances for supplying or distributing a domestic water supply.

(i) Mains, services, pipes, fittings, valves, regulators, governors, meters, drips, drains, tanks, ditches, tunnels, conduits, channels, or other appurtenances for supplying or distributing a domestic or industrial gas supply.

(j) The construction or maintenance of bomb shelters or fallout shelters which are primarily designed to protect and shelter the population from conventional or nuclear bomb or missile warhead explosions, shellfire, radiation, and fallout in the event of an enemy attack.

(k) Retaining walls, embankments and other structures necessary or suitable in connection with any of the work mentioned in this section.

(*l*) The planting of trees, shrubs or other ornamental vegetation.

(m) The construction, repairing, or improving of public mooring places for water craft, the building, repairing and improving of wharves, piers, docks, slips, quays, moles, or other utilities, structures, and appliances necessary or convenient for the promotion or accommodation of commerce, navigation and the protection of lands within said city, and for aiding and securing access to the waters of said lands to the people of the State of California, in the exercise of their rights to fish, or for the extension of public streets or places.

(n) All other work which may be deemed necessary to improve the whole or any portion of such streets, places, public ways or property, or rights-of-way owned by such city.

(o) All other work auxiliary to any of the above, which may be required to carry out the same.

CHAPTER 2032

An act to add Section 24360.9 to the Health and Safety Code, relating to smog.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 24360.9 is added to the Health and Safety Code, to read:

24360.9. Except as provided in Sections 24360.1 and 24360.2, orders, rules, and regulations of the board shall apply to every state agency, governmental subdivision, district, public and quasi-public corporation, public agency, and public service corporation, and every town, city, county, city and county, and municipal corporation.

CHAPTER 2033

An act to amend Sections 6030, 6044, and 6052 of, and to add Section 6049.2 to, the Business and Professions Code, relating to the State Bar.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 6030 of the Business and Professions Code is amended to read:

Executive function

6030. The board shall be charged with the executive function of the State Bar and the enforcement of the provisions of this chapter. The violation or threatened violation of any provision of Articles 7 (commencing with Section 6125) and 9 (commencing with Section 6150) of this chapter may be enjoined in a civil action brought in the superior court by the State Bar and no undertaking shall be required of the State Bar.

SEC. 2. Section 6044 of said code is amended to read:

Investigations

6044. The board or any committee appointed by the board, with or without the filing or presentation of any complaint, may initiate and conduct investigations of all matters affecting or relating to:

(a) The State Bar, or its affairs.

(b) The practice of the law.

(c) The discipline of the members of the State Bar.

(d) The acts or practices of a person whom the board or the committee has reason to believe has violated or is about to violate any provision of Articles 7 (commencing with Section 6125) and 9 (commencing with Section 6150) of this chapter.

(e) Any other matter within the jurisdiction of the State Bar.

SEC. 3. Section 6049.2 is added to said code, to read:

Disciplinary proceedings Evidence

6049.2. In all disciplinary proceedings pursuant to this chapter, the testimony of a witness given in a contested civil action or special proceeding to which the person complained against is a party, or in whose behalf the action or proceeding is prosecuted or defended, may be received in evidence, so far as relevant and material to the issues in the disciplinary proceedings, by means of a duly authenticated transcript of such testimony and without proof of the nonavailability of the witness; provided, the board or administrative committee may order the production of and testimony by such witness, in lieu of or in addition to receiving a transcript of his testimony and may decline to receive in evidence any such transcript of testimony, in whole or in part, when it appears that the testimony was given under circumstances that did not require or allow an opportunity for full cross examination.

SEC. 4. Section 6052 of said code is amended to read:

Oaths: Subpoenas

6052. Any member of the board, or of any committee or unit or section thereof, having jurisdiction, may administer oaths and issue any subpoena.

No witness shall be compelled to attend a hearing outside the county in which he resides unless the distance is less than 150 miles from his place of residence to the place of hearing.

Depositions

Depositions may be taken and used in the same manner as in civil cases.

CHAPTER 2034

An act to add Section 24245.1 to the Health and Safety Code, relating to air pollution.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 24245.1 is added to the Health and Safety Code, to read:

24245.1. The governing board of the district may by rule provide for the issuance by the air pollution control officer of permits for open burning. The provisions of Section 24242 do not apply to smoke from fires set pursuant to such permit.

CHAPTER 2035

An act to repeal Article 3 (commencing with Section 550) of Chapter 3, Division 3 of the Harbors and Navigation Code, to repeal Sections 11001, 11002, 11003, and 11004, and amend Section 11005 of the Penal Code, to repeal Sections 3414, 3414.1, 3415, 3416 and 3417, and Chapter 3 (commencing with Section 8750) of Division 7, and amend Section 4424, of the Public Resources Code, to repeal Sections 3361 and 3362, and amend and renumber Sections 3363, 3364, and 3365, of the Welfare and Institutions Code, and to repeal Chapter 124 of the Statutes of 1955, relating to the reorganization of the state government by abolishing various boards and commissions.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Article 3 (commencing with Section 550) of Chapter 3, Division 3 of the Harbors and Navigation Code is repealed.

Repeal

SEC. 3. Section 11001 of the Penal Code is repealed.

Repeal

SEC. 4. Section 11002 of said code is repealed.

Repeal

SEC. 5. Section 11003 of said code is repealed.

Repeal

SEC. 6. Section 11004 of said code is repealed.

SEC. 7. Section 11005 of said code is amended to read:

Control of bureau

11005. The Attorney General shall exercise absolute control and management of the bureau.

Repeal

SEC. 8. Section 3414 of the Public Resources Code is repealed.

Repeal

SEC. 9. Section 3414.1 of said code is repealed.

Repeal

SEC. 10. Section 3415 of said code is repealed.

Repeal

SEC. 11. Section 3416 of said code is repealed.

Repeal

SEC. 12. Section 3417 of said code is repealed.

SEC. 13. Section 4424 of said code is amended to read:

Acquisition of forest land

4424. Acquisition of forest land under the provisions of this article shall be made only upon the approval of the State Forester. Approval by the State Forester shall be based on satisfactory evidence presented to him by the State Board of Forestry as to the suitability and desirability of lands under consideration for purchase for state forest purposes. Said suitability and desirability shall be predicated on but not limited to the following factors: (1) that the lands are suited primarily to timber growing, (2) that the lands represent growing capacities not below the average for the timber region, and (3) that they are favorably situated for multiple use and economical administration, management and utilization. The State Forester shall not approve the acquisition of any lands under this act unless he receives a resolution recommending such action adopted by the board of supervisors of the county in which such lands are situated following a public hearing

on the proposed acquisition held by the board of supervisors, notice of which shall be published at least two weeks prior to such hearing in one or more legal newspapers of the county, such hearing to be optional to the board of supervisors for areas of 2,000 acres or less. The director, upon approval of a purchase by the State Forester is authorized to negotiate for and consummate the purchase of the lands.

SEC. 14. Chapter 3 (commencing with Section 8750) of Division 7 of said code is repealed. Repeal

SEC. 15. Section 3361 of the Welfare and Institutions Code is repealed. Repeal

SEC. 16. Section 3362 of said code is repealed. Repeal

SEC. 17. Section 3363 of said code is amended and renumbered to read:

3361. The Department of Education shall determine the fair market price of all brooms and mops and other suitable commodities manufactured by and offered for sale to the State by California Industries for the Blind, and shall revise such prices from time to time in accordance with changing market conditions. Price of blind products

SEC. 18. Section 3364 of said code is amended and renumbered to read:

3362. All brooms and mops and other commodities which are manufactured by the California Industries for the Blind and offered for sale at the fair market price as determined by the Department of Education and which meet the specifications required for such products, and which are to be procured by or for the State, shall be procured from California Industries for the Blind. Purchase of blind products

SEC. 19. Section 3365 of said code is amended and renumbered to read:

3363. Anything to the contrary notwithstanding, any city or county, political subdivision or district of this State may purchase materials and supplies manufactured by the California Industries for the Blind at the prices fixed therefor by the Department of Education without advertising or calling for bids Purchase without bids

It is the intent of the Legislature to encourage cities, counties, districts, and other political subdivisions to purchase products manufactured by the California Industries for the Blind whenever it is feasible for the political subdivision to do so and the proximity of the blind workshops makes such purchases reasonably convenient.

SEC. 20. Chapter 124 of the Statutes of 1955 is repealed, such repeal to become operative on June 30, 1962. Repeal: Operative date

CHAPTER 2036

An act to amend Section 33274 of, and to add Section 33274.1 to, the Health and Safety Code, relating to community redevelopment.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1 Section 33274 of the Health and Safety Code is amended to read:

Limitation

33274. This part does not authorize an agency to construct or rehabilitate any of the buildings for residential, commercial, industrial, or other use contemplated by the redevelopment plan.

SEC. 2. Section 33274.1 is added to said code, to read:

Transfer to housing authority

33274.1. An agency may sell, lease, grant, or donate real property owned or acquired by the agency in a redevelopment area to a housing authority or to any public agency for public housing projects.

CHAPTER 2037

An act to add Part 2.5 (commencing with Section 12800) to Division 3 of Title 2 of the Government Code, and to amend Sections 100, 150, and 1710 of the Welfare and Institutions Code, Section 100 of the Health and Safety Code, Sections 5000 and 6025 of the Penal Code, Sections 101 and 700 of the Fish and Game Code, the heading of Division 1 (commencing with Section 501), of the Public Resources Code, and Sections 120, 175, and 13010 of the Water Code, and to add Sections 501, 501.1, 501.2, 501.3, 502, 502.1, 502.2, 502.3, and 503 to the Public Resources Code, and Section 13042.5 to the Water Code, and to repeal Sections 501, 502, 503, and 504 of the Public Resources Code, relating to reorganization of the state government.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Part 2.5 (commencing with Section 12800) is added to Division 3 of Title 2 of the Government Code, to read:

PART 2.5. AGENCIES

CHAPTER 1. ADMINISTRATION

Agencies

12800. There are in the state government the following agencies: Health and Welfare; Youth and Adult Corrections; and Resources.

Administrator Salary

12801. Each agency is under the supervision of an executive officer known as the administrator. Each administrator shall be appointed by and hold office at the pleasure of the Governor. The annual salary of each administrator is twenty-five thousand dollars ($25,000).

Bond

12802. Before entering upon the duties of his office each administrator shall execute an official bond to the State in the penal sum of fifty thousand dollars ($50,000) conditioned upon the faithful performance of his duties.

Health and Welfare

12803. The Health and Welfare Agency consists of the following departments: Social Welfare; Mental Hygiene; and Public Health.

Youth and Adult Corrections

12804. The Youth and Adult Corrections Agency consists of the following departments; Corrections; and Youth Authority.

Resources

12805. The Resources Agency consists of the State Water Rights Board, the State Water Pollution Control Board, and each regional water pollution control board, and the following departments: Conservation; Fish and Game; Parks and Recreation; and Water Resources.

CHAPTER 2. POWERS

Powers of Administrator

12850. The administrator of each agency has the power of general supervision over, and is directly responsible to the Governor for, the operations of each department, office, and unit within the agency.

Report of programs

12851. Each administrator shall develop and report to the Governor on Legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, co-ordinated planning and policy formulation in the matters of public interest related to his agency. To accomplish this end, the administrator may hold public hearings, consult with and use the services and co-operation of other state agencies, employ staff and consultants, and appoint advisory and technical committees to assist in the work.

Report on organization

12852. For the purpose of administration, the administrator of each agency shall review the organization of the agency and report to the Governor on such changes as he deems necessary properly to segregate and conduct the work of the agency.

12853. The administrator of each agency and any other officer or employee within the agency designated in writing by the administrator shall have the power of a head of a department pursuant to Article 2 (commencing with Section 11180) of Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Delegation

12854. Whenever a power is granted to the administrator of an agency the power may be exercised by such officer or employee within the agency as designated in writing by the administrator.

SEC. 2. Section 100 of the Welfare and Institutions Code is amended to read:

Department of Social Welfare

100. There is in the Health and Welfare Agency a Department of Social Welfare.

SEC. 3. Section 150 of the Welfare and Institutions Code is amended to read:

Department of Mental Hygiene

150. There is in the Health and Welfare Agency a Department of Mental Hygiene.

SEC. 4. Section 100 of the Health and Safety Code is amended to read:

State Department of Public Health

100. There is in the Health and Welfare Agency a State Department of Public Health.

SEC. 5. Section 5000 of the Penal Code is amended to read:

Department of Corrections

5000. There is in the Youth and Adult Corrections Agency the Department of Corrections.

SEC. 6. Section 1710 of the Welfare and Institutions Code is amended to read:

Department of the Youth Authority

1710. There is in the Youth and Adult Corrections Agency the Department of the Youth Authority.

SEC. 8. Section 101 of the Fish and Game Code is amended to read:

Fish and Game Commission

101. There is in the Resources Agency the Fish and Game Commission created by Section 25½ of Article IV of the Constitution.

SEC. 9. Section 700 of the Fish and Game Code is amended to read:

Department of Fish and Game

700. There is in the Resources Agency a Department of Fish and Game administered through a director.

SEC. 10. The heading of Division 1 of the Public Resources Code is amended to read:

DIVISION 1. ADMINISTRATION

Repeal

SEC. 11. Section 501 of said code is repealed.

Repeal

SEC. 12. Section 502 of said code is repealed.

Repeal

SEC. 13. Section 503 of said code is repealed.

Repeal

SEC. 14. Section 504 of said code is repealed.

SEC. 15. Section 501 is added to said code, to read:

Department of Parks and Recreation Director Salary

501. There is in the Resources Agency, the Department of Parks and Recreation. The department shall be conducted under the control of an executive officer known as the Director of Parks and Recreation. The director shall be appointed by and hold office at the pleasure of the Governor and shall receive an annual salary of seventeen thousand six hundred forty dollars ($17,640).

SEC. 16. Section 501.1 is added to said code, to read:

Same Duties, powers, etc

501.1. The Department of Parks and Recreation succeeds to and is vested with all of the duties, powers, purposes, responsibilities, and jurisdiction vested in the Department of Natural Resources or the Director of Natural Resources and exercised by the following divisions of the Department of Natural Resources: Beaches and Parks; Small Craft Harbors; and Recreation.

Wherever any reference is made to the Department of Natural Resources or to the Director of Natural Resources pertaining to a duty, power, purpose, responsibility or jurisdiction transferred to the Department of Parks and Recreation by this section, it shall be deemed to be a reference to, and to mean, the Department of Parks and Recreation.

SEC. 17. Section 501 2 is added to said code, to read:

Applicable law

501.2. The provisions of Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2, of the Government Code apply to the Director of Parks and Recreation. The director may appoint, in accordance with civil service, such deputies, officers, and other employees as may be necessary.

SEC. 18. Section 501 3 is added to said code, to read:

Divisions

501.3. The work of the Department of Parks and Recreation shall be divided into at least three divisions known as the Division of Beaches and Parks, the Division of Small Craft Harbors, and the Division of Recreation.

SEC. 19 Section 502 is added to said code, to read:

Department of Conservation Director: Salary

502. There is in the Resources Agency the Department of Conservation. The department shall be conducted under the control of an executive officer known as the Director of Conservation. The director shall be appointed by and hold office at the pleasure of the Governor and shall receive an annual salary of seventeen thousand six hundred forty dollars ($17,640).

SEC. 20. Section 502.1 is added to said code, to read:

Same Duties, powers, etc.

502.1. The Department of Conservation succeeds to and is vested with all of the duties, powers, purposes, responsibilities, and jurisdiction vested in the Department of Natural Resources or the Director of Natural Resources and exercised by the following divisions of the Department of Natural Resources: Forestry; Mines and Geology; Oil and Gas; and Soil Conservation.

Wherever any reference is made to the Department of Natural Resources or to the Director of Natural Resources pertaining to a duty, power, purpose, responsibility, or jurisdiction transferred to the Department of Conservation by this section, it shall be deemed to be a reference to, and to mean, the Department of Conservation.

SEC. 21. Section 502.2 is added to said code, to read:

Applicable law

502.2. The provisions of Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2 of the Government Code apply to the Director of Conservation. The director may appoint, in accordance with civil service, such deputies, officers, and other employees as may be necessary.

SEC. 22 Section 502.3 is added to said code, to read:

Divisions

502.3. The work of the Department of Conservation shall be divided into at least four divisions known as the division of Forestry; the Division of Mines and Geology; the Division of Oil and Gas; and the Division of Soil Conservation.

SEC. 23. Section 503 is added to said code, to read:

Abolition

503 The Department of Natural Resources is abolished.

SEC. 23.5. Section 120 of the Water Code is amended to read:

Department of Water Resources. Director: Salary

120. There is in the Resources Agency the Department of Water Resources, which is under the control of an executive officer known as the Director of Water Resources. The director is appointed by the Governor and holds office at the pleasure of the Governor. The appointment of the director is subject to confirmation by the Senate at the next regular or special session of the Legislature, and the refusal or failure of the Senate to confirm the appointment shall create a vacancy in the office. The director shall receive an annual salary as provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code and he is a member of the Governor's Council.

SEC. 24 Section 175 of the Water Code is amended to read:

State Water Rights Board

175. There is in the Resources Agency the State Water Rights Board consisting of three members appointed by the Governor. One of the members appointed shall be an attorney admitted to practice law in this State and one shall be a registered civil engineer under the laws of this State. Each member shall represent the State at large and not any particular portion thereof. The appointments so made by the Governor shall be subject to confirmation by the Senate at the next regular or special session of the Legislature, and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made.

SEC. 25. Section 13010 of the Water Code is amended to read:

State Water Pollution Control Board

13010. There is in the Resources Agency the State Water Pollution Control Board.

SEC. 26. Section 13042.5 is added to the Water Code, to read:

Regional boards

13042.5. Each regional board is in the Resources Agency.

SEC 27. Section 6025 of the Penal Code is amended to read:

Board of Corrections

6025. The Board of Corrections is composed of the Administrator of the Youth and Adult Corrections Agency, the Director of Corrections, the Director of the Youth Authority, the chairman of the Adult Authority, the vice chairman of the Youth Authority, the chairman of the Board of Trustees of the California Institution for Women, and two qualified persons appointed by the Governor, with the advice and consent of the Senate.

The Administrator of the Youth and Adult Corrections Agency shall be chairman of the Board of Corrections. The Board of Corrections shall select from its members a vice chairman who shall preside when the chairman is absent or is ineligible to act as a member of the Board of Corrections.

When the Board of Corrections is hearing charges against any member, the individual concerned shall not sit as a member of the board for the period of hearing of charges and the determination of recommendations to the Governor.

Civil service system

SEC. 28. All persons, other than temporary employees, serving in the state civil service and engaged in the performance of a function transferred to another department or agency or engaged in the administration of a law, the administration of which is transferred to such department or agency, pursuant to this act, shall remain in the state civil service and are hereby transferred to the succeeding department or agency. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position that is exempt from civil service.

Property

SEC. 29. All public property, real or personal, of any state agency or officer used principally or primarily in carrying out of any function, or acquired in connection with the exercise of any function, which function is transferred to another department or agency, pursuant to this act, is transferred to the succeeding department or agency; provided that the 1961-62 fiscal year total expenditures for salaries and wages for each agency and the other governmental organizations included in such agency, as set forth herein, shall not together exceed the total salaries and wages of the governmental agencies included in such agency as set forth in the categorical schedules of the Budget Act of 1961, as may be augmented under any provision of law.

Operative date

SEC. 30. This act shall become operative on October 1, 1961.

CHAPTER 2038

An act to add Chapter 6 (commencing with Section 8501) to Division 1 of Title 2 of the Government Code, relating to the establishment of a Commission on California State Government Organization and Economy, defining its powers, duties, and responsibilities.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 8501) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 6. THE COMMISSION ON CALIFORNIA STATE GOVERNMENT ORGANIZATION AND ECONOMY

Article 1. Creation and Membership

Commission on California State Government Organization and Economy

8501. There is in the state government a Commission on California State Government Organization and Economy, hereafter in this chapter referred to as the "commission." The commission shall be comprised of the following members, each of whom shall serve at the pleasure of the appointing authority:

(a) Seven members of whom five shall be appointed by the Governor, one by the Speaker of the Assembly, and one by the Committee on Rules of the Senate. Not more than four of such members shall be registered as members of the same political party, and none shall be officers or employees of the State.

(b) Two members of the Senate of the State of California appointed by the Committee on Rules of the Senate. One of such members shall be registered with the majority political party of the membership of the Senate and one member with the minority political party.

(c) Two members of the Assembly of the State of California appointed by the Speaker of the Assembly. One of such members shall be registered with the majority political party of the membership of the Assembly and one member with the minority political party.

Members' Compensation

8502. The members of the commission shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties.

Members of the Legislature

8503. For the purposes of this chapter the Members of the Legislature serving as members of the commission shall be considered a joint committee of the two houses of the Legislature constituted and acting as an investigating committee, and as such shall have the powers and duties imposed on such committees by the Joint Rules of the Senate and Assembly.

Officers

8504. The Governor shall select from among the members of the commission a chairman and vice chairman, one of whom shall not be registered as a member of the same political party as the Governor.

Quorum

8505. Six members of the commission shall constitute a quorum.

First meeting

8506. The Governor shall summon the commission to its first meeting.

Vacancies

8507. All vacancies in the commission membership shall be filled in the same manner in which original appointments were made.

Article 2. Purposes and Duties

Legislative purpose

8521. It is the purpose of the Legislature in creating the commission, to secure assistance for the Governor and itself in promoting economy, efficiency, and improved service in the transaction of the public business in the various departments, agencies, and instrumentalities of the executive branch of the

state government, and in making the operation of all state departments, agencies, and instrumentalities, and all expenditures of public funds, more directly responsive to the wishes of the people as expressed by their elected representatives, by any or all of the following means:

(a) By adopting methods and procedures for reducing expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions.

(b) By eliminating duplication and overlapping of services, activities, and functions, and time-consuming or wasteful practices.

(c) By consolidating services, activities, and functions of a similar nature.

(d) By abolishing services, activities, and functions not necessary to the efficient conduct of government.

(e) By the elimination of unnecessary state departments and agencies, the creation of necessary new state departments and agencies, the reorganization of existing state departments and agencies, and the transfer of functions and responsibilities among state departments and agencies.

(f) By defining or redefining the duties and responsibilities of state officers.

(g) By revising present provisions for continuing or permanent appropriations of state funds of whatever kind for whatever purpose, by eliminating any such existing provisions, and by adopting new provisions.

Reorganization plan

8522. Before the Governor submits any reorganization plan to the Legislature pursuant to Article 7 (commencing at Section 12070) of Chapter 1, Part 2, Division 3, Title 2, of the Government Code, he shall first submit such plan to the commission for its consideration and recommendation. The commission shall submit to the Governor and to the Legislature a report of its recommendations concerning such plan on or before the 10th legislative day of the first succeeding regular session of the Legislature after transmission of the plan to the commission.

Examination of state government

8523. The commission, on its own motion, may, for the purpose of making reports and recommendations to assist the Legislature in respect to the matters listed in Section 8521, examine in detail the structure, organization, operation, and functions of every department, agency, and instrumentality in the executive branch of the state government, and all provisions of law and regulations pertaining thereto, and may examine all present provisions of law pertaining to continuing or permanent appropriations of public funds and the methods used in administering such provisions. The commission may make such recommendations to the Governor and to the Legislature at such time, or times as the commission deems necessary.

Basic test

8524. The commission may devise a basic test to determine what, if any, governmental activities should be granted continuing or permanent appropriations.

Interim reports

8525. The commission may submit to the Legislature and the Governor, at such time, or times, as the commission deems necessary, interim reports of its activities.

Expenses

8526. For the purposes of expenditures for the support of the commission, including the expenses of the members of the commission, the commission shall be deemed to be within the Department of Finance, but the commission shall not be subject to the control or direction of the Director of Finance.

Public meetings

8527. All meetings of the commission and all hearings held by the commission shall be open to the public.

Article 3. Powers

Powers of commission

8541. In carrying out its duties and responsibilities, the commission shall have all of the following powers:

(a) To meet at such times and places as it may deem proper.

(b) As a body or, on the authorization of the commission, as a subcommittee composed of one or more members, to hold hearings at such times and places as it may deem proper.

(c) To issue subpoenas to compel the attendance of witnesses and the production of books, records, papers, accounts, reports, and documents.

(d) To administer oaths.

(e) To employ, pursuant to laws and regulations governing state civil service, a secretary and such clerical, legal, and technical assistants as may appear necessary.

(f) To contract with such other agencies, public or private, as it deems necessary, for the rendition and affording of such services, facilities, studies and reports to the commission as will best assist it to carry out its duties and responsibilities.

(g) To co-operate with and to secure the co-operation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and to direct the sheriff of any county or any marshal to serve subpoenas, orders, and other process.

(h) To certify to the superior court of any county in which proceedings are held, the facts concerning the disobedience or resistance, by any person, of any lawful order, or the refusal of any person to respond to a subpoena, to take the oath or affirmation as a witness, or to be examined, or the misconduct of any person during a hearing; and to receive the assistance of the court in enforcing orders and process, in the manner prescribed by Section 11525 of this code.

(i) To co-operate with every department, agency, or instrumentality in the state government; and to secure directly from every department, agency, or instrumentality full co-operation, access to its records, and access to any information, suggestions, estimates, data, and statistics it may have available.

(j) To authorize its agents and employees to absent themselves from the State where necessary for the performance of their duties.

(k) To do any and all other things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the powers expressly granted it.

CHAPTER 2039

An act making an appropriation for the reconstruction of a footbridge in the City of Santa Cruz, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. The sum of forty thousand dollars ($40,000) is appropriated from the General Fund to the Department of Finance for allocation for expenditure for the reconstruction of a footbridge in the City of Santa Cruz.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: Urgency

The funds made available by this appropriation are necessary to complete the reconstruction of a much needed footbridge, destroyed by flood, in order to facilitate pedestrian traffic in the area at the earliest possible date.

CHAPTER 2040

An act to repeal Article 20 (commencing with Section 74130) Chapter 10, Title 8 of, and to add a new Article 20 (commencing with Section 74130) to Chapter 10, Title 8 of the Government Code, relating to municipal courts.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Article 20 (commencing with Section 74130) of Chapter 10, Title 8 of the Government Code is repealed. Repeal

SEC. 2. A new Article 20 (commencing with Section 74130) is added to Chapter 10, Title 8 of said code, to read:

Article 20. Riverside County

Application

74130. This article applies to the municipal courts established in Riverside County.

Judges

74131. There shall be three judges in the Riverside Judicial District, which shall include the City of Riverside. There shall be two judges in the Desert Judicial District, which shall include the Cities of Palm Springs and Indio. There shall be one judge in the Corona Judicial District, which shall include the City of Corona.

Employee salary schedule

74132. (a) Each clerk and marshal and each of their respective assistants, deputies and other employees shall receive a salary computed upon a monthly rate in accordance with the range and step for his position specified in or pursuant to this article, as determined by the following salary schedule:

Range No.	Step 1	Step 2	Step 3	Step 4	Step 5
28	$259	$273	$288	$303	$319
29	273	288	303	319	337
30	288	303	319	337	355
31	303	319	337	355	375
32	319	337	355	375	395
33	337	355	375	395	417
34	355	375	395	417	440
35	375	395	417	440	464
36	395	417	440	464	489
37	417	440	464	489	516
38	440	464	489	516	545
39	464	489	516	545	575
40	489	516	545	575	608
41	516	545	575	608	641
42	545	575	608	641	677
43	575	608	641	677	715
44	608	641	677	715	755
45	641	677	715	755	797
46	677	715	755	797	842

(b) Except as otherwise provided in this article, each new officer or employee shall for the first six full calendar months of continuous service receive a salary at the monthly rate specified for step 1 of the applicable range; on the first day of the next calendar month thereafter, his salary shall increase to the rate for step 2; after one, two and three additional years of continuous service, his salary shall increase to the rates for steps 3, 4 and 5, respectively.

(c) Notwithstanding any other provisions of law, until 90 days after the adjournment of the next regular session of the Legislature, the salary of any officer or employee may, upon

approval by the board of supervisors, be increased or decreased within the limits of the applicable range and 11 percent above or below said limits, in order to provide compensation that is comparable to that of county employees of similar qualifications and experience, holding equal or comparable positions in the Riverside County classified service, as the comparability is determined by the board.

(d) Such officers and employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and may be appointed, promoted, demoted, terminated or transferred, or their status otherwise adjusted, in the same manner and with the same effect as is or may be provided by the current salary ordinance of Riverside County for other employees of the county.

Appointments

74133. The clerk of each judicial district shall be appointed by and hold office at the pleasure of the judge or a majority of the judges of the judicial district. The marshal of each judicial district shall be elected by the voters of the district.

Clerk and appointees Salaries

74134. In the Riverside Judicial District, the salary of the clerk shall be on range 44 and the clerk may appoint:

(a) 1 assistant clerk on range 40.

(b) 1 deputy clerk (legal filing clerk) on range 37.

(c) 1 deputy (chief traffic clerk) on range 36.

(d) 5 deputy clerks (court clerk) on range 35.

(e) 1 deputy clerk (senior account clerk) on range 34.

(f) 2 deputy clerks (senior clerk) on range 31.

(g) 1 deputy clerk (intermediate stenographer-clerk) on range 31.

(h) 3 deputy clerks (traffic clerk) on range 30.

(i) 4 deputy clerks (intermediate clerk) on range 29.

Marshal and appointees Salaries

74135. In the Riverside Judicial District, the salary of the marshal shall be on range 44 and the marshal may appoint:

(a) 1 assistant marshal on range 40.

(b) 4 deputy marshals on range 37.

(c) 1 senior account clerk on range 34.

(d) 2 intermediate clerks on range 29.

Clerk and appointees Salaries

74136. In the Desert Judicial District, the salary of the clerk shall be on range 41 and the clerk may appoint:

(a) 1 assistant clerk on range 37.

(b) 2 deputy clerks (court clerk) on range 35.

(c) 1 deputy clerk (senior clerk) on range 31.

(d) 2 deputy clerks (traffic clerk) on range 30.

(e) 4 deputy clerks (intermediate clerk) on range 29.

Marshal and appointees Salaries

74137. In the Desert Judicial District, the salary of the marshal shall be on range 41, and the marshal may appoint:

(a) 1 assistant marshal on range 40.

(b) 1 deputy marshal on range 37.

(c) 1 account clerk on range 31.

Clerk and appointees Salaries

74138. In the Corona Judicial District, the salary of the clerk shall be on range 40, and the clerk may appoint:

(a) 1 deputy clerk (court clerk) on range 35.

(b) 1 deputy clerk (senior clerk) on range 31.

(c) 1 deputy clerk (traffic clerk) on range 30.

(d) 3 deputy clerks (intermediate clerk) on range 29.

Marshal and appointees Salaries

74139. In the Corona Judicial District, the salary of the marshal shall be on range 40, and the marshal may appoint:

(a) 1 account clerk on range 31.

(b) With the prior approval of the board of supervisors and subject to the conditions and limitations set forth in Section 72151, 1 deputy marshal on range 37.

Operative date

SEC. 3. This act shall become operative on October 1, 1961.

CHAPTER 2041

An act to amend Sections 1861a and 1862 of the Civil Code, relating to liens of keepers of apartment houses, cottages, and bungalow courts.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1861a of the Civil Code is amended to read:

Lien for rent

1861a. Keepers of apartment houses, apartments, cottages, or bungalow courts shall have a lien upon the baggage and other property of value belonging to their tenants or guests, and upon all the right, title and interest of their tenants or guests in and to all property in the possession of such tenants or guests which may be in such apartment house, apartment, cottage, or bungalow court, for the proper charges due from such tenants or guests, for their accommodation, rent, services, meals, and such extras as are furnished at their request, and for all moneys expended for them, at their request, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property of value until such charges are paid, and such moneys are repaid. Unless such charges shall be paid and unless such moneys shall be repaid within 60 days from the time when such charges and moneys, respectively, become due, said keeper of an apartment house, apartment, cottage, or bungalow court, may sell said baggage and property, at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such sale, pursuant to Section 6064 of the Government Code in the county in which said apartment house, apartment, cottage, or bungalow court is situated, and also by mailing, at least 15 days prior to the date of sale, a copy of such notice addressed to such tenant or guest at his post-office address, if known, and if not known, such notice shall be addressed to such tenant or guest at the place where such apartment house, apartment, cottage, or

bungalow court is situated; and, after satisfying such lien out of the proceeds of such sale, together with any reasonable costs, that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall, upon demand made within six months after such sale, be paid by said keeper of an apartment house, apartment, cottage, or bungalow court to such tenant or guest; and if not demanded within six months from the date of such sale, said residue, if any, shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representative within one year thereafter, it shall be paid into the general fund of the county; and such sale shall be a perpetual bar to any action against said keeper of an apartment house, apartment, cottage, or bungalow court for the recovery of such baggage or property, or of the value thereof, or for any damages, growing out of the failure of such tenant or guest to receive such baggage or property.

This section does not apply to:

(a) Any musical instrument of any kind or description which is used by the owner thereof to earn all or a part of his living.

(b) Any prosthetic or orthopedic appliance personally used by a tenant or guest.

(c) Table and kitchen furniture, including one refrigerator, washing machine, sewing machine, stove; bedroom furniture, one overstuffed chair, one davenport, one dining table and chairs, and also all tools, instruments, clothing and books used by the tenant or guest in gaining a livelihood; beds, bedding and bedsteads, oil paintings and drawings drawn or painted by any member of the family of the tenant or guest, and any family portraits and their necessary frames.

(d) All other household, table or kitchen furniture not expressly mentioned in paragraph (c), including but not limited to radios, television sets, phonographs, records, motor vehicles that may be stored on the premises except so much of any such articles as may be reasonably sufficient to satisfy the lien provided for by this section; and provided further, that such lien shall be secondary to the claim of any prior bona fide holder of a chattel mortgage on and the rights of a conditional seller of such articles, other than the tenant or guest. A motor vehicle that is exempt from attachment or execution under the provisions of Section 690.24 of the Code of Civil Procedure shall not be subject to the lien provided for in this section.

SEC. 2. Section 1862 of the Civil Code is amended to read:

Unclaimed personalty

1862. Whenever any trunk, carpetbag, valise, box, bundle, baggage or other personal property has heretofore come, or shall hereafter come into the possession of the keeper of any hotel, inn, or any boarding or lodging house, apartment house or bungalow court and has remained or shall remain unclaimed for the period of six months, such keeper may proceed to sell the same at public auction, and out of the proceeds of such

sale may retain the charges for storage, if any, and the expenses of advertising and sale thereof;

But no such sale shall be made until the expiration of four weeks from the first publication of notice of such sale in a newspaper published in or nearest the city, town, village, or place in which said hotel, inn, boarding or lodging house, apartment house or bungalow court is situated. Said notice shall be published once a week, for four successive weeks, in some newspaper, daily or weekly, of general circulation, and shall contain a description of each trunk, carpetbag, valise, box, bundle, baggage, or other personal property as near as may be; the name of the owner, if known; the name of such keeper, and the time and place of sale;

And the expenses incurred for advertising shall be a lien upon such property in a ratable proportion, according to the value of such piece of property, or thing, or article sold;

And in case any balance arising from such sale shall not be claimed by the rightful owner within one week from the day of sale, the same shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representatives, within one year thereafter, the same shall be paid into the general fund of said county.

CHAPTER 2042

An act to amend Section 12023 of the Penal Code, relating to weapons.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 12023 of the Penal Code is amended to read:

12023. In the trial of a person charged with committing or attempting to commit a felony against the person of another while armed with any of the weapons mentioned in Section 12020, or while armed with any pistol, revolver, or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm as provided by this chapter, the fact that he was so armed shall be prima facie evidence of his intent to commit the felony if such weapon was used in the commission of the offense.

CHAPTER 2043

An act to amend Section 131.3 of the Code of Civil Procedure and Section 1203.10 of the Penal Code, relating to probation records.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 131.3 of the Code of Civil Procedure is amended to read:

Probation report and recommendation

131.3. Either at the time of the arrest for crime of any person over 16 years of age, or at the time of the plea or verdict of guilty, the probation officer of the county of the jurisdiction of said crime shall, when so directed by the court, inquire into the antecedents, character, history, family environment and offense of such person, and must report the same to the court and file his report in writing in the records of said court. His report shall contain his recommendation for or against the release of such person on probation. If any such person shall be released on probation and committed to the care of the probation officer, such officer must keep a complete and accurate record in suitable books of the history of the case in court and of the name of the probation officer, and his acts in connection with said case; also the age, sex, nativity, residence, education, habits of temperance, whether married or single, and the conduct, employment and occupation and the parents' occupation and the condition of such person so committed to his care during the term of such probation, and the result of such probation, which record shall be and constitute a part of the records of the court and shall at all times be open to the inspection of the court or any person appointed by the court for that purpose, as well as of all magistrates and the chief of police or other head of the police, unless otherwise ordered by the court. The said books of record shall be furnished by the county clerk of said county, and shall be paid for out of the county treasury.

Five years after termination of probation in any case subject to this section, the probation officer may destroy any records and papers in his possession relating to such case.

The probation officer shall furnish to each person released on probation and committed to his care, a written statement of the terms and conditions of his probation, and shall report to the court or judge appointing him, any violation or breach of the terms and conditions imposed by such court on the person placed in his care.

SEC. 2. Section 1203.10 of the Penal Code is amended to read:

Same

1203.10. At the time of the plea or verdict of guilty of any person over 18 years of age, the probation officer of

the county of the jurisdiction of said criminal shall, when so directed by the court, inquire into the antecedents, character, history, family environment, and offense of such person, and must report the same to the court and file his report in writing in the records of such court. When directed, his report shall contain his recommendation for or against the release for such person on probation. If any such person shall be released on probation and committed to the care of the probation officer, such officer shall keep a complete and accurate record in suitable books or other form in writing of the history of the case in court, and of the name of the probation officer, and his act in connection with said case; also the age, sex, nativity, residence, education, habit of temperance, whether married or single, and the conduct, employment and occupation, and parents' occupation, and condition of such person committed to his care during the term of such probation and the result of such probation. Such record of such probation officer shall be and constitute a part of the records of the court, and shall at all times be open to the inspection of the court or of any person appointed by the court for that purpose, as well as of all magistrates, and the chief of police, or other heads of the police, unless otherwise ordered by the court. Said books of records shall be furnished for the use of said probation officer of said county, and shall be paid for out of the county treasury.

Five years after termination of probation in any case subject to this section, the probation officer may destroy any records and papers in his possession relating to such case.

CHAPTER 2044

An act to add Sections 7396.8 and 7446 to the Business and Professions Code, relating to schools of cosmetology and electrology.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 7396.8 is added to the Business and Professions Code, to read:

Enrollment fee

7396.8. A student who enrolls in a school of cosmetology or electrology shall within seven days after the date of his enrollment pay to the board the enrollment fee required by this chapter. Upon receipt of such fee and upon receipt of the enrollment certificate filed for such student by the school, the board shall issue to the student a registration card for the course in which he is enrolled and shall at the same time furnish a copy of such card to the school. Except as otherwise provided in this section, the registration card so issued shall

entitle the student to complete the course in which he is enrolled without payment of any further enrollment fee. If the student withdraws from the course for which the fee was paid and later enrolls in the same or a different course, whether in the same or a different school, or if he transfers from the course for which the fee was paid to a different course, whether in the same or a different school, he shall pay a new enrollment fee for such course in the same manner as required by this section for the original fee and the board shall issue to him a registration card for the new course. If within 20 days after a student has enrolled in a particular course the school has not received a copy of a registration card issued to him for such course in accordance with the provisions of this section, it shall require him to discontinue training and shall not permit him to resume training until it has received from the board a copy of a card so issued.

This section shall not apply to a person who is an inmate of a correctional institution while such person is confined therein.

SEC. 2. Section 7446 is added to said code, to read:

7446. The enrollment fee prescribed by Section 7396.8 shall be set by the board annually at not more than five dollars ($5) nor less than two dollars ($2). Same Amount

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CHAPTER 2045

An act to add Chapter 1.4 (commencing with Section 143) to Division 1 of the Welfare and Institutions Code, relating to the Welfare Study Commission, and making an appropriation therefor.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.4 (commencing with Section 143) is added to Division 1 of the Welfare and Institutions Code, to read:

CHAPTER 1.4. WELFARE STUDY COMMISSION

143. There is in the State Government, to advise the Governor and the Legislature on the State's welfare programs and to suggest changes to improve the State's welfare laws, the Welfare Study Commission. The commission shall be composed of the Director of Social Welfare, the Chairman of the State Social Welfare Board, and 17 members appointed by the Governor. The members appointed by the Governor shall consist of three directors of a county welfare department, a county probation officer, four county supervisors, three county Welfare Study Commission

administrative officers, a superior court judge, a district attorney, and four persons representing the general public.

In addition, the Director of Public Health, the Director of Mental Hygiene and the Director of Employment shall serve as ex officio members of the commission, but shall not have the right to vote with respect to any action taken by the commission.

Members of Legislature

143.1. Two Members of the Senate, appointed by the Senate Committee on Rules, and two Members of the Assembly, appointed by the Speaker, shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as members of the Legislature. The members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power. For the purposes of this chapter, such members of the Legislature shall constitute a joint interim legislative committee on the subject of this chapter and shall have the powers and duties imposed on such committees by the Joint Rules of the Senate and Assembly.

Delegations

143.2. No administrative authority or responsibility shall be delegated to the commission other than that necessary to plan and execute a thorough inquiry into all aspects of public welfare.

Chairman· Term of appointment

143.3. The Governor shall designate the chairman of the commission. Members of the commission appointed by the Governor shall serve at the pleasure of the Governor, as shall the Director of Social Welfare and the Chairman of the State Social Welfare Board.

Compensation

143.4. The members of the commission shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this chapter.

Powers of Chairman

143.5. The chairman of the commission shall have the powers conferred upon heads of state departments by Section 11181 of the Government Code.

Committees

143.6. The commission may establish such technical advisory committees and subcommittees as are deemed necessary to the functioning of the commission in carrying out the provisions of this chapter.

Employees

143.7. The commission may employ and fix the compensation, in accordance with law, of an executive secretary and such other clerical and technical assistants as may be necessary.

Contracts with research firms

143.8. The actual conduct of social studies and initial evaluation of the administration of existing public welfare programs may be handled in whole or in part pursuant to contract executed with a nationally recognized research or administrative study firm or firms.

Matters to be studied

143.9. The commission shall study and make recommendations on the following:

(a) The whole field of public welfare laws in this State, including the administration of those laws.

(b) The economic and social effects of the existing programs.

(c) The basic policy for public assistance programs and their relation to federal welfare and social insurance benefit programs.

(d) The areas where the policies of existing programs are deficient or inconsistent with the public purpose to be served.

(e) The nature and scope of services which are an appropriate part of a comprehensive and integrated public welfare program.

(f) The administrative organization, methods of administration and governmental cost sharing, and research and control procedures which will be most effective in conserving human resources and public funds.

(g) Statutory revisions necessary to carry out the recommendations of the commission and to simplify and integrate the public welfare laws.

Interim, final reports

143.10. The commission shall make an interim report to the Governor and to the Legislature not later than March 1, 1962 and shall make a final report to the Governor and to the Legislature by January 1, 1963. The commission shall cease to exist upon adjournment of the 1963 Regular Session of the Legislature.

Appropriation

SEC. 2. There is appropriated out of the General Fund to the Welfare Study Commission, created by Chapter 1.4 (commencing with Section 143) of Division 1 of the Welfare and Institutions Code, the sum of fifty thousand dollars ($50,000) to be used in carrying out the functions of the commission.

CHAPTER 2046

An act to amend Section 12040 of the Government Code, relating to membership on the Governor's Council.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

In effect September 15 1961

The people of the State of California do enact as follows:

SECTION 1. Section 12040 of the Government Code is amended to read:

12040. There is in the State Government the Governor's Council. It consists of the following:

(1) Director of Agriculture
(2) Director of Alcoholic Beverage Control
(3) Director of Corrections
(4) Director of the Disaster Office
(5) Director of Education
(6) Director of Employment
(7) Director of Finance
(8) Director of Fish and Game
(9) Director of Industrial Relations
(10) Director of Mental Hygiene

(11) Director of Motor Vehicles
(12) Director of Conservation
(13) Director of Parks and Recreation
(14) Director of Professional and Vocational Standards
(15) Director of Public Health
(16) Director of Public Works
(17) Director of Social Welfare
(18) Director of Veterans Affairs
(19) Director of Water Resources
(20) Director of the Youth Authority
(21) Adjutant General
(22) Commissioner of the California Highway Patrol
(23) State Fire Marshal
(24) Director of Investment

CHAPTER 2047

An act to amend Section 10273 of, and to add Sections 10273.3 and 10273.5 to, the Insurance Code, relating to disability insurance policies.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 10273 of the Insurance Code is amended to read:

"Noncancelable policy" "Noncancelable and guaranteed renewable policy"

10273. The term "noncancelable policy" or "noncancelable and guaranteed renewable policy" as used in this chapter means a policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums in the amount originally set forth in the policy (a) until at least age 50, or (b) in the case of a policy issued after age 44, for at least five years from its date of issue, during which period the insurer has no right to make unilaterally any change in any provision of the policy while the policy is in force. Such a policy may use any of the provisions in Section 10291.6, 10350.2, 10350.4 or 10369.7, which may be used in noncancelable policies.

SEC. 2. Section 10273.3 is added to said code, to read:

"Guaranteed renewable policy"

10273.3. The term "guaranteed renewable policy" as used in this chapter (commencing with Section 10270) means a policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (a) until at least age 50, or (b) in the case of a policy issued after age 44, for at least five years from its date of issue during which period the insurer has no right to make unilaterally any change in any provision of the policy while the policy is in force, except that the insurer may, in accordance with the provisions of the policy, make changes in premium rates as to all

insureds who were placed in the same class for purposes of rate determination in the process of issuance of the policy or making it guaranteed renewable. Such a policy may use any of the provisions in Section 10291.6, 10350.2, 10350.4 or 10369.7, which may be used in noncancelable policies.

SEC. 3. Section 10273.5 is added to said code, to read:

10273.5. No person shall cause or permit to be issued, circulated or used any representation that a policy defined in Section 10273.3 is "non-can," noncancelable (not cancelable) or noncancelable and guaranteed renewable. Issuance, etc., prohibited

No person shall cause or permit to be issued, circulated or used any representation concerning the right to continue a policy such as is defined in Section 10273.3 unless such representation contains a declaration of the terms under which the insurer has reserved the right to change the premium in a manner which shall not minimize or obscure the same.

Any person knowingly violating any provision of this section shall be subject to the penalties provided for misrepresentation by this code. Penalty

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CHAPTER 2048

An act to amend the heading of Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of, to amend Sections 11370, 11372 and 11502 of, to add Sections 11370.1, 11370.2, 11370.3, 11370.4 and 11370.5 to, and to add a new chapter heading immediately preceding Section 11371 of, the Government Code, and to repeal Sections 110.5, 110.6 and 110.7 of the Business and Professions Code, relating to administrative procedure.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code is amended to read:

CHAPTER 4. OFFICE OF ADMINISTRATIVE PROCEDURE

SEC. 2. Section 11370 of said code is amended to read:

11370. Chapter 4, Chapter 4.5, and Chapter 5 of this part of the Government Code constitute, and may be cited as, the Administrative Procedure Act. Short title

SEC. 3. Section 11370.1 is added to said code, to read:

11370.1. As used in the Administrative Procedure Act "presiding officer" means the executive officer of the Office of Administrative Procedure. "Presiding officer"

SEC. 4. Section 11370.2 is added to said code, to read:

Office of Administrative Procedure

11370.2. (a) There is in the Department of Finance the Office of Administrative Procedure which is under the direction and control of an executive officer who shall be known as the presiding officer.

Presiding officer Qualifications

(b) The presiding officer shall have the same qualifications as hearing officers, and shall be appointed by the Governor subject to the confirmation of the Senate.

SEC. 5. Section 11370.3 is added to said code, to read:

Hearing officers, other employees

11370.3. The presiding officer shall appoint and maintain a staff of hearing officers qualified under Section 11502 of this code which is sufficient to fill the needs of the various state agencies. The presiding officer shall also appoint shorthand reporters and such other technical and clerical personnel as may be required to perform the duties of the office. The presiding officer shall assign a hearing officer for any proceeding arising under Chapter 5 of the Administrative Procedure Act and upon request from any agency may assign a hearing officer to conduct other administrative proceedings not arising under said chapter and shall assign hearing reporters as required. Any hearing officer or other employee so assigned shall be deemed an employee of the office and not of the agency to which he is assigned. When not engaged in hearing cases, hearing officers may be assigned by the presiding officer to perform other duties vested in or required of the office including those provided for in Section 11370.5.

SEC. 6. Section 11370.4 is added to said code, to read:

Apportionment of costs

11370.4. The total cost to the State of maintaining and operating the Office of Administrative Procedure shall be apportioned equitably among the agencies for which services are provided by the office. The costs of maintaining and operating the office, excluding the costs expended and charged pursuant to Section 11413 of this code, shall be determined and charged in the same manner as administrative costs under Article 2 (commencing at Section 11270) of Chapter 3 of Part 1 of Division 3 of Title 2 of this code, except that the amounts determined and charged pursuant to this section shall be determined and charged annually in advance and shall be credited to the appropriation for the support of the Office of Administrative Procedure. Such amounts shall include services for agencies supported in whole or in part from the General Fund.

SEC. 7. Section 11370.5 is added to said code, to read:

Studies

11370.5 The office is authorized and directed to study the subject of administrative law and procedure in all its aspects; to submit its suggestions to the various agencies in the interests of fairness, uniformity and the expedition of business; and to report its recommendations to the Governor and Legislature at the commencement of each general session. All departments, agencies, officers and employees of the State shall give the office ready access to their records and full information and reasonable assistance in any matter of research requiring recourse to them or to data within their knowledge or control.

SEC. 8. The following chapter heading is added to said code, immediately to precede Section 11371, to read:

CHAPTER 4.5. RULES AND REGULATIONS

SEC. 9. Section 11372 of said code is amended to read:

"Department" 11372. "Department" as used in this chapter means the Office of Administrative Procedure.

SEC. 10. Section 11502 of said code is amended to read:

Conduct of hearings 11502. All hearings of state agencies required to be conducted under this chapter shall be conducted by hearing officers on the staff of the Office of Administrative Procedure. The presiding officer of the Office of Administrative Procedure has power to appoint a staff of hearing officers for the office as provided in Section 11370.3 of the Government Code. Each hearing officer shall have been admitted to practice law in this State for at least five years immediately preceding his appointment and shall possess any additional qualifications established by the State Personnel Board for the particular class of position involved.

Repeal SEC. 11. Section 110.5 of the Business and Professions Code is repealed.

Repeal SEC. 12. Section 110.6 of said code is repealed.

Repeal SEC. 13. Section 110.7 of said code is repealed.

Legislative intent SEC. 14. It is the intent of the Legislature in enacting this act to abolish the Division of Administrative Procedure of the Department of Professional and Vocational Standards.

Hearing officers SEC. 15. All full-time hearing officers in other state agencies acting under the Administrative Procedure Act on the effective date of this act whose duties are required by this act to be performed by hearing officers on the staff of the Office of Administrative Procedure shall, upon said effective date, become employees of the Office of Administrative Procedure.

All persons, other than temporary employees, serving in the civil service and engaged in the performance of a function transferred to the Office of Administrative Procedure or engaged in the administration of a law, the administration of which is transferred to said office, shall remain in the state civil service and are hereby transferred to the Office of Administrative Procedure on the effective date of this act. The status, positions, and rights of such persons shall not be affected by such transfer and shall continue to be retained by them pursuant to the State Civil Service Act.

Transfer of funds SEC. 16. All money available for expenditure for the performance of the duties transferred by this act and not heretofore expended by the agency from which such personnel are transferred shall not revert to the fund from which appropriated, but shall be transferred and retransferred by the Controller on order of the State Board of Control and shall be expended by the Office of Administrative Procedure.

Transfer of records, etc On the effective date of this act the Office of Administrative Procedure shall succeed to and be entitled to the immediate

possession and control of so much of the records, books, papers, equipment and other personal property of such other agencies from which personnel may be transferred as pertains to the transferred powers and duties.

This subdivision shall not require that persons not qualified as hearing officers or persons performing hearing officer functions on a part-time basis be transferred to the Office of Administrative Procedure as long as such hearing officer functions are discontinued by such employees.

CHAPTER 2049

An act to add Section 270 to the Revenue and Taxation Code, relating to exemptions from property taxation.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 270 is added to the Revenue and Taxation Code, to read:

270. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1960 on property owned by any nonprofit institution which was acquired by it during that calendar year after the lien date in that year but prior to the commencement of such fiscal year, and of a kind that presently qualifies for the welfare exemption and that would have so qualified for such fiscal year had it been owned by such institution on such lien date, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

CHAPTER 2050

An act to amend Sections 10270 and 10270.5 of the Insurance Code, relating to disability insurance.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 10270 of the Insurance Code is amended to read:

Application

10270. This chapter shall not affect workmen's compensation insurance nor any policy of liability insurance with or without supplementary coverage therein, nor shall it apply:

(a) To a blanket policy issued to a volunteer fire company providing benefits to members only in event of accident incurred while performing actions incident to such membership.

(b) To a blanket policy issued to a school district or districts or to the governing board of any school district or districts or to a private or parochial school or schools or to the governing board or person in charge of the operations of any private or parochial school or schools providing benefits to pupils or persons responsible for their support for death or dismemberment resulting from accident or for hospital, medical and surgical expenses resulting from accident to such pupils or those thereof who comprise any athletic team while they are in or on buildings or premises of the schools or districts during the time such pupils are required to be therein or thereon by reason of their attendance upon a college or a regular day school or any regular day school of a school district or districts or while being transported by the school or schools or district or districts to and from school or other place of instruction or while at any other place as an incident to school-sponsored activities and while being transported to, from and between such places.

(c) To a blanket policy issued to the proprietor or sponsor of an organized camping institution providing benefits to campers or persons responsible for their support for death or dismemberment resulting from accident or for hospital, medical, surgical or nursing expenses resulting from accident to such campers or arising out of sickness first manifesting itself while they are in or on buildings or premises of the camp institution or being transported between their home and the camp institution or while at any other place as an incident to camp-sponsored activities and while being transported to, from and between such places.

(d) To a blanket policy issued to a newspaper, farm paper, magazine, or other periodical publication providing benefits to independent contractors, such as newspaperboys, dealers, distributors, wholesalers, or other personnel, engaged in the sale, distribution, collecting for, or other activities pertaining to the marketing and delivery of such publications, including attendance at a coaching school, or participation as a member of a trip organized, supervised, and sponsored as a reward for meritorious service, or to parents, guardians, or other persons responsible for their support for loss resulting from accident or sickness.

When the premium for the insurance is paid by the person insured, he may, upon request, obtain from the insurer in certificate form a copy of the policy.

(e) To a policy issued on application of an employer, a majority of the employees in this State of an employer, or both, to pay the benefits afforded by a voluntary plan of unemployment compensation disability insurance. Notwithstanding the provisions of Section 10113, such policies may incorporate by reference any of the appropriate provisions of Part 2

of the Unemployment Insurance Code and the authorized regulations of the Director of Employment.

(f) To any policy or contract of reinsurance.

"Blanket policy"

A "blanket policy" is any disability policy sold to any of the entities described in subdivision (a), (b), (c) or (d) of this section and providing coverage for all persons within categories defined in the policy and precluding any requirement for individual enrollment or individual undertaking to pay all or part of the premium as a condition precedent to coverage; provided, that nothing in this section shall be so construed as to prohibit the cost of the insurance coverage being borne by the individuals insured or by their parents or guardians; and provided further, that coverage shall not be provided to any person who files with the entity to whom the blanket policy is to be issued for delivery to the insurer a written statement requesting that he not be covered. In the case of a minor, such statement may be filed by his parent or guardian. If the number of persons filing such statements exceeds ten percent (10%) of the number of persons within categories defined as covered under the policy, it shall not be put into effect, and if in effect shall not be renewed.

No policies described in subdivisions (a), (b), (c) or (d) hereof shall be issued until approved as to substance and form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the substance, form and issuance of such policies, as are necessary or desirable to preserve, insofar as applicable, standards as respects substance, form and issuance comparable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued.

No policies described in subdivision (e) hereof shall be issued until approved as to form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the form and issuance of such policies, as do not affect the substance of the coverage, and as are necessary or desirable to preserve, insofar as applicable, standards as respects form and issuance comparable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued.

Section 10130 does not apply to policies described in subdivision (e) hereof.

SEC. 2. Section 10270.5 of said code is amended to read:

Group disability insurance

10270.5. Group disability insurance is that form of disability insurance which conforms to all of the following conditions:

(a) Written under a master policy,

(1) Issued either to the federal or state government, or to any federal or state agency, political subdivision or district, or

to any public, governmental, or municipal corporation, or to any unit, agency or department thereof, or to any corporation, copartnership or individual employer, or to the trustee of any association of employers, offering insurance to all the employees of any such employer or of the employer members of such association or to all of any class or classes thereof determined by conditions pertaining to employment and covering not less than 10 such employees or such employees together with their dependents or spouses for amounts of insurance based upon some plan which will preclude individual selection by the employee as to the amount of his insurance coverage thereunder; or

(2) Issued to a principal eligible to have issued to him a policy of group life insurance under the provisions of Section 10203.7 and insuring not less than 10 agents as defined in that section and eligible thereunder to be insured, or such agents together with their dependents or spouses; or

(3) Issued to any association having a constitution and bylaws and formed and continuously maintained in good faith for purposes other than that of obtaining insurance, offering insurance to all the eligible members of such association and covering not less than 10 such members or such members together with their dependents or spouses and not less than 50 percent of all eligible members for amounts of insurance based upon some plan which will preclude individual selection by the member as to the amount of his insurance coverage thereunder. If the master policy is to be issued to cover members of labor unions, it may be issued to more than one such union; or

(4) Issued to any trustees eligible to have issued to them a policy of group life insurance under the provisions of Section 10202.8 and insuring not less than 10 employees or members eligible thereunder to be insured or such employees or members together with their dependents or spouses; or

(5) Issued to a school district or districts or to the governing board of any school district or districts or to a private or parochial school or schools or to the governing board or person in charge of the operation of any private or parochial school or schools, insuring not less than 50 pupils of the school or district and providing benefits to pupils or persons responsible for their support for death or dismemberment resulting from accident or for hospital, medical and surgical expenses resulting from accident to such pupils while they are in or on buildings or premises of the schools or districts during the time such pupils are required to be therein or thereon by reason of their attendance upon a college or a regular day school or any regular day school of a school district or districts or while being transported by the school or schools or district or districts to and from school or other place of instruction or while at any other place as an incident to school sponsored activities and while being transported to, from and between such places; and under which

(b) Transmission or collection of all premiums or premium contributions shall be performed by the policyholder, except where the policy specifies the persons other than the policyholder by whom such transmission or collection shall be made, and in one of the following situations:

(1) If such policy covers the employees of more than one employer, the insurer may collect premium contributions from individual employers whose employees are insured or may assist the policyholder in making such collections. If the employees of more than 100 such employers are covered under such policy, it shall state as a separate part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(2) If the policy covers a group of governmental employees and the governmental unit paying such employees will not transmit their premium contribution after payroll deduction, the insurer may collect from the individual employees. If more than 100 such employees are covered under such policy, it shall state as a separate part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(3) If individual members of the group make payment of their share of the premium contribution to the insurer without billing or solicitation by the insurer during a period of temporary absence from active work of not exceeding 90 days, such payment may be received without the necessity of any separately stated charge by the insurer.

(4) If the policy covers the members of an association, the insurer may collect premium contributions from individual members or may assist the policyholder in making such collections. If more than 100 such members are covered under such policy, it shall state as a part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(c) There is issued and delivered in accordance with the policy provision required by subsection (b) of Section 10270.6 an individual certificate setting forth the benefits and the exceptions under, and referring to, the master policy under which the certificate is issued.

Such certificates are not subject to the provisions of this chapter relating to the master policy, but the forms thereof shall be submitted to the commissioner for his approval and shall not be issued without such approval of such forms in the manner provided in the case of the master policy.

CHAPTER 2051

An act to add Sections 2266 and 2267 to the Vehicle Code, relating to the California Highway Patrol.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2266 is added to the Vehicle Code, to read:

Service

2266. In any civil action or proceeding in which the appearance of a member of the California Highway Patrol is required as a witness in connection with a matter relating to the performance of his powers or duties under this code, a subpoena requiring his attendance may be served by delivering a copy either to such member personally or to his immediate superior.

The attendance of a member of the California Highway Patrol pursuant to such a subpoena may be required before any court in the State, whether or not such court is located outside the county in which he resides, and whether or not it is more than 150 miles distant from his place of residence.

SEC. 2. Section 2267 is added to said code, to read:

Pay while witness

2267. Any member of the California Highway Patrol who is obliged by a subpoena to attend as a witness before any court in any civil action or proceeding as to a matter relating to the performance of his powers or duties under this code shall receive from the State the salary or other compensation to which he is normally entitled as a member of the patrol during the time that he travels to and from the place where the court is located and while he is required to remain at such place pursuant to the subpoena. He shall also receive, out of the Motor Vehicle Fund, the actual, necessary and reasonable traveling expenses incurred by him in complying with the subpoena.

The party at whose request the subpoena is issued shall reimburse the State for the amount of the salary or other compensation to which the member of the California Highway Patrol involved is normally entitled from the State during the time that he travels to and from the place where the court is located and while he is required to remain at such place pursuant to the subpoena; and, in addition, such party shall reimburse the State for the actual, necessary and reasonable traveling expenses incurred by the member of the California Highway Patrol in complying with the subpoena. An amount equal to the estimated amount of such salary or other compensation and expenses shall be deposited with the clerk of the court prior to the issuance of the subpoena. If the actual amount of such salary or other compensation and expenses should later prove to be more than the amount deposited, the party shall also deposit the difference with the clerk. If the

actual amount should later prove to be less than the amount deposited, the excess of the amount deposited shall be refunded. All amounts received by the clerk to which the State is entitled shall be remitted to the Department of the California Highway Patrol for deposit in the State Treasury to the credit of the Motor Vehicle Fund.

CHAPTER 2052

An act to amend Section 1608 of the Education Code, relating to acquisition of school sites.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1608 of the Education Code is amended to read:

1608. The governing board of a school district may acquire a site for a school building contiguous to the boundaries of the district and upon the acquisition of such site it shall become a part of the district. The site shall not be acquired until the county committee on school district organization of the county or of each of the counties concerned, augmented as provided in Section 3113, shall have received the proposal for acquisition of the site and reported its recommendations thereon to the governing boards of the districts concerned and to each county superintendent of schools concerned. The report of the county committee shall be made within 60 days from the time the proposal for acquisition of the site was submitted to it. No proceedings affecting school district boundaries, including annexation proceedings of any nature whatsoever, shall operate to exclude a school site from the school district owning the same if after such proceedings are complete the school site remains contiguous to the boundaries of the district. The school site remains contiguous for the purpose of this section although separated from the boundaries of the district by a road, street, stream, or other natural or artificial barrier or right-of-way. Notwithstanding such proceedings the site shall continue to be a part of the district owning or occupying the same, and the buildings and improvements thereon shall remain the property of such district.

CHAPTER 2053

An act to repeal Article 11 (commencing with Section 73730), Article 11.5 (commencing with Section 73750), Article 13.5 (commencing with Section 73840) and Article 17 (commencing with Section 73990) of Chapter 10, Title 8 of, and to add Article 17 (commencing with Section 74000) to Chapter 10, Title 8 of, the Government Code, relating to municipal courts.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Article 11 (commencing with Section 73730), Article 11.5 (commencing with Section 73750), Article 13.5 (commencing with Section 73840) and Article 17 (commencing with Section 73990) of Chapter 10, Title 8 of the Government Code are repealed. Repeal

SEC. 2. Article 17 (commencing with Section 74000) is added to Chapter 10, Title 8 of the Government Code, to read:

Article 17. Orange County

74000. This article applies to all of the municipal courts established in the County of Orange, which are in judicial districts entitled as follows: the Anaheim-Fullerton Judicial District, the Santa Ana-Orange Judicial District, the Huntington Beach-Seal Beach Judicial District, and the Newport Beach Judicial District. Application

74001. There shall be the following number of judges: in the Anaheim-Fullerton Municipal Court, four; in the Santa Ana-Orange Municipal Court, three; in the Huntington Beach-Seal Beach Municipal Court, two; and in the Newport Beach Municipal Court, two. Judges

74002. There shall be one clerk for each court who shall receive a monthly salary as provided by the following range numbers of Section 74005: for the Anaheim-Fullerton and the Santa Ana-Orange Municipal Courts, Range Number 46; for the Huntington Beach-Seal Beach and the Newport Beach Municipal Courts, Range Number 45. Clerks Salaries

74003. There shall be one marshal for each court who shall receive a monthly salary as follows: Marshal Salaries

For the Anaheim-Fullerton Municipal Court	$900
For the Santa Ana-Orange Municipal Court	850
For the Huntington Beach-Seal Beach Municipal Court	800
For the Newport Beach Municipal Court	800

74004. (a) The number of positions within each job classification which may be filled by appointment by the clerk and Appointments

the marshal, respectively, of each such court, and the number of the salary range set forth in Section 74005 which constitutes the compensation for each job classification, shall be as shown in the table below, in which the various municipal courts are designated by column headings from left to right in the same order as that in which their judicial districts are named in Section 74000:

Title of job classification	Applicable salary range number	Number of positions authorized in each court			
		A-F	SA-O	HB-SB	NB
Appointed by the clerk:					
Chief deputy clerk II	42	1	1	0	0
Chief deputy clerk I	41	0	0	1	1
Deputy Clerk V	39	3	4	0	0
Deputy clerk IV	38	6	5	5	5
Deputy clerk III	36	2	3	1	1
Deputy clerk II	33	7	7	4	4
Deputy clerk I	32	23	7	8	10
Appointed by the marshal:					
Lieutenant	44	1	0	0	0
Sergeant	42	2	2	1	1
Deputy marshal II	39	12	8	6	7
Deputy marshal I	38	5	3	2	2
Chief clerk II	39	1	1	0	0
Chief clerk I	38	0	0	1	1
Clerk III	35	2	1	1	1
Clerk II	33	5	4	3	2
Clerk I	32	1	2	1	1

Duties

(b) The duties to be performed by persons employed in the respective job classifications listed above shall include the following, plus such additional duties as may be assigned by the appointing authorities:

Those appointed by the clerk:

Chief deputy clerk II and I: assistant to the clerk.

Deputy clerk V: division head in the Anaheim-Fullerton and Santa Ana-Orange courts.

Deputy clerk IV: courtroom clerk; division head in the Huntington Beach-Seal Beach and Newport Beach courts; bookkeeper in the Anaheim-Fullerton court.

Deputy clerk III: bookkeeper in the Newport Beach, Santa Ana-Orange and Huntington Beach-Seal Beach courts; assistant division head in the Santa Ana-Orange and Anaheim-Fullerton courts.

Deputy clerk II: cashier, stenographer, calendar clerk, minute clerk, section head and civil filing clerk.

Deputy clerk I: general clerical duties.

Those appointed by the marshal:

Lieutenant: assistant to the marshal.

Sergeant: supervision of deputy marshals.

Deputy marshal II: field deputy.

Deputy marshal I: bailiff.
Chief clerk II and I: supervision of all clerical work in marshal's office.
Clerk III: bookkeeper, supervision of civil and small claims.
Clerk II: civil and small claims.
Clerk I: general clerical duties.

74005. The schedule of monthly salary ranges referred to in Sections 74002 and 74004 is as follows: Salary schedule

Range Number	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
30	$288	$303	$319	$337	$355	$375	$395
31	303	319	337	355	375	395	417
32	319	337	355	375	395	417	440
33	337	355	375	395	417	440	464
34	355	375	395	417	440	464	489
35	375	395	417	440	464	489	516
36	395	417	440	464	489	516	545
37	417	440	464	489	516	545	575
38	440	464	489	516	545	575	608
39	464	489	516	545	575	608	641
40	489	516	545	575	608	641	677
41	516	545	575	608	641	677	715
42	545	575	608	641	677	715	755
43	575	608	641	677	715	755	797
44	608	641	677	715	755	797	842
45	641	677	715	755	797	842	889
46	677	715	755	797	842	889	940
47	715	755	797	842	889	940	992
48	755	797	842	889	940	992	1,048
49	797	842	889	940	992	1,048	1,107
50	842	889	940	992	1,048	1,107	1,170

(a) The initial hiring rate for each position shall be step 1 provided for such position by this section. If, however, it is difficult to secure qualified personnel at such rate or if a person of unusual qualifications is employed, the appointing authority, with the approval of a majority of the judges, or in the event of an equal division of the judges, of the judge senior in service, and of the board of supervisors, may employ such person at one of the higher salary steps provided for the position.

(b) Administration of the salary plan provided by this article (commencing with Section 74000), including the determination of the anniversary dates for entitlement to salary increments, increases within range, salary on promotion, transfer or demotion, salary on position reclassification, and all other relevant matters, shall be in accordance with the provisions of the ordinances of the County of Orange relating to the administration of the county salary plan for county employees generally, except that the allocation of job classifications to

step 6 and to step 7 of any of the monthly salary ranges set forth in Section 74005 shall be only upon specific approval by the board of supervisors and Section 72001 shall not be applicable to the positions authorized by this article.

(c) The officers and attachés of the municipal court shall be entitled to the same vacation, leaves of absence, compensation during absence from duty for injuries arising out of and in the course of employment, and other similar benefits and privileges as are now or may hereafter be granted to employees of the County of Orange by the ordinances of the county.

(d) Notwithstanding any other provisions of law, the salary of municipal court employees may, upon approval of the board of supervisors, be increased or decreased within the limits set forth in this section in order to provide compensation that is comparable to county employees of similar qualifications and experience, holding equal or comparable positions in the Orange County classified service as the comparability is determined by the board of supervisors.

Incumbent attaches and employees

74006. Upon the effective date of this article, the incumbent attachés and employees shall each succeed to and be assigned to the positions provided by this article (commencing with Section 74000), the duties of which are comparable to the positions formerly held by such attachés and employees. The appointing authority, with the approval of the majority of the judges in each court, or in the event there is an equal division of judges in any court, with the approval of the judge senior in service therein, shall determine the position to which each incumbent attaché or employee shall be assigned.

Each of the incumbent officers, attachés, and employees shall retain the same salary step, in the salary range made applicable to his position by this article, as he occupied under the superseded salary range or position.

CHAPTER 2054

An act to add Section 1203.45 to the Penal Code, relating to criminal convictions.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203.45 is added to the Penal Code, to read:

1203.45. In any case in which a person was under the age of 21 years at the time of commission of a misdemeanor, and such person is eligible for, or has previously received, the relief provided by Section 1203.4, such person, in a proceeding under Section 1203.4, or a separate proceeding, may petition the court for an order sealing the record of conviction and

other official records in the case, including records of arrests resulting in the criminal proceeding, and including records relating to other offenses charged in the accusatory pleading, whether defendant was acquitted or charges were dismissed. If the court finds that such person was under the age of 21 at the time of conviction, and is eligible for relief under Section 1203.4 or has previously received such relief, it may issue its order granting the relief prayed for. Thereafter such conviction, arrest, or other proceeding shall be deemed not to have occurred, and the petitioner may answer accordingly any question relating to their occurrence.

This section applies to convictions which occurred before, as well as those which occur after, the effective date of this section. This section shall not apply to offenses for which registration is required under Section 290 of this code or to violations of Division 10 (commencing with Section 11000) of the Health and Safety Code, nor does it apply to a person convicted of more than one offense.

CHAPTER 2055

An act to amend Section 31231 of the Education Code, relating to the state competitive scholarship program.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 31231 of the Education Code is amended to read:

31231. Scholarships shall be awarded to graduates of California high schools. There shall be 100 awards for the fiscal year 1960-61, 100 additional awards for the fiscal year 1961-62, 100 additional awards for the fiscal year 1962-63, and 100 additional awards for the fiscal year 1963-64. For each fiscal year thereafter the state agricultural scholarship program shall consist of 400 awards. The administration of scholarships for the study of the science of agriculture shall be under the jurisdiction of the State Scholarship Commission. No person shall be awarded a scholarship unless:

(a) He is a resident of California.

(b) He has not attained his 24th birthday. This age limitation does not apply in the case of renewed scholarship awards

(c) His course of study in high school shall have been directed toward preparation for work at the college level in the science of agriculture, or he is enrolled as an agricultural major at a junior college or a four-year college.

(d) He has demonstrated his financial need for such scholarship. The financial status of his parents shall be taken into consideration in determining his financial need.

(e) He has demonstrated high moral character, good citizenship, and dedication to American ideals.

(f) He has applied for a state agricultural scholarship and has, by competitive examination, been determined to be eligible for such scholarship.

(g) He has complied with all of the rules and regulations adopted by the State Scholarship Commission for the award, regulation, and administration of scholarships adopted pursuant to this chapter.

(h) He is a citizen of the United States or, if he is under 21 years of age and is not a citizen of the United States either he or his parent or parents were admitted to the United States on a permanent resident visa.

CHAPTER 2056

An act relating to the State Park System and making an appropriation for the acquisition of additional beach and park lands.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. The sum of fifty-seven thousand one hundred eleven dollars ($57,111) is appropriated to the Division of Beaches and Parks, Department of Natural Resources, from the State Beach and Park Fund for the acquisition of additional beach or park lands in the City of Los Angeles pursuant to plans as mutually agreed upon by the Director of Natural Resources and the Board of Recreation and Park Commissioners of the City of Los Angeles.

SEC. 2. The appropriation herein shall be available when and after the Director of Natural Resources has certified to the State Controller that there has been paid into the State Beach and Park Fund a like sum in settlement of certain cases on file in the Superior Court of the State of California, in and for the County of Los Angeles, involving the acquisition of certain easements and rights by the City of Los Angeles in and to property now included in the state park system.

SEC. 3. When funds are appropriated from the Small Craft Harbor Revolving Fund for such purpose, the Division of Small Craft Harbors shall make a loan to the Division of Beaches and Parks, in the same manner, and subject to the same conditions as loans to local agencies pursuant to Chapter 2 (commencing with Section 5821) of Division 5.7 of the Public Resources Code, for the purpose of purchasing water for the filling and replenishment of water in Lake Elsinore and for the development of necessary facilities for the use and operation of the recreational area at Lake Elsinore State Park.

The Division of Beaches and Parks may accept such loan and may expend the money received for such purpose, and the Director of Natural Resources shall establish such fees, rentals and other returns for use of Lake Elsinore State Park as may be necessary to provide sufficient revenue to repay the loan and maintain an adequate water level in the lake.

The water level of Lake Elsinore shall not be artificially increased above 1,234.8 feet above sea level.

CHAPTER 2057

An act to amend Sections 73076, 73084.1, 73084.2, 73084.3, 73084.4, 73084.5, 73085.1, 73085.2, 73085.3, 73085.4, 73085.5, 73085.6, 73086, 73087, 73088, 73089, 73090, and 73090.1 of, and to repeal Section 73095 of, the Government Code, relating to the Alameda County Municipal Courts.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 73076 of the Government Code is amended to read:

73076. The following salary schedule shall apply to all persons employed by municipal courts in Alameda County: Salary schedule

Salary Schedule

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
27	325	341	358	376	395
28	341	358	376	395	415
29	358	376	395	415	436
30	376	395	415	436	458
31	395	415	436	458	481
32	415	436	458	481	505
33	436	458	481	505	530
34	458	481	505	530	556
35	481	505	530	556	584
36	505	530	556	584	613
37	530	556	584	613	644
38	556	584	613	644	676
39	584	613	644	676	710
40	613	644	676	710	745
41	644	676	710	745	782
42	676	710	745	782	821
43	710	745	782	821	862
44	745	782	821	862	905
45	782	821	862	905	950
46	821	862	905	950	998
47	862	905	950	998	1,048
48	905	950	998	1,048	1,100
49	950	998	1,048	1,100	1,155
50	998	1,048	1,100	1,155	1,213

SEC. 2. Section 73084.1 of said code is amended to read:

Clerk Salary

73084.1. The clerk of the municipal court for the Oakland Piedmont Judicial District shall receive a monthly salary at the rate specified in schedule number 47 of the salary schedule.

SEC. 3. Section 73084.2 of said code is amended to read:

Same

73084.2. The clerk of the municipal court for the Alameda Judicial District shall receive a monthly salary at the rate specified in schedule number 40 of the salary schedule.

SEC. 4. Section 73084.3 of said code is amended to read:

Same

73084.3. The clerk of the municipal court for the Berkeley-Albany Judicial District shall receive a monthly salary at the rate specified in schedule number 43 of the salary schedule.

SEC. 5. Section 73084.4 of said code is amended to read:

Same

73084.4. The clerk of the municipal court for the San Leandro-Hayward Judicial District shall receive a monthly salary at the rate specified in schedule number 43 of the salary schedule.

SEC. 6. Section 73084.5 of said code is amended to read:

Same

73084.5. The clerk of the municipal court for the Fremont-Newark-Union City Judicial District shall receive a monthly salary at the rate specified by schedule number 40 of the salary schedule, but shall not receive increments based on length of service in any superseded court.

SEC. 7. Section 73085.1 of said code is amended to read:

Deputies' Salary

73085.1. Deputy clerks, division chiefs, shall receive a monthly salary at the rate specified in schedule number 41 of the salary schedule.

SEC. 8. Section 73085.2 of said code is amended to read:

Same

73085.2. Deputy clerks, chief deputies, shall receive a monthly salary at the rate specified in schedule number 38 of the salary schedule.

SEC. 9. Section 73085.3 of said code is amended to read:

Same

73085.3. Deputy clerks grade IV shall receive a monthly salary at the rate specified in schedule number 36 of the salary schedule.

SEC. 10. Section 73085.4 of said code is amended to read:

Same

73085.4. Deputy clerks grade III shall receive a monthly salary at the rate specified in schedule number 34 of the salary schedule.

SEC. 11. Section 73085.5 of said code is amended to read:

Same

73085.5. Deputy clerks grade II shall receive a monthly salary at the rate specified in schedule number 30 of the salary schedule, except as otherwise provided in Section 73089.

SEC. 12. Section 73085.6 of said code is amended to read:

Same

73085.6. Deputy clerks grade I shall receive a monthly salary at the rate specified in schedule number 27 of the salary schedule.

SEC. 13. Section 73086 of said code is amended to read:

Payment of higher compensation

73086. Notwithstanding any other provision of this article, until 90 days after the adjournment of the next regular session of the Legislature, whenever a higher compensation is provided for positions in the class of clerk II in the Alameda County

classified service, each person holding a position in the classes of deputy clerk I and deputy clerk II specified in this article shall receive correspondingly higher compensation up to but not exceeding two steps on the pay schedule provided in Section 73076, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of superior court clerk II in the Alameda County classified service, each person holding a position in the classes of deputy clerk III, deputy clerk IV, chief deputy clerk, division chief and clerk specified in this article shall receive correspondingly higher compensation up to but not exceeding two steps on the pay schedule provided in Section 73076, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County.

SEC. 14. Section 73087 of said code is amended to read:

Appointments

73087. The clerk of the municipal court for the Alameda Judicial District may appoint the following deputy clerks:

(a) One deputy clerk grade IV who shall act as chief deputy.

(b) Two deputy clerks grade III.

(c) Two deputy clerks grade II.

(d) Two deputy clerks grade I.

SEC. 15. Section 73088 of said code is amended to read:

Same

73088. The clerk of the municipal court for the Berkeley-Albany Judicial District may appoint the following deputy clerks:

(a) One chief deputy clerk.

(b) Three deputy clerks grade IV.

(c) Five deputy clerks grade III.

(d) Four deputy clerks grade II.

(e) Two deputy clerks grade I.

SEC. 16. Section 73089 of said code is amended to read:

Same

73089. The clerk of the municipal court for the Oakland-Piedmont Judicial District may appoint the following deputy clerks:

(a) Four deputy clerks, division chiefs, who shall be in charge of the civil division, criminal division, traffic division and accounting division.

(b) Fifteen deputy clerks grade IV.

(c) Twelve deputy clerks grade III.

(d) Twenty-nine deputy clerks grade II; provided, that not to exceed nine (9) such deputy clerks may be assigned to perform duties as bail office tellers at the additional compensation of one increment.

(e) Eleven deputy clerks grade I.

SEC. 17. Section 73090 of said code is amended to read:

Same

73090. The clerk of the municipal court for the San Leandro-Hayward Judicial District may appoint the following deputy clerks:

(a) One chief deputy clerk.

(b) Four deputy clerks grade IV.

(c) Three deputy clerks grade III.
(d) Ten deputy clerks grade II.

Same

SEC. 18. Section 73090.1 of said code is amended to read:

73090.1. The clerk of the municipal court for the Fremont-Newark-Union City Judicial District may appoint the following deputy clerks:
(a) Two deputy clerks grade III.
(b) Three deputy clerks grade II.
(c) One deputy clerk grade I.

Repeal

SEC. 19. Section 73095 of said code is repealed.

CHAPTER 2058

An act to add Section 10276 to the Insurance Code, relating to prepaid health plans.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 10276 is added to the Insurance Code, to read:

10276. Every individual accident and health policy or contract, except single premium nonrenewable policies or contracts, issued for delivery in this State on or after July 1, 1962, by an insurance company, nonprofit hospital service plan or medical service corporation, shall have printed thereon or attached thereto a notice stating in substance that the person to whom the policy or contract is issued shall be permitted to return the policy or contract within ten (10) days of its delivery to the purchaser and to have the premium paid refunded if, after examination of the policy or contract, the purchaser is not satisfied with it for any reason. If a policyholder or purchaser pursuant to such notice, returns the policy or contract to the company or association at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy or contract had been issued.

CHAPTER 2059

An act to amend Section 72602 of the Government Code, relating to municipal courts of Los Angeles County.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	2
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	3
Inglewood Municipal Court District	2
South Bay Municipal Court District	3
Compton Municipal Court District	3
Downey Municipal Court District	2
Los Angeles Municipal Court District	49
Santa Anita Municipal Court District	1
Alhambra Municipal Court District	2
Los Cerritos Municipal Court District	2
Long Beach Municipal Court District	5
Beverly Hills Municipal Court District	2
Santa Monica Municipal Court District	2
Burbank Municipal Court District	2
Glendale Municipal Court District	2
Pasadena Municipal Court District	3
El Monte Municipal Court District	2
Pomona Municipal Court District	2
South Gate Municipal Court District	1
Citrus Judicial District	3
Antelope Municipal Court District	1
Culver Municipal Court District	1

CHAPTER 2060

An act to amend Section 11535 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale or lease, whether immediate or future, by any subdivider into five or more parcels within any one-year period; provided, that this chapter shall not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) "Subdivision" does not include either of the following:

(1) Any parcel or parcels of land in which all of the following conditions are present: (i) the whole parcel before division contains less than five acres, (ii) each parcel created by the division abuts upon a public street or highway, (iii) no street opening or widening, drainage facilities, or other improvements have been required by official action of the governing body, and (iv) the lot design meets the approval of the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a net area of 20 acres or more, to be sold or leased for commercial agricultural purposes each of which abuts upon an improved public street or highway and the lot design meets the approval of the governing body.

(c) In either case provided in subsection (b) of this section, a tentative map shall be submitted to the governing body in the same manner as is provided in this chapter for subdivisions and approved by the governing body as to all requirements of this section and thereafter a record of survey map in accordance with the approved tentative map shall be filed pursuant to the provisions of Chapter 15 (commencing with Section 8700), Division 3 of this code, and thereupon conveyances may be made of lots or parcels shown on such map by lot or block number, initial or such other designation as may be shown on such map.

(d) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(e) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

CHAPTER 2061

An act to amend Sections 69948 and 69949 of the Government Code, relating to reporters fees.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 69948 of the Government Code is amended to read:

Fees

69948. The fee for reporting testimony and proceedings in contested cases is thirty-five dollars ($35) a day.

SEC. 2. Section 69949 of said code is amended to read:

Same

69949. The fee for reporting each default or uncontested action or proceeding is seven and one-half dollars ($7.50). If more than four defaults or uncontested matters are reported in any one day, or two or more defaults are reported in conjunction with any contested case, the fee is thirty-five dollars ($35) a day.

CHAPTER 2062

An act to amend Sections 69942, 69953 and 70045.1 of, and to repeal Section 69943 of, the Government Code, relating to superior court reporters.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 69942 of the Government Code is amended to read:

69942. No person shall be appointed to the position of official reporter of any court unless there is satisfactory evidence of his good moral character, and unless he has been first examined as to his competency by at least three members of the bar practicing in the court and designated by the judge or judges of the court, or has first obtained a license to practice as a certified shorthand reporter from the Certified Shorthand Reporters Board. Qualifications

SEC. 2. Section 69943 of said code is repealed. Repeal

SEC. 3. Section 69953 of said code is amended to read:

69953. In civil cases the fees for reporting and for all other transcriptions ordered by the court to be made shall be paid by the parties in equal proportion; and either party at his option may pay the whole. In either case, all amounts so paid by the party to whom costs are awarded shall be taxed as costs in the case. The fees for transcripts and copies ordered by the parties shall be paid by the party ordering them. No reporter shall perform any service in a civil action other than transcriptions until his fee for it has been deposited with the clerk of the court or with the reporter. Fees

SEC. 4. Section 70045.1 of said code is amended to read:

70045.1. Notwithstanding the provisions of Section 70045 of this code, in any county having a population of 9,000 and not over 9,800, as determined by the 1960 federal census, each regular official court reporter shall receive an annual salary of three thousand six hundred dollars ($3,600) payable in monthly installments out of the salary fund of the county, for the reporting and taking notes in criminal cases in the superior court, and in preliminary examinations of those accused of crime before magistrates, and of proceedings before the grand jury and at coroner's inquests when requested by the coroner, and for other services such reporters shall receive the fees provided for in Article 9 (commencing at Section 69941), Chapter 5, Title 8 of this code, such fees in civil cases to be paid by the litigants as provided by law. Salary

Reporters pro tempore shall be paid a per diem of twenty-five dollars ($25) as provided in Section 69948 of this code and other fees set forth in Article 9 (commencing at Section 69941), Chapter 5, Title 8 of this code, and shall receive from the county their necessary traveling and other expenses when Reporters pro tempore

necessarily called from other counties, but a reporter pro tempore shall be paid a per diem or expenses by the county only when the regular official court reporters are occupied in the superior court, or at preliminary examinations, grand jury hearings or coroner's inquests.

The board of supervisors of such a county may provide the court reporters with equipment for the performance of their duties.

CHAPTER 2063

An act to amend Section 13443 of, and to add Section 13443.5 to, the Education Code, relating to employment in the public schools.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 13443 of the Education Code is amended to read:

Discharge of probationary employees: Notice

13443. (a) On or before the 15th day of May in any year the governing board may give notice in writing to a probationary employee that his services will not be required for the ensuing year.

The notice shall be deemed sufficient and complete when delivered in person to the employee by the clerk or secretary of the governing board of the school district or deposited in the United States registered mail with postage prepaid, addressed to the employee at his last known place of address.

Written statement of reasons

(b) Upon the request of such employee, the governing board shall give such employee a written statement of the reasons for the dismissal. The determination of the board as to the sufficiency of the reasons for dismissal shall be conclusive but the cause shall relate solely to the welfare of the schools and the pupils thereof. No right of judicial review shall exist for such employee on the question of the sufficiency of the reasons for dismissal.

SEC. 2. Section 13443.5 is added to said code, to read:

Transmittal of statement of reasons

13443.5. Whenever the governing board of any school district dismisses an employee pursuant to Section 13442 or gives notice to an employee that his services will not be required for the ensuing year pursuant to Section 13443, the governing board shall on or before September 1 of the next succeeding school year transmit to the State Department of Education a statement of the reasons for such dismissal or failure to rehire. The statement of reasons should be a true and exact copy of the statement of cause for dismissal or reasons for dismissal given the employee under Section 13442 or 13443 if such a statement is given, and the governing board shall so certify.

The statement so transmitted to the State Department of Education shall be treated as confidential matter by the department. Such statements shall be referred to only to the extent necessary for accomplishment of the objectives of this section and shall be for all purposes the confidential property of the Bureau of Educational Research.

The department shall prepare and maintain, from the statements so transmitted, a descriptive and statistical analysis, by category of causes or reasons of dismissal or failure to rehire, and shall report thereon to the Legislature each general session of the Legislature, commencing with the 1963 General Session. Analysis

CHAPTER 2064

An act to amend Section 12950 of the Corporations Code, relating to corporations.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 12950 of the Corporations Code is amended to read:

12950. Except as otherwise expressly provided in this chapter, no person, firm, individual, partnership, trust, domestic corporation, foreign corporation, or association shall adopt or use the word "co-operative" or any abbreviation or derivation thereof, or any word similar thereto, as part of the name or designation under which he does business in this State, nor conduct business or represent that business is conducted co-operatively, unless incorporated as provided in this part or as a nonprofit co-operative association under Chapter 4 of Division 6 of the Agricultural Code or under some other law of this State entitling him so to do; provided, however, that the foregoing prohibition shall be inapplicable to any housing co-operative, the financing of which is insured or guaranteed by the United States of America, one of its instrumentalities, or agencies, and which is certified by the Commissioner of the Federal Housing Administration as a consumer co-operative.

CHAPTER 2065

An act to add Article 8.5 (commencing with Section 8871) to Chapter 6 of Division 7, of the Education Code, relating to educational television.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Article 8.5 (commencing with Section 8871) is added to Chapter 6 of Division 7 of the Education Code, to read:

Article 8 5. Television Advisory Committee

Television Advisory Committee Members

8871. There is hereby created within the Department of Finance the Television Advisory Committee. The committee shall be composed of the Director of Finance or his designated representative, and four members appointed by the Governor as follows:

(a) One representative of the University of California, to be nominated by the board of regents.

(b) One representative of the Trustees of the California State Colleges, to be nominated by the trustees.

(c) One representative of the State Board of Education, to be nominated by the board.

(d) One member who shall represent the existing community educational television channels.

The committee shall elect one of its members as chairman.

Term of office, compensation

8872. The members of the committee shall serve at the pleasure of the Governor, and shall serve without compensation, but shall be entitled to their expenses actually and necessarily incurred by them in the performance of their duties.

The expenses of the representatives of the board of regents, Trustees of the California State Colleges, and the Board of Education shall be paid by the agency which they represent. The expenses of the other members shall be paid by the Department of Finance.

Function

8873. The committee shall provide advice and guidance to the Television Co-ordinator in carrying out his functions and duties.

Television Co-ordinator

8874. There is hereby created within the Department of Finance, the position of Television Co-ordinator, who shall be appointed by the Governor. The person so appointed shall have demonstrated experience in planning, promotion and administration in the field of television or related activities. The

Salary

salary of the co-ordinator shall be fixed by the Director of

Term of office

Finance in accordance with law. He shall serve at the pleasure of the Director of Finance.

Preparation of plan

8875. The Television Co-ordinator shall prepare a plan for television to serve the educational needs of the State. Such plan shall assure the most effective and economical utilization of human resources, public funds and channels of transmission.

Other duties

The co-ordinator shall also (1) serve as the official state agency for processing applications for federal funds which may become available for television for educational purposes, and for receiving and distributing such funds, (2) act in an advisory capacity in recommending to the appropriate federal agency or agencies the allocation of television channels which become available for educational purposes, (3) co-ordinate the activities of the various public and nonprofit agencies concerned with television for educational purposes, and (4) serve as a clearinghouse for information on television for educational purposes.

Nothing in this section shall require the Board of Regents of the University of California or any other agency to submit requests for federal funds through the co-ordinator if such funds are for a purpose other than a capital outlay for television purposes unless federal law requires that all the federal funds must go through a single state agency.

Program content

8876. The co-ordinator shall not have any jurisdiction over the matter of the educational content of television programs.

Review of license applications

8877. All applications for television transmission licenses submitted for or on behalf of any school district, state college, or the University of California shall be submitted to and be reviewed by the co-ordinator before being submitted to the Federal Communications Commission

Same

8878. All applications on behalf of any school district for television transmission licenses or federal funds for educational television purposes shall first be submitted to the Department of Education.

Operative date

SEC. 2 This act shall become operative only on the date when federal grants in aid for educational television first become available to public agencies in this State.

CHAPTER 2066

An act to amend Section 1481 of the Government Code, relating to bonds of public officers, employees and agents.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1481 of the Government Code is amended to read:

1481. When deemed expedient by the appointing power, a master official bond, or other form of master bond may be used which shall provide coverage on more than one officer, employee or agent who is required by the appointing power or the board of supervisors of a chartered or general law county to give bond. The board of supervisors of a chartered or general law county may authorize under this section such a bond to provide coverage on more than one officer, employee or agent of any special purpose assessing or taxing district whose principal office lies within a county and who is required by the board of supervisors or by the appointing power to give bond. A master bond under this section shall be in the form and for the term which is approved by the appointing power or the board of supervisors of a chartered or general law county and shall inure to the benefit of the appointing power, state, county, special purpose assessing or taxing district, or municipality by whom such officer, employee, or agent is em-

ployed as well as the officer under whom the employee or agent serves. In the case of the State of California the form and content of such bond shall be subject to the approval of the Director of Finance.

CHAPTER 2067

An act to amend Section 2016 of the Code of Civil Procedure, relating to depositions.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 2016 of the Code of Civil Procedure is amended to read:

2016. (a) Any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for the purpose of discovery or for use as evidence in the action or for both purposes. Such depositions may be taken in an action at any time after the service of the summons or in a special proceeding after the service of the petition or after the appearance of the defendant or respondent. After commencement of the action or proceedings, the deposition may be taken without leave of court, except that leave of court, granted with or without notice, and for good cause shown, must be obtained if the notice of the taking of the deposition is served by the plaintiff within 20 days after service of the summons or petition on, or appearance of, the defendant or respondent. The attendance of witnesses or the production of books, documents, or other things at depositions may be compelled by the use of subpoena as provided in Chapter 2 (commencing with Section 1985), Title 3, Part 4 of this code.

(b) Unless otherwise ordered by the court as provided by subdivision (b) or (d) of Section 2019 of this code, the deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the examining party, or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection that the testimony will be inadmissable at the trial if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence. All matters which are privileged against disclosure upon the trial under the law of this State are privileged against disclosure through any discovery procedure. This article shall not be construed to change the law of this State with respect

to the existence of any privilege, whether provided for by statute or judicial decision, nor shall it be construed to incorporate by reference any judicial decisions on privilege of any other jurisdiction.

(c) Examination and cross-examination of deponents may proceed as permitted at the trial under the provisions of this code.

(d) At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence, may be used against any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(2) The deposition of a party to the record of any civil action or proceeding or of a person for whose immediate benefit said action or proceeding is prosecuted or defended, or of anyone who at the time of taking the deposition was an officer, director, superintendent, member, agent, employee, or managing agent of any such party or person may be used by an adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the court finds: (i) that the witness is dead; or (ii) that the witness is at a greater distance than 150 miles from the place of trial or hearing, or is out of the State, unless it appears that the absence of the witness was procured by the party offering the deposition; or (iii) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (iv) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (v) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used.

(4) Subject to the requirements of this section, a party may offer in evidence all or any part of a deposition, and if such party introduces only part of such deposition, any party may introduce any other parts.

Substitution of parties does not affect the right to use depositions previously taken; and, when an action in any court of the United States or of any state has been dismissed and another action involving the same subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former action may be used in the latter as if originally taken therefor.

(e) Subject to the provisions of subdivision (c) of Section 2021 of this code, objection may be made at the trial or hearing to receiving in evidence any deposition or part thereof

for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(f) A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. Except where the deposition is used under the provisions of paragraph (2) of subdivision (d) of this section, the introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent, or for explaining or clarifying portions of the said deposition offered by an adverse party, makes the deponent the witness of the party introducing the deposition, as to the portions of the deposition introduced by said party. At the trial or hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by another party.

CHAPTER 2068

An act to add Part 4 (commencing with Section 19900) to Division 13 of the Health and Safety Code, relating to housing for the elderly.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Part 4 (commencing with Section 19900) is added to Division 13 of the Health and Safety Code, to read:

PART 4. HOUSING FOR THE ELDERLY

19900. Notwithstanding any other statutory provision, no city, city and county, county, or other political subdivision of this State, including, but not limited to a chartered city, city and county, or county, shall require more than one building permit for a low-rent housing development for the elderly financed in whole or in part with federal or state funds or by means of a loan insured in whole or in part by the federal or state government. The fee for the permit shall not exceed the amount obtained by multiplying twenty-five dollars ($25) by the number of one-story buildings contained in the development, provided that such buildings do not contain more than 10 dwelling units.

CHAPTER 2069

An act to add Division 11 (commencing with Section 13000) to the Public Resources Code, relating to the creation of resort improvement districts and prescribing their organization, powers, operations, management, financing, change of boundaries, and dissolution.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Division 11 (commencing with Section 13000) is added to the Public Resources Code, to read:

DIVISION 11. RESORT IMPROVEMENT DISTRICTS

CHAPTER 1. GENERAL PROVISIONS

Legislature purpose

13000. The Legislature hereby finds and declares that there exists throughout the State large unincorporated areas which are particularly suited to and used for recreation resort purposes, and which are held and used by residents of this State but which are inhabited only seasonally. The Legislature further finds and declares that these resort areas are not suited to full urban development without destroying the very nature of the areas; but the seasonal residents of these areas are, nevertheless, in need of extended governmental services; and that the extension of governmental services and the construction and financing of public improvements in these resort areas is complicated by the facts that: (a) many of the services are needed only seasonally, and (b) most of the landowners whose property is benefited by the public improvements, because they are technically nonresidents, are without voice in the direction or method of financing of the necessary services and improvements It is the intent of the Legislature in enacting this division to provide an alternative method for the furnishing of extended governmental services, including the construction and financing of public improvements, within recreation resort areas adequate to meet the needs of such areas; and to provide for the levy of taxes within such areas in an amount sufficient to pay for extended services provided, additional extended services to be provided, and for public improvements installed or constructed.

Short title

13001. This division shall be known and may be cited as the "Resort Improvement District Law."

Establishment of district

13002. A resort improvement district consisting of unincorporated territory in one county may be established pursuant to this division, provided that 80 percent or more of the assessed valuation of the land in the district as shown on

the last equalized county assessment roll is in nonresident ownership.

CHAPTER 2. DEFINITIONS

Definitions

13010. The terms defined in this chapter have the meaning set forth unless the context requires a different meaning.

"District"

13011. "District" means a district created pursuant to this division.

"District board"

13012. "District board" means the board of directors of the district.

"County"

13013. "County" means the county in which the district is located.

"Board of supervisors"

13014. "Board of supervisors" and "board" means the board of supervisors of the county.

"Charges"

13015. "Charges" includes fees, tolls, rates, and rentals.

"Land"

13016. "Land" means land in the district and does not include improvements or personal or utility property.

"Legal representative"

13017. "Legal representative" means an officer or other person or persons appointed to serve as such by the board of directors of a corporation owner.

"Owner"

13018. "Owner" means the owner of land as shown on the last equalized county assessment roll.

"Voter"

13019. "Voter" means an owner, or the officer appointed therefor by the board of directors of a corporation owner, or the legal representative of the owner, including one joint tenant or one tenant in common.

"Nonresident landowner"

13020. "Nonresident landowner" means a person or persons, association, corporation, or partnership owning land within the district but having his actual residence elsewhere.

Residence of corporations

13021. A corporation shall be considered a resident of the principal place of its business, but for the purposes of Section 13002 may declare itself a resident or nonresident by resolution of its board of directors filed with the county clerk of the county in which the district is proposed to be located or is located.

CHAPTER 3. GENERAL ADMINISTRATIVE PROVISIONS

Proceedings to establish district

13030. Proceedings for the establishment of a district shall be instituted and conducted, as nearly as may be practicable, in the same manner as is prescribed by Article 2 (commencing with Section 25210.10), Chapter 2.2, Part 2, Division 2, Title 3 of the Government Code for proceedings for the establishment of a county service area, except that the resolution of the board of supervisors establishing the district shall not become effective unless and until it has been submitted to the voters of the proposed district at a special election called and conducted by the board of supervisors and has been approved by a majority of the voters voting at such election. The elections shall be conducted insofar as not otherwise provided in this division as a special county election. The cost of the election shall be a proper charge against the county.

Governing body
13031. The board of supervisors is the governing body of the district, and, unless otherwise provided in this division, the provisions of the County Service Area Law, Chapter 2.2 (commencing with Section 25210.1) Part 2, Division 2, of Title 3 of the Government Code shall apply to the conduct of the business of the district.

Board of directors
13032. If deemed advisable by the board of supervisors a board of directors for the district may be formed.

Powers of board
13033. The board of directors of any district formed pursuant to this division shall have such powers as the board of supervisors may from time to time give to them. The board of supervisors may grant to the board of directors of the district any powers herein given to the board of supervisors.

Membership
13034. The district board shall consist of five members, four of which shall be elected from the district and the fifth which shall be the supervisor who represents the area in which the district or major portion thereof is located.

Qualifications of directors
13035. Exclusive of the supervisorial member, the directors shall be registered electors in the district or owners, or officers or legal representatives of owners.

Vacancies
13036. All vacancies in the office of director shall be filled by appointment by the board of supervisors.

Same
13037. An appointment to fill a vacancy in the office of director shall be for the unexpired term of the office in which the vacancy exists, and until the election or appointment of his successor.

Officers
13038. Once each year, the district board shall elect one of its members to serve as president and shall appoint a secretary.

Public sessions
13039. All sessions of the district board shall be public.

Meetings Procedures
13040 The district board by resolution, shall provide for the time and place of its meetings, the manner of calling special meetings and shall establish rules for its proceedings.

Chapter 4. Elections

General district election
13050. After the authorization of a district board by the board of supervisors, a general district election shall be held on the fourth Tuesday in March in every other year, commencing with the second year following the formation of the district board.

Special election
13051. A special election may be called by the board to be held at any time.

Polls open
13052. The hours during which the polls shall be opened at any general or special district election shall be as established by the board.

Notice of election
13053. Notices of elections shall be given as nearly as practicable in accordance with the general laws regarding notices of county election.

Nominations
13054. Nominations for the position of director shall be in writing, shall be signed by at least 5 percent of the voters of the district, or 50 voters of the district, whichever is the lesser. Nominations shall be filed with the county clerk, not more than

45 nor less than 25 days prior to the date on which the election is to be held.

Limit

13055. No voter shall sign more nominations than there are offices to be filled.

Lack of nominations

13056. If on the 24th day prior to a general district election only one person has been nominated for each of the positions to be filled at that election, or no person has been nominated for any such office, or offices, an election shall not be held.

Appointment of directors

13057. In such case the notice of election shall, instead of calling an election, state that no election is to be held but that the board of supervisors shall, at a meeting held prior to the date fixed for the election, appoint those nominated for the positions of directors, or if no person has been nominated, the board of supervisors shall appoint any qualified voter of the district to the position.

Voting power

13058. Each voter shall have one vote, except that, as an alternative procedure, the board of supervisors may provide by resolution that each voter shall have additional voting power in proportion to the assessed valuation of the land and improvements owned by him as shown on the last equalized county assessment roll, not to exceed one vote per five thousand dollars ($5,000) of assessed valuation.

Elections

13059. The candidates for directors receiving the highest number of votes shall be elected.

First board election

13060. In the first district board election the two candidates receiving the highest number of votes shall be elected for four years, the candidates which are elected receiving the third and fourth highest number of votes shall be elected for two years. After the first district board election the term of office of all district board members, except for the supervisorial member, shall be four years, or until the election or appointment and qualification of his successor.

Conduct of elections

13061. The board of supervisors shall conduct all district elections.

Vote required

13062. A majority of the votes cast shall be required to approve a proposition.

Applicable law

13063. Except as provided in this division, the election shall be conducted as nearly as practicable in accordance with the general laws regarding county elections.

CHAPTER 5. POWERS

Purposes of district

13070. The district may exercise one or more of the powers hereinafter granted for the following purposes:

(a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.

(b) The collection, treatment or disposal of sewage, waste and storm water of the district and its inhabitants.

(c) Protection against fire.

(d) Comprehensive planning for the physical growth of the area within the district.

(e) The collection or disposal of garbage or refuse matter.

(f) Public recreation by means of parks, including aquatic parks and recreational harbors, playgrounds, swimming pools or recreation buildings for all-year recreation, including, but not limited to facilities for public and private meetings, and other public squares and places.

(g) Street lighting.

(h) Mosquito abatement.

(i) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property.

(j) The opening, widening, extending, straightening, and surfacing, in whole or part of any street in such district, subject to the consent of the State Department of Public Works, with respect to state highways, and local authorities, as defined in Section 385 of the Vehicle Code, with respect to highways under their jurisdiction.

(k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the State Department of Public Works, with respect to state highways, and local authorities, as defined in Section 385 of the Vehicle Code, with respect to highways under their jurisdiction.

(*l*) The construction and maintenance of parking facilities, and other transportation facilities.

Additional purposes

13072. Whenever the board determines by resolution that it is feasible, economically sound, and in the public interest, for the district to exercise its powers for any of the purposes specified in Section 13070, and not specified in the resolution establishing the district, the board may call a special district election and submit to the voters of the district, or submit to them at the next general district election, the question of whether the district should adopt such additional purpose or purposes. If a majority of the votes cast at the election upon such proposition shall be in favor of the adoption of such additional purpose or purposes, then the powers of the district may be exercised therefor.

Bonded indebtedness

13073. Bonded indebtedness may be incurred within the district in the manner herein provided.

District services

13074. The board may compel all residents and property owners in the district to connect their houses, habitations and structures requiring sewage or drainage disposal service or a joint water system with the sewer and storm drains or water facilities of the district, and to use district garbage and refuse removal service and facilities.

CHAPTER 6. BONDS

Resolution to incur bonded indebtedness

13100. Whenever the board deems it necessary for the district to incur a bonded indebtedness, it shall by resolution set forth all of the following:

(a) A declaration of the necessity for the indebtedness.

(b) The purpose for which the proposed debt is to be incurred.

(c) The amount of the proposed debt.

(d) The time and place for a hearing by the board on the questions:

(1) Will the whole or a portion of the district be benefited by the accomplishment of the purpose?

(2) If only a portion of the district will be benefited, what portion will be so benefited?

Notice of hearing

13101. Notice of the hearing shall be given by publication of a copy of the resolution pursuant to Section 6066 of the Government Code in a newspaper of general circulation circulated within the area.

Publication of notice

13102. The copy of the resolution published shall be accompanied by a notice subscribed by the clerk that:

(a) The hearing referred to in the resolution will be had at the time and place specified in the resolution.

(b) At that time and place any person interested, including all persons owning property in the district, will be heard upon the question stated in the resolution

Hearing

13103. At the time and place fixed for the hearing on the resolution declaring the necessity for incurring the bonded indebtedness or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing.

Same Appearance

13104. At the hearing any person interested, including persons owning property within the district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness

Determination

13105. At the conclusion of the hearing, the board shall by resolution determine whether the whole or part of the district will be benefited by the accomplishment of the purpose stated in the resolution.

Improvement areas

13106. If the board determines that the whole of the district will not be benefited, the resolution shall also describe the portion of the district which will be benefited, in a manner sufficient for identification, which portion of the district described in the resolution shall thereupon constitute and be known as "Improvement Area No. _____" of the district.

Limitation

13107. After the formation of an improvement area within the district pursuant to this chapter, all proceedings for the purpose of a bond election within the improvement area and for the purpose of taxation for the payment of the bonds and interest shall be limited, and apply only to the improvement area.

Determinations

13108. The determination of the board that the whole of the district will be benefited by the bond issue or only that a described portion of the district will be benefited by the bond issue is final and conclusive.

Resolution to incur bonded indebtedness

13109. After the board has made its determination pursuant to Section 13105, if it deems it necessary to incur the bonded indebtedness, it shall by resolution state:

(a) That it deems it necessary to incur the bonded indebtedness.

(b) The purpose for which the bonded indebtedness will be incurred.

(c) Either of the following in accordance with its previous determination:

(1) That the whole of the district will be benefited by incurring the bonded indebtedness.

(2) That a portion of the district will be benefited by incurring the bonded indebtedness, which portion shall be described in the resolution of the board made pursuant to Section 13105.

(d) The amount of debt to be incurred.

(e) The maximum term the bonds to be issued shall run before maturity, which term shall not exceed 40 years.

(f) The annual rate of interest to be paid, which rate shall not exceed 7 percent, payable annually or semiannually, or in part annually and in part semiannually.

(g) The proposition to be submitted to the voters.

(h) The date of the special district election (which may be consolidated with a general election) at which such proposition shall be submitted to the voters; the hours between which the polls shall be open; the boundaries of voting precincts within the area or portion thereof benefited by incurring the bonded indebtedness; the location of polling places; and the names of the officers selected to conduct such election in each precinct, who shall consist of one judge, one inspector and two clerks.

Same: Notice of election

13110. The resolution provided for in Section 13109 shall constitute the notice of such special bond election and such resolution shall be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation circulating within the area.

Applicable elections law

13111. The provisions of the Election Code relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections so far as they may be applicable shall govern all district elections except:

Exceptions

(a) To the extent that the provisions of the Elections Code pertaining to the conduct of local elections are inconsistent with the provisions of that code pertaining to general elections, the provisions pertaining to local elections shall control.

(b) Inconsistent provisions of this division shall control over any provisions of the Elections Code.

Person entitled to vote

13112. Every voter within the area designated in the resolution adopted pursuant to Section 13109, but no others, may vote on the proposition to authorize the bonds. If the area does not include the entire district, a separate ballot shall be pre-

pared for the vote upon such proposition and only the voters entitled thereto shall be given such ballots.

Vote required

13113. A two-thirds vote shall be required for the issuance of general obligation bonds.

Resolution provisions

13114. If two-thirds of the vote cast at the election are in favor of incurring the indebtedness, the board may by resolution, at the time or times it deems proper, provide for the following:

(a) The form of the bonds.

(b) The execution of the bonds.

(c) The issuance of any part of the bonds.

Signatures on bonds

13115. The bonds shall be signed by the chairman of the board and countersigned by the clerk of the board or his deputy and the coupons shall be signed by the clerk of the board or his deputy. All signatures except that of the clerk on the bonds may be printed, lithographed or engraved. If any officer whose signature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds, his signature is as effective as if he had remained in office. All bonds shall be payable at the office of the county treasurer, who is the depositary of the district.

Validation proceeding

13116. Prior to the issuance of any bonds, the legislative body may commence a special proceeding in the superior court of the county to determine the right to issue bonds and their validity. The proceedings shall be instituted and prosecuted in the manner provided by Sections 22670 to 22684, inclusive, of the Water Code. These sections apply to and govern all such proceedings, instituted pursuant to this chapter. The proceeding is in rem and the judgment rendered is conclusive against all persons, the county and the State.

Same

13116.5. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Effect: Stats 1961, Ch 1479

This section shall become operative only if Assembly Bill No. 1412 is enacted by the Legislature at its 1961 Regular Session, in such case it shall take effect at the same time as Assembly Bill No. 1412 takes effect; at which time Section 13116 of the Public Resources Code is repealed.

Issuance Notice Bids

13117. The district may sell the bonds so issued at the times or in the manner the board deems to be to the public interest, provided, that all bonds shall be sold on sealed proposals to the highest bidder. Public notice shall be given in the manner determined by the board. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Force of bonds

13118. Any bonds issued by any area organized under the provisions of this division are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the State.

All bonds issued by any area payable from taxes are legal investments for all trust funds, for the trust funds of all insurance companies, the state school funds, and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the State. Legal investments

Whenever the board of supervisors declares by resolution that it deems it desirable that any bonds issued or to be issued by the area should be certified by the California Districts Securities Commission as provided in this section, the board shall file a certified copy of the resolution with the commission and the bonds described in said resolution shall then be subject to investigation and certification by the California Districts Securities Commission. If in the opinion of the commission the bonds are adequately secured and the revenues and other funds applicable to the payment of the bonds are, or upon the acquisition, construction or improvement of the enterprise for which such bonds were or are to be issued, will be, sufficient to pay the principal of and interest on such bonds the commission shall certify that such bonds are legal investments for all trust funds, for the funds of all insurance companies, the state school funds, and any funds, other than funds of savings banks, which may be invested in bonds of cities, counties, cities and counties, school districts or municipalities in the State. Certification by California Districts Securities Commission

13119. The board may, by resolution, do the following: Bond election resolution

(a) Submit to voters a measure to issue new bonds to refund any or all of the district bonds outstanding.

(b) Submit to the voters of any improvement area a measure to issue new bonds to refund any improvement area bonds outstanding.

13120. The measure may be voted on at any district election or an election may be called for the purpose. Election

13121. The procedure upon the election shall be in accordance, so far as applicable, with the procedure upon an original issue of bonds, except that: Procedure

(a) No hearing need be held upon the question whether the bond issue will benefit the entire district or only a portion of it.

(b) A vote of two-thirds of the voters voting upon the measure is sufficient to authorize the issue of refunding bonds.

13122. The refunding bonds may, if the holders of the bonds of an original issue and the board so agree, be exchanged for original bonds. Exchange of bonds

13123. The face value of refunding bonds exchanged for original bonds shall not exceed the face value of the original bonds. Same

13124. The board may raise money by rates or taxes to pay principal and interest of the refunding bonds in the same manner as prescribed for payment of bonds of an original issue. Principal, interest

13125. Any bonds issued by the district may be made callable by resolution of the board adopted at or prior to the time of issuing the bonds. Callable bonds

Same Statement

13126. When bonds are made callable a statement to that effect shall be set forth on the face of the bond.

Redemption

13127. Callable bonds may be redeemed on any interest payment date prior to their fixed maturity in such amounts and manner and at such prices as the board may prescribe in the resolution provided for in Section 13125.

Notice of redemption

13128. Notice designating the bonds called for redemption shall be published in a newspaper determined by the board to be the one most likely to reach the holders of the bonds. The first publication of the redemption notice shall not be less than 30 nor more than 90 days prior to the date fixed for redemption.

Interest

13129. If on the date fixed for redemption the district has provided funds available for payment of the principal and interest of the bonds called, interest on them ceases.

None of the provisions of this chapter shall apply to any proceedings for the authorization, issue or sale of revenue bonds of a county service area.

CHAPTER 7. REVENUE BONDS

Revenue bonds

13140. Revenue bonds may be issued by the district for the acquisition and construction, or acquisition or construction of any improvements or property or facilities contained within the district.

Proceedings for authorization, etc.

13141. Proceedings for the authorization, issuance, sale, security, and payment of revenue bonds shall be had, the board shall have the powers and duties, and the bondholders shall have the rights and remedies, all in substantial accordance with and with like legal effect as provided in the Revenue Bond Law of 1941, Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code; provided, however, that qualified voters at the election therein provided shall be voters as defined in this division, and the method of voting shall be as herein provided. As used therein the word "resolution" shall mean ordinance, the words "local agency" shall mean district, and the words "legislative body" shall mean board.

CHAPTER 8. ASSESSMENT BONDS

Assessment bonds Applicable law

13150. The Municipal Improvement Act of 1913, Division 12 (commencing with Section 10000) of the Streets and Highways Code, the Improvement Act of 1911, Division 7 (commencing with Section 5000) of the Streets and Highways Code, the Street Opening Act of 1903, Part 1 (commencing with Section 4000) of Division 6 of the Streets and Highways Code, and the Improvement Bond Act of 1915, Division 10 (commencing with Section 8500) of the Streets and Highways Code, as now or hereafter provided, are applicable to the district.

CHAPTER 9. TAXATION

Tax liens

13160. The lien for taxes for the first fiscal year after the district is formed shall attach on the first Monday in March or on the date the district is created, whichever is later.

Tax levy

13161. The board of supervisors shall at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real and personal property in the district, based upon the last equalized assessment roll of the county, sufficient to pay (a) the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy, and (b) the amount necessary to maintain, operate, extend, or repair any work or improvements within the district, and to defray all other expenses incidental to the exercise of any of the district powers or to pay any existing obligations of the district. The aggregate taxes levied for any one fiscal year, other than those levied to pay the principal and interest on the bonds, shall not exceed one dollar ($1) on each one hundred dollars ($100) of the assessed valuation of taxable real and personal property in the district.

Tax collection

13162. The tax shall be collected at the same time and in the same manner as the general tax levy for county purposes, and when collected, shall be paid into the county treasury to the credit of the proper district fund, as provided in Chapter 10 (commencing with Section 13170). The board shall control and order its expenditure.

Principal and interest

13163. The principal and interest on district bonds shall be paid by the county treasurer, if payable at his office, in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county, unless said bonds shall be made payable elsewhere.

CHAPTER 10. FUNDS

"Resort Improvement District General Fund"

13170. In a fund called the "Resort Improvement District General Fund," the treasurer shall place and keep the money levied by the board for that fund.

"Resort Improvement District Construction Fund"

13171. The proceeds of the sale of revenue bonds or general obligation bonds or proceeds of special assessments levied by the board shall be deposited with the treasurer and shall be placed in a fund to be called the "Resort Improvement District Construction Fund No. _____" (inserting number).

Use of money

13172. The money in any construction fund shall be used for the purpose indicated in the resolution calling the election upon the question of the issuance of bonds, or for the purpose described in the resolution of intention in the assessment proceedings, or for repayment of money borrowed for the purpose of financing the improvement for which bonds were subsequently issued or the assessment levied.

Use of bond money

13173. The bond moneys may also be used for interest and working capital for the period of construction and for twelve

(12) months thereafter, and also to pay the costs of their authorization and issuance including fees for legal, engineering, fiscal, economic or other service.

Transfers to other funds

13174. Any money in the construction fund determined by resolution of the board to be in excess of the amounts required for completion of the improvement authorized may, by the resolution so determining, be transferred to any other fund of the district and be used for any lawful purpose.

"Resort Improvement District Bond Fund"

13175. In a fund called the "Resort Improvement District Bond Fund _____" (inserting series number), the treasurer shall keep money levied or collected for that fund.

Transfers to other funds

13176. No part of the money belonging in the bond fund may be transferred to any other fund or be used for any purpose other than the payment of principal and interest of the bonds of the district, or for repayment of money borrowed for the purpose of paying the principal and interest of the bonds of the district, until said bonds are fully paid, at which time it may be transferred to any other fund.

CHAPTER 11. ALTERNATIVE DEPOSITARY OF DISTRICT MONEY

Alternative provisions

13190. The provisions of this chapter are alternative or supplemental to those providing for the use of the county treasury.

Depositary

13191. The board may by resolution designate a bank as depositary of any or all of its funds. No question of interest shall affect such appointment. If the depositary is not designated for all of its funds, it shall designate what funds are to be deposited with the depositary. The county treasurer shall be the depositary for all funds not so designated.

Charges

13192. The charges of any depositary selected shall be a proper expense of the district.

Finance officer

13193. If the board appoints a depositary, it shall appoint a person who shall be known as finance officer, who shall serve at its pleasure. It shall fix the amount of his compensation. It shall fix the amount of and approve his bond. He may, but need not be a member of the board, or his office may be consolidated with that of the secretary.

Payment of claims

13194. Bond principal and interest and salaries shall be paid when due. All other claims and demands shall be approved in writing or in open meeting by a majority of the members of the board.

Warrants

13195. Warrants shall be drawn by the finance officer and signed by the president and secretary, or one of them and one member of the board.

Auditing and accounting system

13196. The finance officer shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the district.

Reports

13197. The finance officer shall make annual or earlier written reports to the board, as it shall determine, as to the receipts and disbursements and balances in the several accounts under his control. The report shall be signed by him and filed with the secretary.

CHAPTER 12. CHANGES IN ORGANIZATION

Territory: Inclusion

13210. Territory may be included in the district in the manner now or hereafter provided for the inclusion of territory in a county water district. Land and improvements shall mean land.

Exclusion

13211. Territory may be excluded from the district in the manner now or hereafter provided for the exclusion of territory from a county water district. Land and improvements shall mean land.

Annexed by city

13212. Whenever any portion of the district is included within a city by annexation to the city such portion may be withdrawn from the district. The legislative body of the city may provide, by resolution, that such territory shall be withdrawn from the district. Such withdrawal shall be effective on the date fixed by the legislative body of the city. Where the withdrawal is effective on or before February 1st of the fiscal year the district shall furnish district services to the territory until the first day of July next succeeding. Where the withdrawal is effective subsequent to February 1st of the fiscal year and where the territory is subject to district taxation and assessment the district shall furnish district services to the territory until the 30th day of June of the fiscal year next succeeding.

Incorporated into city

13213. Whenever any portion of the district is included within a city by reason of incorporation of the city, such portion may be withdrawn from the district. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the legislative body of the city, describing the included portion, and declaring such portion withdrawn.

Effect of withdrawal

13214. Upon the withdrawal of any territory of the district pursuant to Section 13212 or 13213:

(a) If the assessed value of the real property within the area withdrawn represents one-half of 1 percent, or less, of the total assessed value of the real property within the district prior to the withdrawal, as determined from the last equalized assessment roll of the property within the district, all of the property and assets of the district shall be retained by the district.

(b) If the assessed value of the real property in the area withdrawn exceeds the amount prescribed by subdivision (a), the city and the district shall have six months from the effective date of the withdrawal in which, after giving consideration to all factors involved, including population, assessed valuation, the effect of the annexation or change of boundaries on the remaining portion of the district, the length of time the portion being withdrawn has paid taxes and the total amount of such taxes paid, and such other matters as should be considered in arriving at an equitable distribution, they may establish a mutually agreeable basis for the distribution of the

property and assets of the district between the city and the remaining district. If, within such period a mutually agreeable basis is reached, the property and assets of the district shall be distributed between the city and the remaining district upon such basis.

(c) If, under the provisions of subdivision (b), no mutually agreeable basis for the distribution of the property and assets of the district is reached within the six-month period, on the date the district ceases to furnish district services to the area withdrawn or upon the end of the six-month period, whichever is the last to occur, all of the property and unencumbered funds of the district shall be divided between the city and the remaining district in proportion to the average assessed value of the real property within the area withdrawn to the average assessed value of the real property within the entire district during the five-year period prior to the effective date of the withdrawal, as determined from the equalized assessment rolls for such period.

All funds and property received by the city shall be used exclusively and directly for the types of services furnished by the district; provided, that nothing herein shall prevent the sale of property not needed for such purposes for its fair market value if the funds derived from such sale are used solely for such purposes.

For the purpose of this section, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected amounts in excess of an amount sufficient to pay all claims and accounts against the district, but shall not include funds necessary for the maintenance and operation of the district for any period for which the district has the duty to provide district services within the area withdrawn.

Withdrawn territory subject to tax

13215. Property in territory withdrawn or detached from the district shall continue to be subject to tax, levied as provided in Section 13162, to pay the principal of and interest on bonds issued for the account of the district and outstanding at the time of such withdrawal or detachment.

Assumption of Liabilities

13216. (a) When land, upon which there are structural improvements owned, being acquired or leased by the district, is withdrawn from the district and included in a city by incorporation, annexation or otherwise, the city shall, if it succeeds to the rights of the district in such structural improvements, as a part of the division of property provided for in Section 13214, assume the outstanding liability of the district in connection with the acquisition or leasing of such improvements.

(b) In every case where land, upon which there is a structural improvement owned, being acquired or leased by the district, is proposed to be annexed to a city, the clerk of such city shall cause written notice of such proposed annexation to be mailed to the governing body of the district. Such notice shall be sent not less than 10 days before the first public hearing upon such proposed annexation.

13217. The district may be dissolved in the manner now or hereafter provided for the dissolution of county water districts, excepting Sections 32851.5 and 32858 of the Water Code and excepting that title to any property and moneys shall vest in the landowners of the district in the proportion that the assessed valuation of the land of each bears to the total assessed valuation of all land in the district that is on the county assessment roll at the time of such dissolution. Land and improvements shall mean land. Electors shall mean voters herein. Dissolution of district

CHAPTER 13. PORTION OF DISTRICT INCLUDED IN A COUNTY WATER DISTRICT

13230. Nothing in this division shall be construed to authorize or permit a district to operate any facilities for furnishing any water services in any portion of the district which is included within a county water district. Limitation of authority

13231. The county water district may elect to install the facilities for furnishing water services within any area that is included within both districts. In such event, the district shall provide the funds that are required therefor that the county water district would not otherwise provide. Water services

13232. The county water district may elect to have the facilities installed by the district for providing water services within any area that is included within both districts. In such event, the facilities shall be installed by the district in conformity with plans and specifications previously approved by the county water district, and under such inspection and approval as it shall direct. Same: Facilities by district

13233. Nothing in this division shall be construed to repeal or limit any power possessed by a county water district within which there is any part of this district. Construction

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CHAPTER 2070

An act to add Section 5039 to the Public Resources Code, relating to parks.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 5039 is added to the Public Resources Code, to read:

5039. The department shall acquire land and do all acts necessary to establish a state park in Amador County to include the communal Indian grinding rocks near Volcano, approximately one mile north of State Highway 88.

CHAPTER 2071

An act to amend the title of Part 1 (commencing with Section 21001) of Division 9, Sections 21001, 21004, 21006, 21007, and 21008, the title of Chapter 2 (commencing with Section 21201) of Part 1 of Division 9, and Sections 21208, 21240, 21241, 21242, 21243, 21244, 21245, 21246, 21247, 21248, 21249, 21250, 21251, 21252, 21253, 21254, 21255, 21256, 21257, 21408, 21410, 21412, 21413, 21601, 21602, 21603, 21631, 21632, 21633, 21634, 21635, 21636, 21637, 21638, 21639, 21640, 21641, 21642, 21661, 21662, 21663, 21664, 21665, 21666, 21667, 21668, 21691, 21692, 21693, and 21694 of, to amend and renumber Sections 21201, 21202, 21203, 21204, 21209, 21210, 21211, 21212, 21213, 21214, 21215, 21216, 21217, and 21218 of, to add Sections 21008.5, 21201, 21202, 21203, 21204, 21205, 21206, 21207, and 21223 to, and to repeal Sections 21205, 21206, and 21207 of, the Public Utilities Code, to amend Sections 8401, 8402, and 8404 of, and to add Section 15005.5 to, the Education Code, and to amend Sections 11501 and 14005 of the Government Code, relating to aviation and making an appropriation therefor.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. The title of Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code is amended to read:

PART 1. STATE AERONAUTICS ACT

SEC. 2. Section 21001 of said code is amended to read:

Short title

21001. This part may be cited as the "State Aeronautics Act."

SEC. 3. Section 21004 of said code is amended to read:

Public and governmental functions

21004. The acquisition of any land or interest therein pursuant to this part, the planning, acquisition, establishment, construction, improvement, maintenance, equipment, and operation of airports and air navigation facilities, whether by the State separately or jointly with any political subdivision, and the exercise of any other powers granted to the division by this part are public and governmental functions, exercised for a public purpose, and are matters of public necessity. All land and other property and privileges acquired and used by or on behalf of the State pursuant to this part are acquired and used for public and governmental purposes as a matter of public necessity.

SEC. 4. Section 21006 of said code is amended to read:

Construction of chapter

21006. This chapter or any other law shall not be construed as prohibiting, restricting, or permitting the prohibition of the operation or landing in populated areas of heli-

copters and similar aircraft capable of approximately vertical ascent and descent, subject to such reasonable rules affecting the public safety as the division may promulgate.

SEC. 5. Section 21007 of said code is amended to read:

21007. "Division" means the Division of Aeronautics. Definitions

Whenever the term "California Aeronautics Commission" or "commission" is used in this part, except in Sections 21205, 21206 and 21207, it means the division.

Whenever the term "California Aeronautics Commission" is used in any other law it means the Division of Aeronautics.

SEC. 6. Section 21008 of said code is amended to read:

21008. "Director" means the Director of Aeronautics. "Director" The Director of Aeronautics shall be the chief of the Division of Aeronautics.

SEC. 7. Section 21008.5 is added to said code, to read:

21008.5. "Board" means the State Aeronautics Board. "Board"

SEC. 8. The title of Chapter 2 (commencing with Section 21201), Part 1, Division 9 of said code is amended to read:

CHAPTER 2. DIVISION OF AERONAUTICS AND STATE AERONAUTICS BOARD

SEC. 9. Section 21201 is added to said code, to read:

21201. There is in the Department of Public Works a Division of Aeronautics. Division of Aeronautics

SEC. 10. Section 21202 is added to said code, to read:

21202. The division shall be headed by a director who shall be appointed by the State Board of Aeronautics. Director

He shall hold the confidential position for the board, exempt from civil service, and shall serve at the pleasure of the board. He shall be appointed with due regard to his fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of his powers and duties. Qualifications

SEC. 11. Section 21203 is added to said code, to read:

21203. The director shall devote his entire time to the functions of his office and shall not not be actively engaged in any other business, vocation, or employment. He shall receive an annual salary of fourteen thousand five hundred dollars ($14,500), and shall be reimbursed for all traveling and other expenses necessarily incurred by him in the discharge of his functions. Salary

SEC. 12. Section 21204 is added to said code, to read:

21204. The director shall be the appointing power of all employees within the division and all employees in the division shall be responsible to the director for the proper carrying out of the duties and responsibilities of their respective positions. Appointing power

SEC. 13. Section 21205 is added to said code, to read:

21205. On the effective date of this section, the division shall succeed to all the powers, duties, purposes, responsibili- Powers and duties

ties, and jurisdiction conferred immediately prior to that date on the California Aeronautics Commission.

SEC. 14. Section 21206 is added to said code, to read:

Former employees

21206. On the effective date of this section, all persons in the state civil service employed immediately prior to that date by the California Aeronautics Commission shall be transferred to the division. They shall retain their respective positions in the state civil service, subject to the provisions of Article XXIV of the Constitution and laws continued in force thereby or adopted pursuant thereto.

SEC. 15. Section 21207 is added to said code, to read:

Transfer of funds

21207. On the effective date of this section, the unencumbered balance of all money available for expenditure by the California Aeronautics Commission for carrying out functions transferred to the division by Section 21205 shall be available for the support and maintenance of the division and the board, and all books, documents, records, and other property of the commission relating to such functions shall be transferred to the division.

SEC. 16. Section 21208 of said code is amended to read:

Seal· Rules and regulations

21208. The division shall adopt a seal, and make rules and regulations for its administration not inconsistent with this part.

SEC. 17. Section 21213 of said code is amended and renumbered to read:

Annual report

21209. The division shall report in writing to the Governor on or about December 1st of each year. The report shall contain a summary of the proceedings of the division during the preceding fiscal year, a detailed and itemized statement of all revenue and of all expenditures made by or in behalf of the division, any other information the division deems necessary or useful, and any additional information requested by the Governor.

SEC. 18. Section 21214 of said code is amended and renumbered to read:

Fiscal year

21210. The fiscal year of the division shall conform to the fiscal year of the State.

SEC. 19. Section 21215 of said code is amended and renumbered to read:

Officers

21211. The State shall provide suitable offices and office equipment for the division in the City of Sacramento. The division may maintain offices in any other city in the State and may incur the necessary expense for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the administration of this part.

SEC. 20. Section 21216 of said code is amended and renumbered to read:

Administrative procedure

21212. Wherever the division is authorized to make rules, regulations, orders, procedures, or establish minimum standards, under this part, such authority shall be exercised in accordance with the Administrative Procedure Act except as modified by this part

SEC. 21. Section 21217 of said code is amended and renumbered to read:

21213. All meetings of the division shall be open and public, and all persons shall be permitted to attend any meetings of the division. Meetings

SEC. 22. Section 21218 of said code is amended and renumbered to read:

21214. All records of the division shall be open to inspection by the public during regular office hours. Records

SEC. 23. Section 21201 of said code is amended and renumbered to read:

21215. There is in the State Government the State Aeronautics Board, which consists of five members appointed by the Governor by and with the consent of the Senate. State Aeronautics Board Members

SEC. 24. Section 21202 of said code is amended and renumbered to read:

21216. Each member of the board shall be a citizen and bona fide resident of the State. At least two members shall have three or more years of practical experience in aeronautics as private or commercial pilots, airport managers, or aviation executives. Qualifications

SEC. 25. Section 21203 of said code is amended and renumbered to read:

21217. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors. Terms

The members of the California Aeronautics Commission in office at the time the amendments to this section enacted by the Legislature at its 1961 Regular Session take effect shall continue in office as members of the board until January 1st of that year on which the term of the particular member as a member of the commission has heretofore been determined.

Vacancies shall be filled by appointment for the unexpired term. Vacancies

SEC. 26. Section 21204 of said code is amended and renumbered to read:

21218. The Governor may remove any member of the board for inefficiency, neglect of duty, or malfeasance in office, after notice and a reasonable opportunity to be heard. Removal

SEC. 27. Section 21209 of said code is amended and renumbered to read:

21219. The board shall elect from among its members a chairman, vice chairman, and secretary, each to serve for one year and until his successor is appointed and qualified. Officers

SEC. 28. Section 21210 of said code is amended and renumbered to read:

21220. The board shall fix the date and place for its regular meetings. Special and executive meetings may be called as provided by the rules and regulations of the board. All meetings of the board shall be open to the public. Regular meetings shall be held at the board's established offices. Whenever the convenience of the public or of the parties may be promoted, or Meetings

delay or expense may be prevented, the board may hold meetings, hearings, or proceedings at any other place it may designate.

SEC. 29. Section 21211 of said code is amended and renumbered to read:

Quorum

21221. Three members of the board constitute a quorum, and no action shall be taken by less than a majority of the board.

SEC. 30. Section 21212 of said code is amended and renumbered to read:

Compensation

21222. Each member of the board shall receive his actual and necessary expenses and twenty-five dollars ($25) a day for attending meetings of the board or while acting under its orders.

SEC. 31. Section 21223 is added to said code, to read:

Functions

21223. The board shall advise the division and the director in the performance of their duties and formulate general policies relating to this part. It shall have no administrative or executive functions other than those given it by this code.

SEC. 32. Section 21240 of said code is amended to read:

Authority of federal government

21240. This State recognizes the authority of the federal government to regulate the operation of aircraft and to control the use of the airways, and nothing in this act shall be construed to give the division the power to so regulate and control safety factors in the operation of aircraft or to control use of the airways. This section does not affect the State's power to regulate the intrastate rates of common carriers by air, and such power is hereby reserved to the State.

SEC. 33. Section 21241 of said code is amended to read:

Duties

21241. The division shall encourage, foster, and assist in the development of aeronautics in this State and encourage the establishment of airports and air navigation facilities. It shall co-operate with and assist the federal government, political subdivisions of this State, and others in the development of aeronautics, and shall seek to co-ordinate their aeronautical activities.

Political subdivisions may co-operate with the division in the development of aeronautics and aeronautics facilities in this State.

SEC. 34. Section 21242 of said code is amended to read:

Powers

21242 The division may:

(a) Draft and recommend necessary legislation to advance the interest of the State in aeronautics.

(b) Represent the State in aeronautical matters before federal and other agencies.

(c) Participate as plaintiff or defendant or as intervenor on behalf of the State or any political subdivision or citizen in any controversy which involves the interest of the State in aeronautics.

(d) Assist political subdivisions and their law enforcement agencies in becoming acquainted with and enforcing the civil air regulations.

SEC. 35. Section 21243 of said code is amended to read:

Rules, etc

21243. The division may make and amend general or special rules, regulations, and procedures and establish minimum standards, consistent with and clearly within the scope of federal legislation governing aeronautics and the rules, regulations, and standards issued thereunder. The division may, by regulation, classify airports into several reasonable classes or groups according to their facilities and the types and number of aircraft which they are capable of handling and may make and amend rules, regulations, and procedures and establish minimum standards for each separate class or group.

SEC. 36. Section 21244 of said code is amended to read:

Temporary rules, etc

21244. For the purpose of protecting and insuring the general public interest and safety and the safety of persons operating, using, or traveling in aircraft and developing aeronautics in this State, and after appropriate public hearings, the division may make and amend temporary general or special rules and procedures and establish temporary minimum standards consistent with this part as it deems necessary to administer this part. The division shall draft these temporary rules, procedures, and standards in the form of proposed aviation law and shall submit them to the next general session of the Legislature. These temporary rules, procedures, and standards shall not remain in effect beyond 90 days after the final adjournment of that session of the Legislature.

SEC. 37. Section 21245 of said code is amended to read:

Public inspection

21245. The division shall keep on file with the Secretary of State, and at its principal office, a copy of all its rules for public inspection.

SEC. 38. Section 21246 of said code is amended to read:

Publication

21246. The division shall provide for the publication and general distribution of all its orders, rules, and procedures having general effect.

SEC. 39. Section 21247 of said code is amended to read:

Contracts

21247. The division may enter into any contracts necessary to the execution of its powers under this part. All contracts made by the division, either as the agent of the State or as the agent of any political subdivision, shall be made pursuant to the laws of the State governing the making of like contracts. Where the planning, acquisition, construction, improvement, maintenance, or operation of any airport or air navigation facility is financed wholly or partially with federal money, the division, as agent of the State or of any political subdivision, may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules made thereunder.

SEC. 40. Section 21248 of said code is amended to read:

Joint exercise of powers

21248. The division may exercise any of its powers under this part jointly with any political subdivision, state agency, other states or their political subdivisions, or the United States.

SEC. 41. Section 21249 of said code is amended to read:

Joint hearings

21249. The division may confer or hold joint hearings with any federal agency in connection with any matter arising under this part or relating to the sound development of aeronautics.

SEC. 42. Section 21250 of said code is amended to read:

Cooperation with federal agencies

21250. The division may avail itself of the co-operation, services, records, and facilities of the federal agencies in the administration and enforcement of this part. It shall co-operate with and make available to the federal agencies, its services, records, and facilities, insofar as practicable.

SEC. 43. Section 21251 of said code is amended to read:

Use of facilities, etc., of other agencies

21251. In administering this part the division may use the facilities and services of other state agencies and political subdivisions to the utmost extent possible. These agencies and political subdivisions shall make available to the division their facilities and services.

SEC. 44. Section 21252 of said code is amended to read:

Enforcement

21252. The division, its members, the director, officers and employees of the division, and every state and peace officer charged with the enforcement of state and subordinate laws or ordinances, shall enforce and assist in the enforcement of this part, the rules and orders issued under this part, and all other laws of this State relating to aeronautics. The division, each of its members, the director, and such of the officers and employees of the division as may be designated by it have general police powers in aid of the enforcement of this part, the rules and orders issued under this part, and all other state laws relating to aeronautics.

SEC. 45. Section 21253 of said code is amended to read:

Legal process

21253. In the name of the State, the division may enforce this part and rules and orders issued under this part by injunction or other legal process in the courts of this State.

SEC. 46. Section 21254 of said code is amended to read:

Reports of violations

21254. The division may report to the appropriate federal agencies and agencies of other states all proceedings instituted charging violations of Section 21407, and Sections 21409 to 21412, inclusive, and all penalties of which it has knowledge imposed upon airmen or the owners or operators of aircraft for violations of the law of this State relating to aeronautics or for violations of the rules or orders of the division.

SEC. 47. Section 21255 of said code is amended to read:

Use of federal and state reports, etc

21255. The division may receive reports of penalties and other data from agencies of the federal government and other states, and may enter into agreements with these agencies governing the delivery, receipt, exchange, and use of reports and data. The division may make the reports and data of these agencies and of the courts of this State available to any court of this State and to any officer of the State or of any political subdivision authorized to enforce the aeronautics laws by Section 21252.

SEC. 48. Section 21256 of said code is amended to read:

21256. The division may accept, receive, receipt for, disburse, and expend federal and other money, public or private, made avaliable to accomplish in whole or in part any of the purposes of this part. All federal money accepted under this part shall be accepted and expended by the division upon the terms and conditions prescribed by the United States. In accepting federal money under this part, the division shall have the same authority to enter into contracts on behalf of the State as is granted to the division under Section 21603. The division shall deposit all money received under this section in the Special Deposit Fund in the State Treasury, to be disbursed or expended in accordance with the terms and conditions upon which it was made available. Receipt and disbursement of funds

SEC. 49. Section 21257 of said code is amended to read:

21257. The division may own and operate aircraft for use in the furtherance of its duties, employ airmen and mechanics for proper operation and maintenance of the aircraft, and insure its employees against injury or death arising from aircraft accidents incurred in the performance of their assigned duties, within the limits of appropriations for these purposes. Aircraft Insurance

SEC. 50. Section 21408 of said code is amended to read:

21408. For any violation of Sections 21407 or 21407.5, in addition to the penalties provided by Sections 21019 or 21407.6, the court may prohibit the violator from operating an aircraft within the State for a period not exceeding one year. Violation of the prohibition of the court may be treated as a separate offense under this section or as a contempt of court Upon a plea of guilty or conviction under Section 21407 or Section 21407.5, the division shall cause a record of the plea or conviction and of the sentence imposed to be maintained. This section shall not be construed as warrant for the court or any other agency or person to take away, impound, hold, or mark any federal certificate, permit, rating, or license. Prohibition from operating aircraft

SEC. 51. Section 21410 of said code is amended to read:

21410. Every airman shall keep any certificate, permit, rating, or license required for him by the United States in his personal possession when he is operating within the State. He shall present it for inspection upon the demand of any peace officer, any other officer of the State or of a political sudivision, or member, official, or employee of the division, authorized by Section 21252 to enforce the aeronautics laws, or any official, manager, or person in charge of any airport upon which the airman lands, or upon the reasonable request of any other person. Possession of permit, etc.

SEC. 52. Section 21412 of said code is amended to read:

21412. Any certificate, permit, or license required by the United States for an aircraft shall be carried in the aircraft at all times while the aircraft is operating in the State, shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors, and shall be presented for inspection upon the demand of any peace officer, any other Posting of aircraft permit, etc.

officer of the State or of a political subdivision, or member, official, or employee of the division, authorized by Section 21252 to enforce the aeronautics laws, or any official, manager, or person in charge of any airport upon which the aircraft lands, or upon the reasonable request of any person.

SEC. 53 Section 21413 of said code is amended to read:

Accidents

21413. The division shall report to the appropriate federal agency all accidents in aeronautics in this State of which it is informed, and shall, insofar as is practicable, preserve, protect, and prevent the removal of the component parts of any aircraft involved in an accident being investigated by it until the federal agency institutes an investigation.

SEC. 54 Section 21601 of said code is amended to read:

Technical services

21601. The division may make available its engineering and other technical services, with or without charge, to any political subdivision or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance, or operation of airports or air navigation facilities, subject to rules promulgated by the commission.

SEC. 55. Section 21602 of said code is amended to read:

Financial assistance

21602. Subject to the terms and within the limits of special appropriations made by the Legislature, the division may render financial assistance by grant or loan, or both, to any political subdivision or political subdivisions jointly, in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled, by the political subdivision or subdivisions, if the financial assistance has been shown by public hearing to be essential to the proper development or maintenance of a statewide system of airports. Financial assistance may be furnished in connection with federal or other financial aid for the same purpose.

SEC. 56. Section 21603 of said code is amended to read:

Agent

21603. Upon the request of any political subdivision or political subdivisions acting jointly, the division may act as agent in accepting, receiving, receipting for, and disbursing federal money, and other money public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance, or operation of a public airport or air navigation facility. The division may act as agent in contracting for and supervising the planning, acquisition, construction, improvement, maintenance, or operation. Any political subdivision may designate the division as its agent for these purposes.

The division as principal on behalf of the State, and any political subdivision on its own behalf, may enter into any contracts with each other, the United States, or any person, which may be required in connection with a grant or loan of federal money for public airport or air navigation facility purposes.

Federal funds

All federal money accepted under this section shall be accepted and transferred or expended by the division upon such

terms and conditions as are prescribed by the United States. All money received by the division pursuant to this section shall be deposited in the Special Deposit Fund in the State Treasury, to be disbursed or expended in accordance with the terms and conditions upon which it was made available.

SEC. 57. Section 21631 of said code is amended to read:

21631. From appropriations or other money made available for the purpose, the division, on behalf of and in the name of the State, may plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports and air navigation facilities, either within or without the State, including the construction, installation, equipment, maintenance, and operation at the airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers. Establishment, etc., of airports, etc

SEC. 58. Section 21632 of said code is amended to read:

21632. The division may also acquire existing airports and air navigation facilities, but it shall not acquire any airport or air navigation facility owned or controlled by a political subdivision of this or any other state without the consent of the political subdivision. Acquisition of existing airports

SEC. 59. Section 21633 of said code is amended to read:

21633. For the purposes of this article, the division, by purchase, gift, devise, lease, condemnation, or otherwise, may acquire real or personal property, or any interest therein including easements in airport hazards or land outside the boundaries of an airport or airport site, necessary to permit safe and efficient operation of the airports or to permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards. Acquisition of property

SEC. 60. Section 21634 of said code is amended to read:

21634. The division may contract or otherwise provide, by condemnation if necessary, for the removal or relocation of any airport hazard or the removal or the relocation of all private structures, railways, highways, mains, pipes, conduits, wires, cables, poles, and all other facilities and equipment which may interfere with the location, expansion, development, or improvement of the airports and other air navigation facilities or with the safe approach thereto or takeoff therefrom by aircraft, and may pay the cost of the removal or relocation. When exercising its power of removal or relocation, the division shall pay the cost of removal and relocation of any private structures, railways, mains, pipes, conduits, wires, cables, poles, or any other structure or equipment required to be moved to a new location. Removal, etc., of hazard, etc

SEC. 61. Section 21635 of said code is amended to read:

21635. In the condemnation of property, the division shall proceed in the name of the State in the manner provided by the Code of Civil Procedure. For the purpose of making surveys and examinations relative to any condemnation proceedings, it is lawful to enter upon any land, doing no unnecessary Condemnation

damage. The power of the division, by condemnation, to acquire or require the relocation of any railway, highway, main, pipe, conduit, wires, cables, poles, and all other facilities and equipment or other property held for or devoted to a public use shall be exercised only after the court in which the condemnation proceedings are pending finds that the taking or relocation for the public use of the division is of greater public necessity than the public use for which the property is presently held or used. The court may fix the terms and conditions for the enjoyment of a right of common use, in lieu of taking or relocation, as it determines will best suit the public interest and necessity.

SEC. 62. Section 21636 of said code is amended to read:

Disposition of property

21636. The division may dispose of any property, airport, air navigation facility, or portion or interest, acquired pursuant to this article, by sale, lease, or otherwise. The disposal shall be in accordance with the laws of this State governing the disposition of other state property, except that in the case of disposals to any political subdivision or government or the United States for aeronautical purposes, the disposal may be effected in the manner and upon the terms the division deems in the best interests of the State.

SEC. 63. Section 21637 of said code is amended to read:

Contracts, etc

21637. In operating an airport or air navigation facility owned or controlled by the State, the division may enter into contracts, leases, and other arrangements for a term not exceeding 20 years with any person, granting the privilege of using or improving the airport or air navigation facility or space therein for commercial purposes, conferring the privilege of supplying goods, commodities, things, services, or facilities at the airport or air navigation facility, or making available services to be furnished by the division or its agents at the airport or air navigation facility. In each case the division may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with regard to the property and improvement used and the expenses of operation to the State. In no case shall the public be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or portion of either. The division shall grant no exclusive privilege for the sale or delivery of gasoline or other petroleum products.

SEC. 64. Section 21638 of said code is amended to read:

Bids

21638. The division shall call for bids for the operation of any state-owned airport and shall lease the airport for a term not to exceed five years to the highest qualified bidder or bidders. No person shall be granted any authority to operate the airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the division might not have

undertaken under Section 21637. The State may operate an airport only if no acceptable bid is received.

SEC. 65. Section 21639 of said code is amended to read:

Exclusive rights

21639. The division shall grant no exclusive right for the use of any airport or air navigation facility under its jurisdiction. This section shall not be construed to prevent the making of contracts, leases, and other arrangements pursuant to this article.

SEC. 66. Section 21640 of said code is amended to read:

Enforcement lien

21640. To enforce the payment of any charges for repairs, improvements, storage, or care of any personal property by the division or its agents in connection with the operation of an airport or air navigation facility owned or operated by the State, the State has a lien on the property, which is enforceable by the division as provided by law.

SEC. 67. Section 21641 of said code is amended to read:

Height of structure

21641. No person shall erect or add to the height of any structure within the boundaries of this State which will result in a structure that extends more than 500 feet above the ground on which such structure rests until a permit therefor has been issued for such purpose by the division. This section is not applicable to the construction of any structure if the Federal Communications Commission is required to approve the height of the structure or if the height of the structure is required to be approved under the Federal Aviation Act of 1958 (Public Law 85-726; 72 Stat. 731).

SEC. 68. Section 21642 of said code is amended to read:

Refusal to issue permit

21642. The division may refuse issuance of a permit under Section 21641 if it determines, after notice and hearing held pursuant to this part, that the erection of or addition to a structure would obstruct the airspace overlying the State so as to create an unsafe condition for the flight of aircraft.

Review

Any person aggrieved by the action of the division pursuant to this section may have such action reviewed by the courts in a manner provided by law.

SEC. 69. Section 21661 of said code is amended to read:

Exemptions

21661. This article does not apply to airports owned or operated by the United States or to privately owned airports not open to the general public when the airports are outside of the traffic pattern or control zone of an airport for which a permit has been granted. To the extent necessary, the division may exempt any other class of airports, pursuant to a reasonable classification or grouping, from any rule or requirement thereof, promulgated under this article, if it finds that its application would be an undue burden on the class and is not required in the interest of public safety.

SEC. 70. Section 21662 of said code is amended to read:

Airport approval

21662. The division may provide for the approval of airport sites and the issuance of airport permits. No charge shall be made for the approval or permit.

SEC. 71. Section 21663 of said code is amended to read:

Unlawful operation

21663. It is unlawful for any political subdivision, any of its officers or employees, or any person to operate an airport without an appropriate permit as may be required by rule of the division pursuant to this article.

SEC. 72. Section 21664 of said code is amended to read:

Application

21664. Upon the promulgation by the division of a rule providing for the approval of airport sites, any political subdivision or person desiring or planning to construct or establish an airport may apply to the division for approval of the site prior to the acquisition of the site or prior to the construction or establishment of the proposed airport. The application shall set forth the location of all highways, railways, mains, pipes, conduits, wires, cables, poles, and other facilities and structures of public service corporations and of persons engaged in radio or television broadcasting located within the area proposed to be acquired or zoned, and the names of the owners of the facilities and structures.

SEC. 73. Section 21665 of said code is amended to read:

Notice and hearing

21665. On its own motion, the division may, or upon the request of an affected or interested person the division shall, hold a public hearing in connection with the approval of an airport site or the issuance of an airport permit. Before the division grants or denies approval of an airport site or issues an original permit to use or operate an airport, all public service corporations and all persons or corporations engaged in radio or television broadcasting owning facilities in the area involved shall be notified of the application and shall have 15 days after the notice in which to demand a public hearing.

SEC. 74. Section 21666 of said code is amended to read:

Permit requirements

21666. The division shall grant approval of an airport site and issue an airport permit, with reasonable dispatch, if it is satisfied that all of the following requirements have been met:

(a) The site is adequate for the proposed airport. Any site shall be deemed adequate which meets or exceeds the minimum airport standards approved or recommended by the federal government.

(b) The proposed airport, if constructed or established, will conform to minimum standards of safety.

(c) Safe air traffic patterns have been worked out for the proposed airport and for all existing airports and approved airport sites in its vicinity.

(d) The zone of approach of the airport has been engineered in conformity with the provisions of Section 21403, and is available for public inspection

The division may grant approval of a site subject to any reasonable conditions which it deems necessary to effectuate the purposes of this article.

SEC 75. Section 21667 of said code is amended to read:

Existing airports

21667. The division shall grant approval of airport sites and issue airport permits for any improved airports in use or ready for use on June 30, 1947.

SEC. 76. Section 21668 of said code is amended to read:

Revocation of permits

21668. The division may revoke any airport permit, after notice and an opportunity for hearing have been given to the holder, if it reasonably determines that any of the following conditions are present:

(a) There has been an abandonment of the site as an airport.

(b) There has been a failure within the time prescribed, or if no time was prescribed within a reasonable time, to develop the site as an airport or to comply with the conditions of the approval.

(c) The site is no longer usable for the aeronautical purposes for which the approval was granted because of change of physical or legal conditions or circumstances.

SEC. 77. Section 21691 of said code is amended to read:

Administrative procedure

21691. Any hearing held under this part shall be conducted in accordance with Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the division shall have all the powers granted therein.

SEC. 78. Section 21692 of said code is amended to read:

Investigations, etc.

21692. The division, any member, the director, or any officer or employee of the division designated by it may hold investigations, inquiries, and hearings concerning matters covered by this part and the rules and orders of the division, and concerning accidents in aeronautics within this State. Hearings shall be open to the public and, except as provided in Section 21691, shall be held upon such call or notice as the division deems advisable. Each member of the division, the director, and every officer or employee of the division designated by it to hold any inquiry, investigation, or hearing may administer oaths and affirmations, certify to all official acts, issue subpoenas, and order the attendance and testimony of witnesses and the production of papers, books, and documents. If any person fails to comply with any subpoenas or order issued under the authority of this section, the division or its authorized representative may invoke the aid of any court of general jurisdiction. The court may order such person to comply with the requirements of the subpoena or order to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as contempt.

SEC. 79. Section 21693 of said code is amended to read:

Limitations on use of reports

21693. In order to facilitate the making of investigations by the division in the interest of public safety and promotion of aeronautics, the reports of investigations or hearings or any part of the reports, shall not be admitted in evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in the investigation, hearing, or report, except in case of any suit, action, or proceeding, civil or criminal, instituted by or in behalf of the division or in the name of the State under the provisions of this part or other laws of the State relating to aeronautics. Any member of the division, the director, or any officer or employee of the division

shall not be required to testify to any facts ascertained in, or information gained by reason of, his official capacity, nor be required to testify as an expert witness in any suit, action, or proceeding involving any aircraft. Subject to these limitations, the division may make available to appropriate federal, state, and political subdivision agencies information and material developed in the course of its investigations and hearings.

SEC. 80. Section 21694 of said code is amended to read:

Orders

21694. Every order of the division requiring performance of certain acts or compliance with certain requirements shall set forth the reasons, state the acts to be done or requirements to be met, and be served upon the person affected either by registered mail or in person. Any person aggrieved by an order of the division may have the action of the division reviewed by the courts in the manner provided by law.

Repeal

SEC. 81. Section 21205 of said code is repealed.

Repeal

SEC. 82. Section 21206 of said code is repealed.

Repeal

SEC. 83. Section 21207 of said code is repealed.

SEC. 84. Section 8401 of the Education Code is amended to read:

Aviation education

8401. The Department of Education shall aid and assist local school districts in the development and conduct of a program of aviation education. The Division of Aeronautics may aid and assist in the selection of airports and pilots used by the local school districts in flight indoctrination and instruction.

SEC. 85. Section 8402 of said code is amended to read:

Same

8402. The governing board of each district is encouraged to develop aims and purposes of aviation education designed to include: (a) integration of appropriate aviation concepts throughout the elementary school with units of instruction in science, social studies, and arithmetic; (b) aviation experiences in junior high schools in the areas of social studies, science, and arithmetic; (c) elective courses in senior high schools and four-year high schools including air transportation, vocational training, economic, social and political implications of aviation, the science of flight, history of aviation, and flight experience where appropriate airports, planes, and pilots are available, and the need for such instruction is indicated. Periodic reports shall be made to the Division of Aeronautics concerning the flight indoctrination and instruction program.

SEC. 86. Section 8404 of said code is amended to read:

Insurance

8404. The Division of Aeronautics is authorized to make available to public schools offering actual flight experience as part of the regular curriculum a basic insurance program and to assure that adequate supervision and precautionary measures are taken by the flight school operators contracted to provide services for public school students. The governing board of any school district offering actual flight experience as part of the regular curriculum may participate in the basic insurance program provided by the commission and pay from the funds of the district a pro rata share of the cost of the insurance program.

SEC. 87. Section 15005.5 is added to said code, to read:

15005.5. Notwithstanding the provisions of Section 15005, immediately after receiving notice of a proposed acquisition of property which is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the Department of Education shall notify the Division of Aeronautics, in writing, of the proposed acquisition. The Division of Aeronautics shall make an investigation and report to the Department of Education within 25 days after receipt of the notice Property near airport

Notwithstanding the provisions of Section 15005, if the report of the State Department of Education required by that section does not favor the acquisition of the property for a school site, or an addition to a present school site, the governing body shall not acquire title to the property until 30 days after the department's report is received and until the department's report has been read at a public hearing duly called after 10 days' notice by publication in a newspaper of general circulation within the school district, or if there is no such newspaper, then in a newspaper of general circulation within the county in which the property is located.

SEC. 88. Section 11501 of the Government Code is amended to read:

11501. (a) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to those functions to which this chapter is made applicable by the statutes relating to the particular agency. Application

(b) The enumerated agencies referred to in Section 11500 are: Enumerated agencies

Board of Dental Examiners of California.
Board of Medical Examiners of the State of California.
Board of Osteopathic Examiners of the State of California.
Board of Nurse Examiners of the State of California.
State Board of Optometry.
California State Board of Pharmacy.
State Department of Public Health.
State Board of Public Health.
Board of Examiners in Veterinary Medicine.
State Board of Accountancy.
California State Board of Architectural Examiners.
State Board of Barber Examiners.
State Board of Registration for Civil and Professional Engineers.
Registrar of Contractors.
State Board of Cosmetology.
State Board of Funeral Directors and Embalmers.
Structural Pest Control Board.
Yacht and Ship Brokers Commissioner.
Director of Professional and Vocational Standards.
Collection Agency Licensing Bureau.
State Fire Marshal.

State Mineralogist.
Director of Agriculture.
Labor Commissioner.
Real Estate Commissioner.
Commissioner of Corporations.
Department of Social Welfare.
Social Welfare Board.
Department of Mental Hygiene.
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.
Board of Pilot Commissioners for Humboldt Bay and Bar.
Board of Pilot Commissioners for the Harbor of San Diego.
Fish and Game Commission.
State Board of Education.
Insurance Commissioner.
Savings and Loan Commissioner.
State Board of Dry Cleaners
Board of Social Work Examiners of the State of California.
State Board of Chiropractic Examiners.
State Board of Guide Dogs for the Blind.
Division of Aeronautics.
Board of Administration, State Employees' Retirement System.
Department of Motor Vehicles.
Bureau of Furniture and Bedding Inspection.
Cemetery Board.
Department of Natural Resources.
Department of Water Resources acting pursuant to Section 414 of the Water Code.
Board of Vocational Nurse Examiners of the State of California.
Certified Shorthand Reporters Board.
Bureau of Private Investigators and Adjusters.
California State Board of Landscape Architects.
Department of Alcoholic Beverage Control
California Horse Racing Board.
School districts under Section 13444 of the Education Code.
State Fair Employment Practice Commission.

SEC. 89. Section 14005 of said code is amended to read:

Organization

14005. For the purpose of administration, the director shall organize the department with the approval of the Governor in the manner that he deems necessary properly to segregate and conduct the work of the department. The work of the department shall be divided into at least three divisions known as the Division of Highways, the Division of Aeronautics, and the Division of Architecture.

CHAPTER 2072

An act to amend Sections 73562 and 73563 of the Government Code, relating to the salaries for clerks in the municipal court district embracing the Cities of Carmel and Monterey

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 73562 of the Government Code is amended to read:

73562. There shall be one clerk, who shall receive a minimum salary of five hundred fifty-two dollars ($552) monthly with annual increments of thirty-one dollars ($31), thirty-two dollars ($32), thirty-four dollars ($34) and thirty-six dollars ($36) to a maximum of six hundred eighty-five dollars ($685) monthly. Clerk Salary

SEC. 2. Section 73563 of said code is amended to read:

73563. The clerk may appoint:

(a) One deputy who shall receive a minimum salary of three hundred eighty dollars ($380) monthly with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24), to a maximum of four hundred seventy dollars ($470) monthly. Deputies' Salaries

(b) Four deputies each of whom shall receive a minimum salary of three hundred forty-two dollars ($342) monthly with annual increments of nineteen dollars ($19), nineteen dollars ($19), twenty-one dollars ($21) and twenty-two dollars ($22) to a maximum of four hundred twenty-three dollars ($423) monthly.

(c) Eight deputies who shall receive a minimum salary of two hundred ninety-three dollars ($293) monthly with annual increments of fifteen dollars ($15), seventeen dollars ($17), seventeen dollars ($17) and nineteen dollars ($19) to a maximum of three hundred sixty-one dollars ($361) monthly.

CHAPTER 2073

An act to amend Section 14000 of the Government Code, to amend Sections 1500 and 2100 of the Vehicle Code, and to add Part 4.5 (commencing with Section 13975) to Division 3 of Title 2 of the Government Code, relating to the creation of the Highway Transportation Agency.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Part 4.5 (commencing with Section 13975) is added to Division 3 of Title 2 of the Government Code, to read:

PART 4.5. HIGHWAY TRANSPORTATION AGENCY

Highway Transportation Agency Departments

13975. There is in the state government the Highway Transportation Agency. The agency consists of the following departments: Public Works; Motor Vehicles; California Highway Patrol.

Administrator Salary

13976. The agency is under the supervision of an executive officer known as the Administrator of Highway Transportation. The administrator shall be appointed by and hold office at the pleasure of the Governor. The annual salary of the administrator is twenty-five thousand dollars ($25,000). As used in this part "agency" and "administrator" refer to the Highway Transportation Agency and the Administrator of Highway Transportation, respectively, unless the context otherwise requires.

Bond

13977. Before entering upon the duties of his office the administrator shall execute an official bond to the State in the penal sum of fifty thousand dollars ($50,000) conditioned upon the faithful performance of his duties.

Powers of administrator

13978. The administrator has the power of general supervision over, and is directly responsible to the Governor for, the operations of each department, office, and unit within the agency.

Reports

13979. The administrator shall develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, co-ordinated planning and policy formulation in the matters of public interest related to the agency. To accomplish this end, the administrator may hold public hearings, consult with and use the services and co-operation of other state agencies, employ staff and consultants, and appoint advisory and technical committees to assist in the work.

Organization

13980. For the purpose of administration, the administrator shall review the organization of the agency and report to the Governor on such changes as he deems necessary properly to segregate and conduct the work of the agency.

Delegations

13981. The administrator and any other officer or employee within the agency designated in writing by the administrator shall have the power of a head of a department pursuant to Article 2 (commencing with Section 11180) of Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Same

13982. Whenever a power is granted to the administrator the power may be exercised by such officer or employee within the agency as designated in writing by the administrator.

SEC. 2. Section 14000 of the Government Code is amended to read:

Department of Public Works Division of Architecture

14000. There is in the Highway Transporation Agency a Department of Public Works. It is recognized that the Division of Architecture within the Department of Public Works is being retained temporarily in the Department of Public Works pending the enactment of legislation creating a General

Services Agency or one similar thereto, into which the Division of Architecture will be transferred.

SEC. 3. Section 1500 of the Vehicle Code is amended to read:

1500. There is in the Highway Transportation Agency the Department of Motor Vehicles. Department of Motor Vehicles

SEC. 4. Section 2100 of the Vehicle Code is amended to read:

2100. There is in the Highway Transportation Agency the Department of the California Highway Patrol. California Highway Patrol

SEC. 5. This act shall be known and may be cited as the Collier-Burns Act of 1961. Short title

SEC. 6. This act shall become operative on October 1, 1961. Operative date

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CHAPTER 2074

An act to amend Sections 3106, 3227, 3417, and 3608 and to repeal Sections 3414, 3414.1, and 3415 of the Public Resources Code, relating to oil and gas.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 3106 of the Public Resources Code is amended to read:

3106. The supervisor shall so supervise the drilling, operation, maintenance, and abandonment of wells as to prevent, as far as possible, damage to underground oil and gas deposits from infiltrating water and other causes, loss of oil, gas, or reservoir energy and damage to underground and surface waters suitable for irrigation or domestic purposes by the infiltration of, or the addition of, detrimental substances, by reason of the drilling, operation, maintenance, or abandonment of wells. Duty of supervisor

The supervisor shall also supervise the drilling, operation, maintenance, and abandonment of wells so as to permit the owners or operators of such wells to utilize all methods and practices known to the oil industry for the purpose of increasing the ultimate recovery of underground hydrocarbons and which, in the opinion of the supervisor, are suitable for such purpose in each proposed case. In order to further the elimination of waste by increasing the recovery of underground hydrocarbons it is hereby declared as a policy of this State that the grant in an oil and gas lease or contract to a lessee or operator of the right or power, in substance, to explore for and remove all hydrocarbons from any lands in the State of California, in the absence of an express provision to the contrary contained in such lease or contract, is deemed to allow the lessee or contractor or his successors or assigns, to do what a prudent operator using reasonable diligence would

do, having in mind the best interests of the lessor, lessee and the State, in producing and removing hydrocarbons, including but not limited to the injection of air, gas, water or other fluids into the productive strata, the application of pressure heat or other means to the reduction of viscosity of the hydrocarbons, the supplying of additional motive force or creating of enlarged or new channels for the underground movement of hydrocarbons into production wells, when such methods or processes employed have been approved by the supervisor; provided, however, nothing contained in this section imposes a legal duty upon such lessee or contractor, his successors or assigns, to conduct such operations.

SEC. 2. Section 3227 of said code is amended to read:

Statement by owner

3227. The owner of any well producing or capable of producing oil or gas shall file with the supervisor, on or before the 10th day of each month, for the last preceding calendar month, a statement, in such form as the supervisor may designate, showing:

Contents

(a) The amount of oil and gas produced from each well during the period indicated, together with the gravity of the oil, the amount of water produced from each well, estimated in accordance with methods approved by the supervisor, and the number of days during which fluid was produced from each well.

(b) The number of wells drilling, producing, or idle, owned or operated by such person.

(c) What disposition was made of the gas produced from each well, including the names of persons, if any, to whom the gas was delivered, and such other information regarding the gas and the disposition thereof as the supervisor may require.

Upon request and satisfactory showing, a longer interval may be fixed by the supervisor for such reports in the case of any specific owner or operator.

(d) It is the duty of the supervisor to compile from such statements and to publish monthly statistics showing the amount of oil and gas produced in the State by oil fields and pools, together with the number of wells drilling, number of wells producing or idle, all separately stated as to oil fields and pools, with such other information as the supervisor deems proper.

"Pool"

(e) As used in this section, "pool" means an underground reservoir containing a common accumulation of crude petroleum oil or natural gas or both. Each zone of a general structure which is separated from any other zone in the structure is a separate pool.

Repeal

SEC. 3. Section 3414 of said code is repealed.

Repeal

SEC. 4. Section 3414.1 of said code is repealed.

Repeal

SEC. 5. Section 3415 of said code is repealed.

SEC. 6. Section 3417 of said code is amended to read:

Notice Contents

3417. The notice shall state:

(a) That the assessment of property and levy of charges under this article has been completed.

(b) That the records of assessments containing the charges due will be delivered to the State Controller on the first Monday in July.

(c) That if any person is dissatisfied with the assessment made or charge fixed by the department he may, at any time before the first Monday in July, apply to the Controller to have the assessment or charge corrected in any particular.

Costs of publication shall be paid from the Petroleum and Gas Fund. The omission to publish notice shall not affect the validity of any assessment levied pursuant to this article.

SEC. 7. Section 3608 of said code is amended to read:

Declarations covering parcels less than one acre

3608. Where land aggregating less than one acre is surrounded by other lands, which other lands are subject to an oil and gas lease aggregating one acre or more, and if, under the provisions of Sections 3600 to 3607, inclusive, of the Public Resources Code, the drilling or producing of a well on said land is declared to be a public nuisance, said land shall, for oil and gas development purposes and to prevent waste and to protect the oil and gas rights of landowners, be deemed included in said oil and gas lease on said other lands, and shall be subject to all the terms and provisions thereof, when the State Oil and Gas Supervisor has caused to be recorded with the county recorder of the county in which said land aggregating less than one acre is located a declaration as hereinafter provided. A request for inclusion of surrounded land aggregating less than one acre may be filed with the supervisor at any time by either the lessee of such other lands or by the owner or lessee of such surrounded land or the supervisor may act upon his own motion. Before filing such request the lessee of such other lands shall make a reasonable effort to include each parcel of surrounded land, within the oil and gas lease upon such other lands.

There shall be attached to such request a statement which shall set forth the name or names of the record owner or record owners of said land aggregating less than one acre which is to be included in said oil and gas lease on said other lands, the legal description of said land aggregating less than one acre, name of the lessee of the oil and gas lease in which such land is to be included, and a reference to the book and page of the official records of the county recorder where such oil and gas lease is recorded or a reference to the document number and date of recordation of such oil and gas lease. Within 20 days following receipt of such request and attached statement, the supervisor shall cause to be recorded with the county recorder of the county in which said land aggregating less than one acre is located, a declaration, signed by him or his assistant or deputy, that said land is deemed by the provisions of this section to be included in said oil and gas lease on said other lands. Such declaration shall set forth the same information required to be set forth in the statement attached to the request, and a copy thereof shall be mailed or otherwise delivered by the supervisor to the lessee. The county recorder shall

accept such declaration for recordation and shall index such declaration in the names of all persons or corporations mentioned therein. From the time of recording thereof in the office of the county recorder such notice shall impart constructive notice of the contents thereof to all persons dealing with the land therein described.

The owners of the oil and gas mineral rights in said land so deemed included in said oil and gas lease on said other lands, as herein provided, shall thereafter receive in money, based upon the production of oil and gas from the leasehold including said land or lands unitized or pooled therewith, a pro rata share of the landowners' royalty determined in accordance with the provisions of said oil and gas lease in the proportion that the area of said land bears to the aggregate of the total area covered by said oil and gas lease including the area of said land or as otherwise provided in said lease; provided further, that said owners of said oil and gas mineral rights in said land shall in no case receive less than their pro rata share determined, as herein provided, of the value of one-eighth part of the oil and gas produced, saved and sold from or allocated to the operating unit comprising said leasehold on said other lands and said land, computed in accordance with the provisions of said oil and gas lease with respect to the computation of landowners' royalty; provided further that upon recordation of the statement by the supervisor, the owners of such oil and gas mineral rights in such land shall also receive a pro rata share of any other benefits thereafter accruing to the owners of the oil and gas mineral rights under the terms of the oil and gas lease on such other lands; and provided further, that without the consent of said owners of said land the lessee or operator of said oil and gas leasehold shall have no right to use the surface of said land nor to use the subsurface thereof down to a depth of 200 feet below the surface thereof.

Where said land aggregating less than one acre is surrounded by lands which are not subject to a single oil and gas lease but is surrounded by lands which are subject to two or more separate oil and gas leases, one or more of which oil or gas leases aggregates one acre or more, then in such event the said land aggregating less than one acre shall, as herein provided, be included within and be joined to that oil and gas lease aggregating one acre or more as to which said parcel of land aggregating less than one acre has the longest common boundary. If there is no longest common boundary, the request shall designate the lease, aggregating one acre or more, into which the parcel aggregating less than one acre shall be included by the declaration of the supervisor; otherwise the supervisor shall make such designation.

In determining the contiguity of any parcels of land for the purposes hereof, no road, street or alley shall be deemed to interrupt such contiguity.

CHAPTER 2075

An act to amend Section 75060 6 of the Government Code, relating to judges' retirement

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 75060 6 of the Government Code is amended to read:

75060.6. Except as provided in Section 75060.5, every judge who retires pursuant to Section 75060 shall during the remainder of his life, receive an allowance equal to one-half of the salary payable, at the time the allowance falls due, to the judge holding the judicial office to which he was last elected by the people. The allowance shall be paid by the State at the times and in the manner provided for the payment of salaries of justices of the Supreme Court.

The Commission on Judicial Qualifications, in its discretion, and from time to time, may require any judge who is receiving an allowance under this section and who is under the age of 65 years to undergo medical examination. Such examination shall be made by one or more physicians or surgeons, appointed by the Commission on Judicial Qualifications, at the place of residence of the judge or other place mutually agreed upon. Upon the basis of such examination the commission shall determine whether he is still incapacitated, physically or mentally, for service as a judge. If the commission determines, on the basis of the results of such medical examination, that he is not so incapacitated, he shall be a judicial officer of the State, but shall not exercise any of the powers of a justice or judge except while under assignment to a court by the Chairman of the Judicial Council. The allowance of such judge shall cease if he refuses an assignment while he is not so incapacitated. The provisions of Section 68543.5 are applicable to such a judge. The transfers and deductions required by Sections 75102 and 75103 shall be made with respect to the salary paid such a judge while he is so assigned. If such judge subsequently retires pursuant to Section 75025, the period of time he served while so assigned shall be included in the computation of years of service for the purpose of Section 75025. The provisions of this section and of Section 75060 are applicable to all judges of courts of record in this State.

CHAPTER 2076

An act to amend Sections 30609, 30778, 30779, and 30794 of, and to add Section 30791.5 to, the Streets and Highways Code, relating to the San Mateo-Hayward Bridge and particular highway crossings.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 30609 of the Streets and Highways Code is amended to read:

Alterations, etc.

30609. Subject to the limitations hereinafter prescribed and under the provisions of Chapter 1 of this division, the department may make such revisions of, and improvements or alterations to, the San Francisco-Oakland Bay Bridge, its approaches, connections and other appurtenances, including the terminal building in San Francisco, as are deemed desirable and necessary by the department to permit the use of the entire San Francisco-Oakland Bay Bridge for traffic. Such revisions may include work necessary for the routing of traffic in one direction on each deck of the bridge.

Funds

The department may use for such purposes any funds now on hand from the revenues of the San Francisco-Oakland Bay Bridge, and the future revenues of the bridge accruing up to July 1, 1961, or so much thereof as may be necessary, over and above those required to repay the State Highway Fund as required by Sections 30605 and 30607, and to provide the costs of maintenance, operation, insurance and other expenses of the San Francisco-Oakland Bay Bridge.

Rapid transit bonds

In the event bonds are issued for the construction of the rapid transit tube to be secured by the revenues of the San Francisco-Oakland Bay Bridge, the authority may provide for the completion of the work on the San Francisco-Oakland Bay Bridge, and for any work on the San Mateo-Hayward Bridge, from the proceeds of bonds to be included in such an issue or it may reserve from the revenues which would secure such a bond issue sufficient revenues to complete the work.

SEC. 2. Section 30778 of said code is amended to read:

Pledge of tolls and revenues

30778. The annual tolls and revenues of the San Francisco-Oakland Bay Bridge or so much thereof as may be necessary after provision for the payment in full of all annual costs of maintenance, operation, insurance and other expenses of the San Francisco-Oakland Bay Bridge, and after payment or provision for payment in full of all the costs of revisions, improvements and alterations referred to in and subject to the limitations of Section 30609, and all of the costs of any project involving the San Mateo-Hayward Bridge, shall be pledged and used to finance and pay for the cost of construction of the rapid transit tube, including but not limited to payment of the principal of, and interest and premiums, if any, on, and

provision for security of, the revenue bonds of the authority issued pursuant to this article. The costs of the approaches of the rapid transit tube, including but not limited to the portion of all financing costs attributable to such approaches, shall be reimbursed to the authority by the district in accordance with Section 29081 of the Public Utilities Code, over a period to be fixed by agreement between the district and the authority at not less than the estimated period for retirement of said revenue bonds and not longer than the full term of such bonds having the latest maturity. Such reimbursement shall be in equal annual installments or in such installments as may be agreed upon. The district at its option may anticipate any of such installments in whole or in part. No other payments shall be required of the district for the use of the rapid transit tube.

SEC. 3 Section 30779 of said code is amended to read:

Precedence of construction

30779. Other than the improvement of the San Francisco-Oakland Bay Bridge and the improvement of the San Mateo-Hayward Bridge, the construction of the rapid transit tube shall precede the construction of any additional crossing of San Francisco Bay, financed in whole or in part by the tolls or revenues of the San Francisco-Oakland Bay Bridge, providing, however, that if by November 30, 1963, the voters of the district have not approved the issuance of general obligation bonds of the district for the construction of a regional rapid transit system, the provisions of this section and Sections 30775, 30777, and 30778 shall be of no further force or effect.

In the event the voters of the district have not approved the issuance of such bonds by November 30, 1963, the accumulated tolls or revenues from the San Francisco-Oakland Bay Bridge shall be used to finance a vehicular crossing of San Francisco Bay from a point south of the San Francisco-Oakland Bay Bridge to an eastern terminus in Alameda County after the completion of the work involved in the improvement of the San Francisco-Oakland Bay Bridge and the improvement of the San Mateo-Hayward Bridge. A portion of such accumulated tolls and revenues may be used to finance engineering studies by the department to determine the most appropriate termini for, and the approaches to, the crossing.

SEC. 4 Section 30791.5 is added to said code, to read:

San Mateo-Hayward Bridge

30791.5. The department is requested to design and construct the improved San Mateo-Hayward Bridge facility as a high level fixed span bridge, if it finds that the necessary approvals of such plans can be obtained from the appropriate officials of the federal government and that the improvement can be constructed with available funds.

SEC. 5. Section 30794 of said code (as proposed by Chapter 57, Statutes of 1961) is amended to read:

Alternative method of financing

30794. As an alternative method of financing, the California Toll Bridge Authority may pay for the costs of the reconstruction and improvement work on the San Mateo-

Hayward Bridge, including repayment to the State Highway Fund for funds advanced for studies, from any funds now on hand or from future revenues of the San Francisco-Oakland Bay Bridge up to and including June 30, 1964, insofar as such funds are determined by the authority to be available after providing for the payment for the work necessary to complete the reconstruction of the San Francisco-Oakland Bay Bridge as authorized by Section 30609. In the event the work is so financed the authority shall continue to assess, and the department shall collect, tolls on the San Mateo-Hayward and Dumbarton Bridges after the repayment of all bonds secured thereby either at rates then in effect or at rates equal to or in excess of those payable on the San Francisco-Oakland Bay Bridge. All revenues so collected shall be paid into the same fund as revenues of the San Francisco-Oakland Bay Bridge and shall be available for expenditure for the same purposes as the revenues from the San Francisco-Oakland Bay Bridge, including the pledging thereof as security for future issues of revenue bonds that may be authorized by the authority.

CHAPTER 2077

An act to repeal Section 23609, and to add Chapter 1.6 (commencing with Section 23624) to Division 18, of the Education Code, relating to state colleges.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 23609 of the Education Code is repealed.

SEC. 2. Chapter 1.6 (commencing with Section 23624) is added to Division 18 of said code, to read:

CHAPTER 1.6. EDUCATIONAL, NONCOMMERCIAL TELEVISION

Educational television

23624. The trustees, on behalf of any state college, may enter into contracts for the purpose of participating in or the procuring or transmitting of television broadcasts, may purchase broadcast time over, and may own, lease and operate television transmitting facilities for use in providing educational, noncommercial television broadcasts, and may provide necessary services in connection therewith.

No state money other than that which is specifically appropriated for the purposes of this section shall be expended by the trustees for the implementation of this section.

CHAPTER 2078

An act to add Section 14258.1 to the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 14258.1 is added to the Education Code, to read:

14258.1. A person shall not be entitled to receive survivors allowances under Section 14256 on account of the death of any member of this system if that person is entitled to receive a similar allowance from the State Employees' Retirement System. A dependent parent of a deceased member shall not be entitled to survivors allowances from this system if at the member's death there were children of the deceased member entitled to receive survivors allowances or similar benefits from the State Employees' Retirement System.

CHAPTER 2079

An act to amend Sections 73951, 73957 and 74341 of the Government Code, relating to municipal courts.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 73951 of the Government Code is amended to read:

73951. There shall be one judge. In the event the Board of Supervisors of San Diego County consolidates all or a substantial part of the Encinitas Judicial District with the Oceanside Judicial District there shall be two judges. The second judge shall take office upon the effective date of the ordinance providing for the consolidation. Judges

SEC. 2 Section 73957 of said code is amended to read:

73957. The municipal court shall hold sessions at such location or locations within the Oceanside Judicial District as the Board of Supervisors of the County of San Diego may designate. Place of sessions

SEC. 3. Section 74341 of said code is amended to read:

74341. There shall be 15 judges each of whom shall receive annually the same salary received by judges of the municipal court in the judicial district embracing the City of Los Angeles. Judges

CHAPTER 2080

An act to add Chapter 4 (commencing with Section 3045.1) to Title 14, Part 4, Division 3 of the Civil Code, relating to hospital liens.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 3045.1) is added to Title 14, Part 4, Division 3 of the Civil Code, to read:

CHAPTER 4. HOSPITAL LIENS

Lien upon damages recovered

3045.1. Every person, partnership, association, corporation, including but not limited to a municipal corporation, or other institution or body maintaining a hospital licensed under the laws of this State which furnishes emergency medical or other services of a reasonable value in excess of one hundred dollars ($100) to any person injured by reason of an accident or wrongful act not covered by Division 4 (commencing with Section 3201) or Division 4.5 (commencing with Section 6100) of the Labor Code, shall, if the person asserts or maintains a claim against another for damages on account of his injuries, have a lien upon the damages in excess of one hundred dollars ($100) recovered, or to be recovered, by the person, or by his heirs or personal representative in case of his death to the extent of the amount of the reasonable and necessary charges of the hospital for the treatment, care, and maintenance of the person in the hospital during the emergency period. For the purposes of this section, the emergency period shall not exceed a period of 72 hours.

Form of recovery

3045.2. The lien shall apply whether the damages are recovered, or are to be recovered, by judgment, settlement, or compromise.

Written notice

3045.3. A lien shall not be effective, however, unless a written notice containing the name and address of the injured person, the date of the accident, the name and location of the hospital, the amount claimed as reasonable and necessary charges for the emergency period as hereinbefore defined, and the name of each person, firm, or corporation known to the hospital and alleged to be liable to the injured person for the injuries received is delivered or is mailed by registered mail, return receipt requested, postage prepaid, to each person, firm, or corporation known to the hospital and alleged to be liable to the injured person for the injuries sustained prior to the payment of any moneys to the injured person, his attorney, or legal representative as compensation for the injuries.

The hospital shall, also, deliver or mail by registered mail, return receipt requested, postage prepaid, a copy of the notice

to any insurance carrier known to the hospital which has insured the person, firm or corporation alleged to be liable to the injured person against the liability. The person, firm, or corporation alleged to be liable to the injured person shall, upon request of the hospital, disclose to the hospital the name of the insurance carrier which has insured it against the liability.

Liability for wrongful payment

3045.4. Any person, firm, or corporation, including but not limited to an insurance carrier, making any payment to the injured person, or to his attorney, heirs, or legal representative, for the injuries he sustained, after the receipt of the notice as herein provided, without paying to the association, corporation, or other institution or body maintaining the hospital the amount of its lien claimed in the notice, or so much thereof as can be satisfied out of 50 percent of the moneys exceeding one hundred dollars ($100) due under any final judgment, compromise, or settlement agreement after paying any prior liens shall be liable to the person, partnership, association, corporation, or other institution or body maintaining the hospital for the amount of its lien claimed in the notice which the hospital was entitled to receive as payment for the medical care and services rendered to the injured person.

3045 5. The person, partnership, association, corporation or other institution or body maintaining the hospital may, at any time within one year after the date of the payment to the injured person, or to his heirs, attorney, or legal representative, enforce its lien by filing an action at law against the person, firm, or corporation making the payment and to whom such notice was given as herein provided.

Application

3045.6. The provisions of this chapter shall not apply to any claim or cause of action against a common carrier subject to the jurisdiction of the Public Utilities Commission or the Interstate Commerce Commission.

CHAPTER 2081

An act to add Section 15854.1 to, and to amend Section 15861 of, the Government Code, relating to sites for the California state colleges.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 15854.1 is added to the Government Code, to read:

Acquisition of sites

15854.1. The board shall not select or acquire a site for the use of the California State Colleges unless, prior to the selection, the trustees have, by resolution, approved of the selection of the site.

SEC. 2. Section 15861 of said code is amended to read:

Use for other purposes

15861. Whenever it appears to the satisfaction of the board that any part of the campus of a state college acquired as a site for student housing will, if used for such purpose, interfere with the proper and orderly development of the campus, the board may authorize the use of such site for any other purpose of the state college upon the Trustees of the California State Colleges designating some other part of the campus as a site for the student housing affected.

CHAPTER 2082

An act to repeal Article 1 (commencing with Section 24701), and Article 4 (commencing with Section 24851) as amended and renumbered to be Article 3 by Chapter 12 of the Statutes of 1961, of Chapter 13 of Division 18, and Section 24755, and to amend Section 24751, of the Education Code, relating to state colleges.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Article 1 (commencing with Section 24701), and Article 4 (commencing with Section 24851) as amended and renumbered to be Article 3 by Chapter 12 of the Statutes of 1961, of Chapter 13 of Division 18 of the Education Code are repealed.

SEC. 2. Section 24751 of said code is amended to read:

Additional functions

24751. In addition to the functions provided by Section 22606 the California State Polytechnic College shall be authorized to emphasize the applied fields of agriculture, engineering, business, home economics and other occupational and professional fields. This article shall be liberally construed.

Repeal

SEC. 3. Section 24755 of said code is repealed.

CHAPTER 2083

An act to add Section 5843.5 to the Streets and Highways Code, relating to lighting maintenance districts.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 5843.5 is added to the Streets and Highways Code, to read:

5843.5. Notwithstanding any other provision of this chapter, whenever the board of supervisors receives a petition

signed by 20 or more taxpayers of an existing lighting maintenance district asking for the installation and maintenance of additional lights, the board may, by order entered upon its minutes, make the expenses of the installation and maintenance of the additional lights a charge upon the existing district if the board determines that it will be just and equitable, and in the public interest for the additional cost, if any, to be paid by the district as a whole. If sufficient funds are available or will be available from a tax levy already made or after the tax levy has been made, the board may proceed with the installation of the additional lights.

CHAPTER 2084

An act to add Section 31680.1 to, and to amend Section 31680 of, the Government Code, relating to retirement of public employees.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 31680.1 is added to the Government Code, to read:

31680.1. Any person who has retired under this chapter may, without reinstatement from retirement or loss or interruption of benefits under this chapter, serve as a juror or election officer and receive any fees payable for such service.

Service as juror, election officer

SEC. 2. Section 31680 of said code is amended to read:

31680. A member retired for service or disability shall not be paid for any service rendered by him to the county or district after the date of his retirement, except: (a) as specifically provided in this chapter. (b) pursuant to Section 31733 (c) the county or district may pay and such retired member may receive rewards for ideas or suggestions made by such retired member for the improvement of county or district activities.

Services rendered to county or district

CHAPTER 2085

An act to amend Section 18352 of, and to repeal Section 20106 of, the Education Code, relating to new school districts.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 18352 of the Education Code is amended to read:

18352. The Superintendent of Public Instruction shall during each fiscal year allow to the county school service fund of each county from the State School Fund such amounts

Allowance to county school service fund

as the budget submitted by the county superintendent of schools and approved by the Superintendent of Public Instruction, under Section 18351, shows is necessary, but:

(a) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for supervision of instruction and health, attendance, and guidance services pursuant to Sections 8601 to 8753, inclusive, for pupils in elementary school districts which during the next preceding fiscal year had less than 901 units of average daily attendance, in high school districts which, during the preceding year had less than 301 units of average daily attendance, and in unified school districts which during the next preceding fiscal year had less than 1,501 units of average daily attendance shall not exceed the sum provided by law for such purpose or the amounts shown necessary by such budgets, for such purpose, whichever is the lesser.

(b) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for all other purposes shall not exceed the sum provided by law for such purposes or the amounts shown necessary by such budgets, whichever is the lesser.

(c) The Superintendent of Public Instruction is herewith authorized to withhold from the allowances made pursuant to subdivision (b) of this section such amount as he determines is needed, but not in excess of two hundred thousand dollars ($200,000), to reimburse county superintendents of schools for expenses incurred in providing emergency education to pupils and making financial grants to school districts pursuant to the provisions of Section 20105.

(d) The Superintendent of Public Instruction is herewith authorized to withhold from the allowances made pursuant to subdivision (b) of this section such amount as he determines is needed to reimburse county superintendents of schools for the actual and necessary travel expenses incurred in connection with co-operative county publication projects by the county superintendent of schools or members of his staff.

Repeal

SEC. 2. Section 20106 of said code is repealed.

CHAPTER 2086

An act to amend Sections 5050.1, 5050.2, 5050.3, 5050.5, 5052, 5053, 5750.5, 6003, and 6602 of, and to repeal Section 5050.6 of, the Welfare and Institutions Code, relating to commitment to mental institutions.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 5050.1 of the Welfare and Institutions Code is amended to read:

5050.1. The order for examination or detention shall be in substantially the following form: Form of order

IN THE SUPERIOR COURT OF THE
STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF _____

The People For the Best Interest and Protection of _____ As a Mentally Ill Person and Concerning _____and _____ Respondents	ORDER FOR EXAMINATION OR DETENTION

The People of the State of California to
_____ :
(peace officer, counselor in mental health)

The petition of _____ having been presented this day to me, a judge of the superior court in and for the County of _____, State of California, from which it appears that there is now in this county, at _____, a person by the name of _____, who is mentally ill and in need of supervision, treatment, care or restraint.

And it satisfactorily appearing to me that said person is sufficiently mentally ill and in need of supervision, treatment, care or restraint, that examination should be made into the state of his mental health, and hearing held, if demanded, to determine the supervision, treatment, care or restraint, if any, necessary for his best interest and protection, and the protection of the people.

I do hereby appoint _____ and _____ as medical examiners to make a personal examination of _____, the person alleged to be mentally ill, and to report thereon to the court, pursuant to Section 5055 of the Welfare and Institutions Code.

* Now, therefore, you are commanded to notify said _____, to submit to an examination into the state of his mental health at _____ on or before the _____ day of _____, that thereafter he may be taken before a judge of the superior court in this county for examination and hearing to determine the measures to be taken for the best interest and protection of said _____, as a mentally ill person, as provided by law.

* And it affirmatively appearing to me that said person is sufficiently mentally ill that he is likely to injure himself or others if not immediately hospitalized or detained, you are therefore commanded to forthwith detain said _____, or

cause him to be detained for examination and hearing, pending the further order of the judge, at _____, and there be cared for in a humane manner as a mentally ill person and provided with any medical treatment deemed necessary to his physical well-being.

* And it satisfactorily appearing to me that said person has failed or has refused to appear for examination when notified by order of this court, you are therefore commanded to forthwith detain said _____ or cause him to be detained for examination and hearing, pending the further order of the judge, at _____, and there be cared for in a humane manner as a mentally ill person.

I hereby direct that a copy of this order together with a copy of the said petition be delivered to said person and his representative, if any, at the time of his notification; and I further direct that this order may be served at any hour of the night.

Witness my hand, this _____ day of _____, 19___.

_____

Judge of the Superior Court

* Strike out when not applicable.

RETURN OF ORDER

I hereby certify that I received the above order for examination or detention, and on the _____ day of _____, 19___, served it by notifying and delivering to said _____ personally, and to his representative, if any, to wit, _____, a copy of the order and of the petition,* or by apprehending said person and causing h__ to be detained for examination and hearing and for humane care as an alleged mentally ill person at _____; until further ordered and directed by the judge

* I hereby certify that prior to the service of the above order for detention and the apprehension of _____ I served notice on the person and his representative, if any, as required under Section 5050.5 of the Welfare and Institutions Code.

Dated: _____, 19___.

_____

Signature of Officer

* Strike out when not applicable.

Personal service

SEC. 2. Section 5050.2 of said code is amended to read:

5050.2. As promptly as possible, and at least one day before the time of the examination as fixed by the court order, a copy of the petition and order for examination shall be personally delivered to the person and his representative, if any, and, unless the petition is filed by such a relative to the wife, husband, father, mother, or other nearest relative of the person alleged to be mentally ill, if any such relative is known to be within the county; if no such relative is known to be within the county, a copy of the petition and order for examination shall be personally delivered to the person with

whom such alleged mentally ill person resides or at whose home he is, or in the absence of that person, to a friend of the alleged mentally ill person.

When an order for the forthwith detention of the person as issued by the court is executed by the officer, a copy of the petition and order for detention shall be personally delivered to the persons designated in this section.

SEC. 3. Section 5050.3 of said code is amended to read:

5050.3. When any person becomes so mentally ill as to be likely to cause injury to himself or others and to require immediate care, treatment, or restraint, a peace officer, health officer, county physician or assistant county physician, who has reasonable cause to believe that such is the case, may take the person into custody for his best interest and protection and place him as provided in this section. The person believed to be mentally ill may be admitted and detained in the quarters provided in any county hospital or state hospital upon application of the peace officer, health officer, county physician, or assistant county physician. The application shall be in writing and shall state the circumstances under which the person's condition was called to the officer's or physician's attention and shall also state that the officer or physician believes, as a result of his personal observation, that the person is mentally ill and because of his illness is likely to injure himself or others if not immediately hospitalized. Dangerous persons

The superintendent or physician in charge of the quarters provided in such county hospital or state hospital may care for and treat the person for a period not to exceed seventy-two (72) hours, excluding Saturdays, Sundays, and holidays. Within said seventy-two (72) hours the person shall be discharged from the institution unless a petition of mental illness is presented to a judge of the superior court and the court issues an order for detention of such person, or unless the person is admitted as a patient under any other provision of law.

SEC. 4. Section 5050.5 of said code is amended to read:

5050.5. At the time of service of the petition and order for examination or detention, the officer making the service shall also deliver to each person served a copy of a notice which shall read substantially as follows: Form of copy of notice

The petition which accompanies this notice has been filed in the Superior Court in and for the County of _____, alleging that _____ is mentally ill and in need of supervision, treatment and care.

* _____ is notified to present himself at the time and place designated in the attached order to submit to an examination into the state of his mental health. He is permitted to be accompanied by one or more of his relatives or friends to the place of examination. If he fails or refuses to appear for such examination, the court may issue an order for his forthwith detention for such examination.

* _____ has been affirmatively alleged to be sufficiently mentally ill that he is likely to injure himself or others if not immediately hospitalized or detained. The court has therefore issued the attached order for detention and for examination and hearing before the court.

_____ has the right to a hearing, to bring in witnesses and to have compulsory process therefor, and to be represented by an attorney.

If _____ or a relative, friend, counsel or representative desires to be heard by the court, he must within four days after service of this notice file a request for a hearing with the clerk of the Superior Court in and for the County of _____.

* Strike out when not applicable.

Repeal

SEC. 5. Section 5050 6 of said code is repealed.

SEC. 10. Section 5052 of said code is amended to read:

Time and place of hearing

5052. For the purpose of conducting hearings pursuant to this chapter the court may be convened at any time and place within the county, suitable to the mental and physical health of the person, except that the time and place for hearing shall not be different from the time and place for the trial of civil actions if any party to the proceeding, prior to the hearing, objects to any different time or place; and provided, that if the hearing is held at any place other than a regular courtroom of the superior court five days' notice be given thereof to the patient and the petitioner, unless waived by the person or his representative, and appropriate minute order made thereof on the records of the court.

Any such hearing may be held in the psychiatric ward or unit of a county hospital and it shall be deemed that such hearing is held in a place for the trial of civil actions and in a regular courtroom of the superior court.

Any other provision of this section notwithstanding, the alleged mentally ill person may demand that the hearing be public, and be held in a suitable place for attendance by the public.

SEC. 11. Section 5053 of said code is amended to read:

Witnesses

5053. The judge of the superior court may, for any hearing, order the clerk of the court to issue subpoenas and compel the attendance of witnesses from any place within the boundaries of this State and shall issue such subpoenas and compel attendance of witnesses as requested by the alleged mentally ill person: but no person is obliged to attend as a witness in such a hearing out of the county where he resides or is served unless the judge, upon affidavit to the effect that affiant believes that the evidence of the witness is material and his attendance at the hearing necessary, indorses on the subpoena an order for the attendance of the witness.

Medical examiners

The judge shall compel the attendance of at least two medical examiners, who shall hear the testimony of all witnesses, make a personal examination of the alleged mentally ill person, and testify before the judge as to the result of the examination,

and to any other pertinent facts within their knowledge. The judge shall also cause to be examined before him as a witness, any other person who he has reason to believe has any knowledge of the mental condition of the alleged mentally ill person or of his financial condition or that of the persons liable for his maintenance.

All witnesses attending a hearing upon a subpoena issued under this section shall be entitled to the same fees and expenses as in criminal cases, to be paid upon the same conditions and in like manner.

SEC. 14. Section 5750.5 of said code is amended to read:

Voluntary patients

5750.5. The person in charge of any private institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged may receive and detain therein as a voluntary patient any person suffering from mental illness or derangement who is a suitable person for care and treatment in the institution, hospital, or sanitarium, who voluntarily makes a written application to the person in charge for admission into the institution, hospital or sanitarium, and who is at the time of making the application mentally competent to make the application.

After the admission of a voluntary patient to a private institution, hospital, or sanitarium the person in charge shall forward to the office of the State Department of Mental Hygiene a record of the voluntary patient showing such information as may be required by rule by the department.

No voluntary patient in a private institution, hospital, or sanitarium shall be detained therein for more than seven days, after having given notice, in writing, to the person in charge of the institution, hospital, or sanitarium of his desire to leave the institution, hospital, or sanitarium, unless within such period a petition has been filed with the superior court for commitment of such person as a mentally ill person.

SEC. 15. Section 6003 of said code is amended to read:

Detention

6003. No adult person received into the county psychopathic hospital under the provisions of subdivisions (b) and (c) of Section 6002 of this code shall be detained therein for more than seven days, after having given notice, in writing, to the superintendent or person in charge, of his desire to leave such hospital.

No minor person received into the county psychopathic hospital under the provisions of subdivisions (b) and (c) of Section 6002 of this code shall be detained therein for more than seven days, after notice is given, in writing, to the superintendent or person in charge of the hospital by the parents, or the parent, guardian or other person entitled to the custody of the minor, of their desire to remove the minor from the hospital unless, within such period, a petition has been filed with the superior court for commitment of such person as a mentally ill person.

SEC. 16. Section 6602 of said code is amended to read:

Voluntary admission to state hospital

6602. Pursuant to rules and regulations established by the State Department of Institutions, the medical superintendent or person in charge of any state hospital may receive and detain in such state hospital, as a boarder and patient, any person who is a suitable person for care and treatment in such state hospital, upon receipt of a written application for the admission of the person into the hospital for care and treatment made in accordance with the following requirements:

(a) In the case of an adult person, the application shall be made voluntarily by the person, at a time when he is in such condition of mind as to render him competent to make it.

(b) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody to any of such mental hospitals as may be designated by the Director of Institutions to admit minors on voluntary applications.

Any such person received and detained in a state hospital shall be deemed a voluntary patient.

Upon the admission of a voluntary patient to a state hospital, the medical superintendent or person in charge shall immediately forward to the office of the State Department of Institutions the record of such voluntary patient, showing the name, residence, age, sex, place of birth, occupation, civil condition, date of admission of such patient to such hospital, and such other information as is required by the rules and regulations of the department.

The charges for the care and keeping of such person in such hospital shall be governed by the provisions of Article 5 of this chapter relating to the charges for the care and keeping of insane persons in state hospitals.

No adult person received into a state hospital under such voluntary application shall be detained therein for more than seven days, after having given notice, in writing, to the medical superintendent or person in charge of such hospital of his desire to leave such hospital unless, within such period, a petition has been filed with the superior court for commitment of such person as a mentally ill person.

No minor person received into a state hospital as a voluntary patient shall be detained therein for more than seven days after notice is given, in writing, to the medical superintendent or other person in charge of the hospital by the parents, or the parent, guardian, or other person entitled to the custody of the minor, of their desire to remove him from the hospital.

No person received into a state hospital as a voluntary patient during his minority shall be detained therein after he reaches the age of majority, but any such person, after attaining the age of majority, may apply for admission into the hospital for care and treatment in the manner prescribed in this section for applications by adult persons.

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this section.

CHAPTER 2087

An act to amend Section 28133 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1 Section 28133 of the Government Code is amended to read:

28133 In a county of the 33d class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand two hundred dollars ($9,200) a year.

(b) The district attorney, fourteen thousand dollars ($14,000) a year He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, six thousand dollars ($6,000) a year. He shall also receive the following mileage and traveling expenses: (1) twelve cents ($0.12) a mile in traveling to and from his residence to the county seat in attending sessions of the regular and special meetings of the board of supervisors and in attending sessions of the meetings of the board of supervisors when the board convenes as a board of equalization; and (2) twenty cents ($0.20) a mile to and from his residence while traveling in the county for the purpose of inspecting and viewing roads, not to exceed nine hundred dollars ($900) in any one year; and, (3) eight cents ($0 08) a mile to and from his residence while traveling inside the county in the performance of his duties other than those listed in items (1) and (2), and eight cents ($0 08) a mile to and from his residence when traveling outside the county on business authorized or ratified by the board of supervisors In addition to the above mileage each member of the board shall receive his other actual travel expenses incurred by him while traveling for any of the purposes set forth in items (1), (2) and (3) of this paragraph.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for the first day's attendance, and six dollars ($6) thereafter, and twenty cents ($0 20) for each mile actually and necessarily traveled from their residences to the place of service, in going only, to be allowed but once during any one session of the court or grand jury. Jurors in justice courts and coroner's inquests shall receive two dollars ($2) for each day's attendance, and ten cents ($0.10) for each mile

actually and necessarily traveled from their residences to the place of service, in going only. The fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 2088

An act to amend Section 5882 of the Public Resources Code, and to add Section 684 to the Harbors and Navigation Code, relating to an informational program on the safe operation of vessels, and making an appropriation.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 5882 of the Public Resources Code is amended to read:

Appropriation

5882. All moneys in the Small Craft Harbor Revolving Fund are hereby continuously appropriated to the Department of Natural Resources for the support of the Department of Natural Resources, the Division of Small Craft Harbors, and the Small Craft Harbors Commission for the purposes of this division, and Section 684 of the Harbors and Navigation Code, including refunds. No money shall be expended from such fund for the acquisition of real property for and the construction and development of small craft harbors or for loans to cities, counties, and districts pursuant to this division unless a specific appropriation is made therefor by the Legislature, except (1) loans to such local agencies for planning purposes only (2) grants for the acquisition, development and construction of launching facilities, and (3) moneys in the fund in excess of funds necessary for current operating expenses of the division derived from Section 8352 of the Revenue and Taxation Code, used for the purposes of Section 5823.5.

SEC. 2. Section 684 is added to the Harbors and Navigation Code, to read:

Program of public information

684. The division is authorized to develop a program of public information and research in the interest of reducing loss of life and property in the operation of vessels covered by this chapter.

CHAPTER 2089

An act to amend Section 28110 of the Government Code, relating to compensation for public service in counties.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 28110 of the Government Code is amended to read:

28110. In a county of the 10th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand five hundred dollars ($10,500) a year.

(b) The district attorney, seventeen thousand five hundred dollars ($17,500) a year. The district attorney shall not engage in the private practice of law and shall not, directly or indirectly, refer litigation to any attorney or receive and accept any payment from any attorney or firm of attorneys for his personal account.

(c) Each supervisor, nine thousand six hundred dollars ($9,600) a year for personal services performed by him as supervisor and member of the board of equalization. Each supervisor shall be allowed expenses necessarily incurred in the conduct of his office. He shall file an itemized statement, supported by receipts and vouchers, on the first day of each month, designating the actual expenditure on his part of such expenses for the preceding month. No allowance shall be made to him for such expenses unless they are itemized and designated in his claim.

(d) Grand jurors and trial jurors, six dollars ($6) a day and mileage for each attendance at the rate of ten cents ($0.10) for each mile actually traveled. Grand jurors shall also receive as compensation three dollars ($3) for each day's attendance as a member of any committee of the grand jury called by the secretary or committee of the grand jury or committee chairman and mileage at ten cents ($0.10) for each mile actually traveled in attending such committee meeting.

No official of the county whose compensation is fixed by this section, other than the county auditor if he is also designated as county controller, shall receive any other compensation in any form in any other capacity from the county. The salaries and expenses provided are in full compensation for the services required of them by law, or by virtue of their offices, and all other fees, mileage, or other remuneration or compensation of any kind or character received by such officers for or by reason of any duty imposed by law on them or by virtue of their offices shall be paid by them into the county treasury at the times and in the manner required by law, except that until the county provides for them and makes available to their use such automobiles as are reasonably necessary to carry out the duties of their offices, they may retain for their own use and benefit such mileage as is allowed by law. In lieu of the mileage allowed members of the board of supervisors, each member shall be supplied by the county with an automobile for use in performance of official duties. All expenses for fuel, oil, supplies, upkeep, and maintenance of automobiles for members of the board of sueprvisors shall be paid from county funds.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 2090

An act to add Section 18596.5 to the Government Code, relating to state civil service employees.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 18596.5 is added to the Government Code, to read:

18596.5. The "state civil service" shall include all vocational education personnel appointed or employed in the Department of Education, who are now excluded because they are engaged in work financed in whole or in part with federal funds or in work done by co-operation between the State and federal government.

Operative date

SEC. 2. This act shall become operative on July 1, 1962.

CHAPTER 2091

An act to repeal Section 27491 of, and to add Sections 27491, 27491.2, 27491.3, 27491.4, 27491.5, and 27491.6 to, the Government Code, relating to death investigations by coroners.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 27491 of the Government Code is repealed.

SEC. 2. Section 27491 is added to said code, to read:

Duties of coroner

27491. It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden or unusual deaths; unattended deaths; deaths wherein the deceased has not been attended by a physician in the 10 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent; deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, alcoholism, drug addiction, strangulation, or aspiration; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence: deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by

the criminal act of another, or any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry in this section does not include those investigative functions usually performed by other law enforcement agencies.

SEC. 3. Section 27491.2 is added to said code, to read:

27491.2. The coroner or his appointed deputy, on being informed of a death and finding it to fall into the classification of deaths requiring his inquiry, may immediately proceed to where the body lies, examine the body, make identification, make inquiry into the circumstances, manner, and means of death, and, as circumstances warrant, either order its removal for further investigation or disposition, or release the body to the next of kin. For purposes of inquiry, the body of one who is known to be dead under any of the circumstances enumerated in Section 27491 shall not be disturbed or moved from the position or place of death without permission of the coroner or his appointed deputy. Same

SEC. 4. Section 27491.3 is added to said code, to read:

27491.3. In any death into which the coroner is to inquire, he may take charge of any and all personal effects, valuables, and property of the deceased at the scene of death and hold or safeguard them until lawful disposition thereof can be made. He may, in his discretion, lock the premises and apply a seal to the door or doors prohibiting entrance to the premises, pending arrival of a legally authorized representative of the deceased; provided that this shall not be done in such a manner as to interfere with the investigation being conducted by other law enforcement agencies. Any costs arising from the premises being locked or sealed while occupied by property of the deceased may be a proper and legal charge against the estate of the deceased. Property of deceased

Any such property or evidence related to the investigation or prosecution of any known or suspected criminal death may, with knowledge of the coroner, be delivered to a law enforcement agency or district attorney, receipt for which shall be acknowledged.

It shall be unlawful for any person to search for or remove any papers, moneys, valuable property or weapons constituting the estate of the deceased from the person of the deceased or from the premises, prior to arrival of the coroner or without his permission. At the scene of any death, when it is immediately apparent or when it has not been previously recognized and the coroner's examination reveals that police investigation or criminal prosecution may ensue, the coroner shall not further willfully disturb the body or any related evidence until the law enforcement agency has had reasonable opportunity to respond to the scene, if their purposes so require and they so request.

SEC. 5. Section 27491.4 is added to said code, to read:

27491.4. For purposes of inquiry the coroner may, in his discretion, take possession of the body, which shall include the Custody of body

authority to exhume such body, order it removed to a convenient place, and make or cause to be made a post mortem examination or autopsy thereon, and make or cause to be made an analysis of the stomach, stomach contents, blood, organs, fluids, or tissues of the body. The detailed medical findings resulting from an inspection of the body or autopsy by an examining physician shall be either reduced to writing or permanently preserved on recording discs or other similar recording media, shall include all positive and negative findings pertinent to establishing the cause of death in accordance with medicolegal practice and this, along with the written opinions and conclusions of the examining physician, shall be included in the coroner's record of the death. He shall have the right to retain only such tissues of the body removed at the time of the autopsy as may, in his opinion, be necessary or advisable to the inquiry into the case, or for the verification of his findings. No person may be present during the performance of a coroner's autopsy without the express consent of the coroner.

SEC. 6. Section 27491 5 is added to said code, to read:

Certificate of death

27491.5. The cause of death appearing on a certificate of death signed by the coroner shall be in conformity with facts ascertained from inquiry, autopsy and other scientific findings. In case of death without medical attendance and without violence, casualty, criminal or undue means, the coroner may, without holding an inquest or autopsy, make the certificate of death from statements of relatives, persons last in attendance, or persons present at the time of death, after due medical consultation and opinion has been given by one qualified and licensed to practice medicine and so recorded in the records of the death, providing such information affords clear grounds to establish the correct medical cause of death within accepted medical practice and within the requirements for accuracy prescribed by the Division of Vital Statistics of the State Department of Public Health. The coroner shall not finally exclude crime, suicide, or accident as a cause of death because of lack of evidence.

SEC. 7. Section 27491.6 is added to said code, to read:

Inquests

27491.6. The coroner may also, in his discretion, if the circumstances warrant, hold an inquest, and he shall hold an inquest if requested to do so by the Attorney General, the district attorney, or the foreman of the county grand jury.

CHAPTER 2092

An act to add Section 1031 to the Government Code, relating to peace officers.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1031 is added to the Government Code, to read:

1031. In any instance in which, after the effective date of this section, members of a class of public officers or employees are first declared by law to be peace officers or to have the powers of peace officers, each member of such class must meet at least the following minimum standards:

(a) Be a citizen of the United States;

(b) Be at least 21 years of age;

(c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose any criminal record;

(d) Be of good moral character, as determined by a thorough background investigation;

(e) Be a high school graduate or pass the General Education Development test indicating high school graduation level;

(f) Be found, after examination by a licensed physician and surgeon, to be free from any physical, emotional, or mental condition which might adversely affect his exercise of the powers of a peace officer.

This section shall not be construed to preclude the adoption of additional or higher standards.

CHAPTER 2093

An act to amend Section 25505 of the Business and Professions Code, relating to tied-house restrictions.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 25505 of the Business and Professions Code is amended to read:

25505. No onsale licensee, or any officer, director, employee, or agent of such licensee, shall hold any ownership or interest, directly or indirectly, in any manufacturer's, winegrower's, rectifier's, importer's, or wholesaler's license, the business conducted under such license, or the property used in the business.

The provisions of this section shall not apply to the holding by one person of a wholesaler's license and an onsale license in a county not to exceed 15,000 population.

The provisions of this section shall not apply to the financial or representative relationship between a manufacturer, winegrower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of such person, and a person holding only one of the following types of licenses:

(a) Onsale general license for a bona fide club.

(b) Club license (issued under Article 4 (commencing at Section 23425) of Chapter 3 of this division).

(c) Veterans' club license (issued under Article 5 (commencing at Section 23450) of Chapter 3 of this division).

(d) Onsale license for boats, trains, sleeping cars or airplanes where the alcoholic beverages produced or sold by such manufacturer, winegrower, manufacturer's agent, rectifier, bottler, importer, or wholesaler or any officer, director, or agent of such person are not sold, furnished or given, directly or indirectly to the onsale licensee.

The provisions of this section shall not prohibit the leasing of property by an onsale licensee to a manufacturer, winegrower, rectifier, importer or wholesaler provided that the lease agreement is first approved by the department. The department shall approve the lease agreement unless it finds that the rental payable is not the fair rental value of the property or that the purpose of the lease is to violate any of the provisions of this chapter.

CHAPTER 2094

An act to add Section 1300.31 to the Agricultural Code, relating to the marketing of fish.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 1300.31 is added to the Agricultural Code, to read:

1300.31 The provisions of this chapter regarding the marketing of agricultural commodities are applicable to fish and persons who handle, process, or distribute fish, except fish for canning and retorting.

CHAPTER 2095

An act to add Sections 31461.2 and 31470.9 to, and to amend Section 31641.5 of, the Government Code, relating to the County Employees Retirement Law.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 31461.2 is added to the Government Code, to read:

"Compensation earnable"

31461.2. "Compensation earnable" by a public administrator, coroner or coroner-public administrator member compensated by means of fees means the average compensation as determined by the board, for the period under consideration, upon the basis of the average amount of fees received each month by such member.

SEC. 2. Section 31470.9 is added to said code, to read:

31470.9. All public administrators, coroners and coroner-public administrators, whether compensated on a fee or salary basis, are eligible, except that the membership of such persons is subject to the approval of the board of supervisors. Eligibility

SEC. 3. Section 31641.5 of said code is amended to read:

31641.5. A member who prior to his entrance into the retirement system held a position in the county service the tenure of which was such as to exclude him from membership, or a coroner, public administrator or coroner-public administrator who was excluded because of the means by which he was compensated, shall have the right to receive credit in the retirement association for all or any part of the county service he rendered, whether interrupted or not, during the time he was in county service before becoming a member if he elects to pay, and thereafter pays, in accordance with such election, and prior to retirement, into the retirement fund an amount equal to the contributions he would have made to the retirement fund if he had been a member during the time for which he has elected to receive credit, computed by applying the contribution rate first applicable to him upon becoming a member to the aggregate compensation he actually received during the time he was in county service and for which he has elected to receive credit, together with interest at the current rate on that amount from the time he became a member until completion of payment. Such payment may be made by lump sum or by installment payments over a period not to exceed the length of time for which the member has elected to receive credit, in such manner and at such times as the board may by rule prescribe. No member shall receive credit under this section for any service for which he has not completed payment pursuant to this section before the effective date of his retirement. A member who has elected to make such payment in installments may complete payment thereof by lump sum at any time prior to the effective date of his retirement. Any sums paid by a member pursuant to this section shall be considered to be and administered as normal contributions by the member. Same

Where county service prior to membership was rendered on a part-time basis, the member may receive credit for such proportion of the time he held the part-time position as the time he was actually engaged in the performance of the duties of such position bears to the time required to perform the same duties in a full-time position

A member who elects to receive credit for only a part of such county service shall elect that county service latest in time and may not receive credit for any portion of such county service prior in time to any county service for which he does not elect to receive credit.

CHAPTER 2096

An act to amend Section 11655 of the Health and Safety Code, relating to seizure and disposition of narcotics.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 11655 of the Health and Safety Code is amended to read:

11655. The state division may dispose of narcotics, other than heroin or smoking opium, by gift to the medical superintendent of state prisons or state hospitals, for medical purposes. Such limited quantities of marijuana (Cannabis sativa), its derivatives or compounds, as the Chief of the Bureau of Narcotic Enforcement may specify may be given to the heads of schools of medicine, pharmacology, and criminology which have been approved by the Attorney General, for the purpose of research or instruction in narcotic drugs. The head of such school shall personally receipt for such narcotics and shall make a record of their disposition. The receipt and record shall be retained by the Chief of the Bureau of Narcotic Enforcement.

CHAPTER 2097

An act to add Section 10116 to the Insurance Code, relating to life and disability insurance.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 10116 is added to the Insurance Code, to read:

10116. No group life insurance policy or disability insurance policy shall be issued or delivered in this State where the premiums or any part thereof is paid or is to be paid in whole or in part by an employer pursuant to the terms of a collective bargaining agreement unless the policy provides that in the event of a cessation of work by the employees covered by the policy as the result of a labor dispute the policy, upon timely payment of the premium, shall continue in effect with respect to all employees insured by the policy on the date of the cessation of work who continue to pay their individual contribution, and who assume and pay the contribution due from the employer, for the period of cessation of work, under the following conditions:

(a) If the policyholder is not a trustee or the trustees of a fund established or maintained in whole or in part by the

employer, the policy shall provide that the employee's individual contribution shall be the rate in the policy, on the date cessation of work occurs, applicable to an individual in the class to which the employee belongs as set forth in the policy. If the policy does not provide for a rate applicable to individuals, the policy shall provide that the employee's individual contribution shall be an amount equal to the amount determined by dividing (1) the total monthly premium in effect under the policy at the date of cessation of work by (2) the total number of persons insured under the policy at such date.

(b) If the policyholder is a trustee or the trustees of a fund established or maintained in whole or in part by the employer, the employee's contribution shall be the amount which he and his employer would have been required to contribute to the trust for such employee if (1) the cessation of work had not occurred and (2) the agreement requiring the employer to make contributions to the trust were in full force.

(c) The policy may provide that the continuation of insurance is contingent upon the collection of individual contributions by the union or unions representing the employees for policies referred to in subdivision (a) above, and by the policyholder or the policyholder's agent with respect to policies referred to in subdivision (b) above.

(d) The policy may provide that the continuation of insurance on each employee is contingent upon timely payment of contributions by the individual and timely payment of the premium by the entity responsible for collecting the individual contributions.

(e) The policy may provide that each individual premium rate shall be increased by any amount up to twenty percent (20%), or any higher percent which may be approved by the commissioner, of that otherwise shown in the policy during the period of cessation of work in order to provide sufficient compensation to the insurer to cover increased administrative costs and increased mortality and morbidity. If the policy does provide for such an increase, this shall have the effect of increasing the employee's contribution by a like percent.

(f) Nothing in this section shall be deemed to limit any right which the insurer may have in accordance with the terms of the policy to increase or decrease the premium rates before, during or after such cessation of work if, in fact, the insurer would have had the right to increase the premium rate had the cessation of work not occurred. If such a premium rate change is made, it shall be effective, notwithstanding any other provisions of this section, on such date as the insurer shall determine in accordance with the terms of the policy.

(g) The policy may contain such other provisions with respect to such continuation of insurance as the commissioner may approve.

(h) The policy may provide that, if a premium is unpaid at the date of cessation of work and such premium became due prior to such cessation of work, the continuation of insurance

is contingent upon payment of such premium prior to the date the next premium becomes due under the terms of the policy.

Nothing herein shall be deemed to require the continuation of any loss of time payments included in any such group disability policy, nor of any other coverages beyond the time that seventy-five percent (75%) of the employees continue such coverage or as to any individual employee beyond the time that he takes full-time employment with another employer; nor shall anything herein be deemed to require continuation of coverage more than six (6) months after the cessation of work.

Nothing in this section shall be construed as modifying or in any way affecting the operation and effect of the provisions of Part 2 of Division 1 of the Unemployment Insurance Code

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CHAPTER 2098

An act to amend Section 139 of the Civil Code, relating to support of spouse and children.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 139 of the Civil Code is amended to read:

139. In any interlocutory or final decree of divorce or in any final judgment or decree in an action for separate maintenance, the court may compel the party against whom the decree or judgment is granted to make such suitable allowance for support and maintenance of the other party for his or her life, or for such shorter period as the court may deem just, having regard for the circumstances of the respective parties and also to make suitable allowance for the support, maintenance and education of the children of said marriage during their minority, specifying in such judgment or decree the name, age and amount of support for each child, and said decree or judgment may be enforced by the court by execution or by such order or orders as in its discretion it may from time to time deem necessary.

That portion of the decree or judgment making any such allowance or allowances, and the order or orders of the court to enforce the same, including any order for support of children or order for support of the other party based on a provision for such support in an integrated property settlement agreement, may be modified or revoked at any time at the discretion of the court except as to any amount that may have accrued prior to the order of modification or revocation. This paragraph shall not be construed to render an integrated property settlement agreement modifiable when there are no minor children of the parties to the agreement.

Except as otherwise agreed by the parties in writing, the obligation of any party in any decree, judgment or order for the support and maintenance of the other party shall terminate upon the death of the obligor or upon the remarriage of the other party.

The amendments to the second paragraph of this section enacted at the 1959 Regular Session of the Legislature are effective only with respect to property settlement agreements entered into after the effective date of such amendments.

CHAPTER 2099

An act to amend Section 7137 of, and to add Sections 7076.5 and 7117.5 to, the Business and Professions Code, relating to contractors.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 7076.5 is added to the Business and Professions Code, to read:

Inactive license

7076.5. A contractor may request the board to inactivate his license by giving written notice to the board. The registrar shall thereupon issue to such person an inactive license certificate. The inactive license certificate may consist of an endorsement upon the contractor's license stating that it is inactive and does not permit the holder to transact business as a contractor. The board shall not refund any of the renewal fee which a licensee may have paid prior to requesting inactive status.

An inactive license which is not suspended or revoked may be reinstated upon 30 days' notice in writing to the registrar at any time within the period for which the license was issued, unless the board determines that grounds exist which would constitute grounds for the suspension or revocation of the license, and if the notice is accompanied by the full renewal fee provided for in subdivision (c) of Section 7137. No examination shall be required to reinstate an inactive license.

The holder of an inactive license shall not be entitled to practice as a contractor until his license is reinstated

An inactive license shall be renewed on each established renewal date upon the making of application therefor and payment of the renewal fee required by subdivision (f) of Section 7137.

Any license remaining inactive for a period exceeding ten years shall automatically be revoked.

The inactive status of a license shall not bar any disciplinary action by the board against a licensee for any of the causes stated in this chapter.

SEC. 2. Section 7117.5 is added to said code, to read:

Cause for discipline

7117.5. Acting in the capacity of a contractor under any license which has been made inactive as provided in Section 7076.5, constitutes a cause for disciplinary action.

SEC. 3. Section 7137 of said code is amended to read:

Fee schedule

7137. The amount of the fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for an original license is twenty dollars ($20).

(b) The fee for reapplication by or re-examination of an applicant for an original license who has previously applied for a license but has failed to qualify therefor is twenty dollars ($20).

(c) The renewal fee is twenty dollars ($20), but the board may increase the fee to not more than forty dollars ($40) and may reduce the fee to not less than ten dollars ($10).

(d) The delinquency fee is five dollars ($5).

(e) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(f) The renewal fee for an inactive license is five dollars ($5), but the board may increase the fee to not more than ten dollars ($10) in one or more years or may reduce the fees to not less than two dollars and fifty cents ($2.50) in one or more years.

Effect Stats 1961, Ch 1636

SEC. 4. This act becomes operative only if Senate Bill No. 473 is enacted by the Legislature at the 1961 Regular Session, and in such case at the same time as said Senate Bill No. 473 takes effect.

CHAPTER 2100

An act to amend Sections 73972, 73974, 74262, and 74264 of the Government Code, relating to the municipal courts.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 73972 of the Government Code is amended to read:

Clerk and appointees

73972. There shall be one chief clerk who may appoint one municipal court clerk, one supervising clerk, one municipal court clerk assistant, three deputy municipal court clerks, and one municipal court clerk typist.

SEC. 2. Section 73974 of said code is amended to read:

73974 Effective January 1, 1962, the monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the schedule set forth below: Salary schedule

	A	B	C	D	E
Chief clerk	516	545	575	608	641
Municipal court clerk	395	417	440	464	489
Supervising clerk	395	417	440	464	489
Municipal court clerk assistant	355	375	395	417	440
Deputy municipal court clerk	319	337	355	375	395
Deputy municipal court clerk typist	273	288	303	319	337
Marshal	575	575	575	575	575
Deputy marshal	395	417	440	464	489
Deputy marshal clerk	319	337	355	375	395

The hiring salary for each position shall be the salary in column "A." A service period of six months shall be required for a salary increase from column "A" to column "B" and one additional year's service for a salary increase from column "B" to column "C." A service period of 18 additional months shall be required for a salary increase from column "C" to column "D" and two additional years' service for a salary increase from column "D" to column "E."

Notwithstanding any other provision of law, the salaries of municipal court employees may, upon approval of the board of supervisors, be increased or decreased by an amount not to exceed eleven percent (11%) in order to provide compensation that is comparable to county employees of similar qualifications and experience holding equal or comparable positions in the San Bernardino County classified service, as the comparability is determined by the board.

SEC. 3. Section 74262 of said code is amended to read:

74262. There shall be one clerk who may appoint one assistant clerk, four court clerks, two supervising clerks, one court clerk assistant, one deputy municipal court stenographer, five deputy municipal court clerks, and seven clerks II. Clerk and appointees

SEC. 4. Section 74264 of said code is amended to read:

74264. Effective January 1, 1962, the monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the schedule set forth below: Salary schedule

	A	B	C	D	E
Chief clerk	641	677	715	755	797
Assistant clerk	489	516	545	575	608
Court clerk	395	417	440	464	489
Supervising clerk	395	417	440	464	489
Court clerk assistant	355	375	395	417	440
Deputy municipal court stenographer	337	355	375	395	417
Deputy municipal court clerk	319	337	355	375	395
Municipal court clerk, typist II	273	288	303	319	337

	A	B	C	D	E
Marshal	641	641	641	641	641
Chief deputy marshal	440	464	489	516	545
Deputy marshal	395	417	440	464	489
Deputy bailiff	375	395	417	440	464
Deputy marshal clerk	319	337	355	375	395

The hiring salary for each position shall be the salary in column "A." A service period of six months shall be required for a salary increase from column "A" to column "B" and one additional year's service for a salary increase from column "B" to column "C." A service period of 18 additional months shall be required for a salary increase from column "C" to column "D" and two additional years' service for a salary increase from column "D" to column "E."

Notwithstanding any other provision of law, the salaries of municipal court employees may, upon approval of the board of supervisors, be increased or decreased by an amount not to exceed eleven percent (11%) in order to provide compensation that is comparable to county employees of similar qualifications and experience holding equal or comparable positions in the San Bernardino County classified service, as the comparability is determined by the board.

CHAPTER 2101

An act to add Sections 5823.5 and 5865 to, and to amend Section 5882 of, the Public Resources Code, relating to small craft harbors and making an appropriation therefor.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 5823.5 is added to the Public Resources Code, to read:

Development of small craft harbors

5823.5. The division may prepare or contract for the preparation of plans for, acquire or contract for the acquisition of, construct or contract for the construction of, develop and improve or contract for the development and improvement of, any portion of coastal small craft harbors which normally are nonrevenue producing, such as jetties, breakwaters, dredging, sea walls and piers, and communication centers, such harbors to be of a type which will result in the maximum protection for small crafts with a minimum of facilities. Any such harbor shall be turned over to a county, city, or district as provided in this chapter for other small craft harbors constructed, developed or improved by the division, for operation, and no such harbor shall be constructed until an agreement for such transfer has been entered into. The agreement for such turnover may provide that the State at any time following the

completion of the harbor may require the county, city or district in control to make repayment for said State expenditure for the harbor, when and if said harbor produces a revenue. This program shall be conducted in co-operation with the existing federal government program for small craft harbor development along the coastline of California.

SEC. 2. Section 5865 is added to said code, to read:

Grants of funds to county, etc

5865. The commission may grant funds to a county, city, or district for the construction and development of small craft launching facilities and shall establish general policies for determining those projects for launching facilities which will be selected for grants of Small Craft Harbor Revolving Fund moneys on the basis of which facilities will serve the greatest public recreational boating need and which will not be constructed other than by such a grant.

This program is to build launching facilities in areas not normally considered by other state agencies as suitable to provide for conservation, propagation, and utilization of the fish and game resources of the State.

SEC. 3. Section 5882 of said code is amended to read:

Appropriation

5882. All moneys in the Small Craft Harbor Revolving Fund are hereby continuously appropriated to the Department of Natural Resources for the support of the Department of Natural Resources, the Division of Small Craft Harbors, and the Small Craft Harbors Commission for the purposes of this division, and Section 684 of the Harbors and Navigation Code, including refunds. No money shall be expended from such fund for the acquisition of real property for and the construction and development of small craft harbors or for loans to cities, counties, and districts pursuant to this division unless a specific appropriation is made therefor by the Legislature, except (1) loans to such local agencies for planning purposes only (2) grants for the acquisition, development and construction of launching facilities, and (3) moneys in the fund in excess of funds necessary for current operating expenses of the division derived from Section 8352 of the Revenue and Taxation Code, used for the purposes of Section 5823.5.

CHAPTER 2102

An act to amend Section 1503 of the Welfare and Institutions Code, relating to the administration of the aid to needy children program.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1503 of the Welfare and Institutions Code is amended to read:

1503. It is the object and purpose of this chapter to provide aid for children whose dependency is caused by circum-

stances defined in Section 1500 and to keep children in their own homes wherever possible and to provide the best substitute for their own homes for those children who must be given foster care.

Those engaged in the administration of aid under this chapter are responsible to the community for its effective, humane, and economical administration.

It is the intent of the Legislature that the employment and self-maintenance of parents of needy children be encouraged to the maximum extent and that this chapter shall be administered in such a way that needy children and their parents will be encouraged and inspired to assist in their own maintenance. The State Department of Social Welfare shall take all necessary steps to implement this section.

For the purposes of this chapter the value of supplies, equipment and other items which are a part of a program to assist in the maintenance and self-support shall not be considered as personal property as established by Section 1521.

CHAPTER 2103

An act to add Section 1550.1 to the Welfare and Institutions Code, relating to aid to needy children.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1550.1 is added to the Welfare and Institutions Code, to read:

1550.1. Caseworker services shall be made available immediately to an applicant for aid under this chapter upon the filing of his application.

CHAPTER 2104

An act to amend Section 1504 of the Welfare and Institutions Code, relating to aid to needy children.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1504 of the Welfare and Institutions Code is amended to read:

1504. Whenever any aid under this chapter is repaid to a county or recovered by a county pursuant to Section 1506.5, the State shall be entitled to a share of the amount received or recovered, proportionate to the amount of state funds paid,

and, if the funds advanced by the federal government were paid, the federal government shall be entitled to a share of the amount received or recovered, proportionate to the amount of federal funds paid.

Repayments to the State and to the federal government made pursuant to this section shall be computed after deducting the costs reasonably and necessarily incurred by the district attorney's office in locating and recovering from the parents of the children receiving aid under this chapter. The county shall establish a recordkeeping system, in accordance with the standards prescribed by the State Social Welfare Board, to support the deductions provided for in this section.

This section shall take effect if and when amendments to the federal statutes or rules and regulations of the United States Department of Health, Education, and Welfare take effect permitting the use of federal funds to reimburse local law enforcement agencies for the costs incurred by them in enforcing the support liability of parents of children receiving aid under the chapter.

CHAPTER 2105

An act to amend Section 1508 of the Welfare and Institutions Code, relating to aid to needy children.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1508 of the Welfare and Institutions Code is amended to read:

1508. Where a needy child as defined in this chapter lives with his mother and a stepfather or an adult male person assuming the role of spouse to the mother although not legally married to her, the amount of the grant made pursuant to Section 1511 of this code shall be computed after consideration is given to the income of the stepfather or such adult male person. The county granting aid shall determine if the stepfather or such adult male person is able to support the child either wholly or in part. Said determination shall be based upon a standard which takes into account the stepfather's or such adult male person's income and expenses under regulations set forth by the State Board of Social Welfare.

Notwithstanding the provisions of Section 209 of the Civil Code, a stepfather or such adult male person is bound to support, if able to do so, his wife's children if without support from such stepfather or adult male person they would be needy children eligible for aid under this chapter. However, such liability for support shall not exceed the wife's community property interest in his income.

A natural father is not relieved of any legal obligation to support his children by the liability for their support imposed upon their stepfather by this section.

As used in this section, "adult male person" means any male person of age 18 years or older.

CHAPTER 2106

An act to add Section 1509.4 to the Welfare and Institutions Code, relating to aid to needy children.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1509.4 is added to the Welfare and Institutions Code, to read:

1509.4. In case of dispute, the application and supporting documents pertaining to his case on file in the department of welfare or on file in any county office shall be open to inspection at any time during business hours by the applicant or recipient or his attorney or agent.

CHAPTER 2107

An act to amend Section 1550 of the Welfare and Institutions Code, relating to aid to needy children.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1550 of the Welfare and Institutions Code is amended to read:

1550. Except as provided in Section 1557 of this code, application for aid in behalf of any child shall be made to the county in which he is living at the time of application. The county shall promptly investigate all applications in the manner prescribed by regulations of the State Board of Social Welfare and report facts secured by such investigation on forms prescribed by such board. The county shall approve or deny such application. The investigation for eligibility shall be completed promptly, without any unnecessary delay, and with all diligence after receipt of an application with the objective that payment is made to all eligible persons within the minimum possible length of time.

If the applicant is determined to be eligible the aid shall be granted from the first day of the month in which the determination is made that he is eligible, but aid shall not begin

prior to the date of application unless an earlier date is required by Section 104.1.

If the investigation is not completed within 45 days, the investigation shall continue until completed and if eligibility is established aid shall begin as of the first day of the month following the month in which the 45th day falls.

The county, at the time of receiving an application for aid, under this chapter, shall determine if the applicant needs emergency assistance. If the applicant meets the county's requirements, county aid shall be granted until the investigation for aid under this chapter is completed.

Every application for aid in behalf of any child shall be verified under oath, or shall contain a written declaration that it is made under the penalties of perjury. A county may require supplementary written statements in connection with an application for aid or the continuation of aid to be verified or signed under a like declaration. Any person signing any application or statement containing such declaration who willfully and knowingly, with intent to deceive, states therein as true any material matter which he knows to be false is subject to the penalties prescribed for perjury in the Penal Code of this State.

CHAPTER 2108

An act to add Section 1563 to the Welfare and Institutions Code, relating to aid to needy children.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1563 is added to the Welfare and Institutions Code, to read:

1563. The county shall redetermine eligibility annually. The county shall at the time of such redetermination, and may monthly or at such other intervals as may be deemed necessary, require the family to complete a certificate of eligibility containing a written declaration of such information as may be required to establish the continuing eligibility and amount of grant pursuant to Section 103 3 of this code.

The certificate shall include blanks wherein shall be stated the names of all children receiving aid, their present place of residence, the names and status of any other adults living in the home, and any outside income that may have been received through employment, gifts, or the sale of real or personal property.

If the certificate is mailed to the family, it shall be accompanied by a stamped envelope for its return. In the event the certificate is not completed and returned within 10 days after it is mailed or personally delivered to the family, a home visit

shall be made to the family, and the certificate shall then be completed with the assistance of the social worker, if needed. If there is a refusal to complete such certificate, the warrant for the succeeding month may be withheld pending clarification of eligibility.

Any person signing such certificate who willfully states therein any material matter which he knows to be false is guilty of a misdemeanor.

CHAPTER 2109

An act to add Section 1564 to the Welfare and Institutions Code, relating to aid to needy children.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1564 is added to the Welfare and Institutions Code, to read:

1564. Any parent in the State whose absence is the basis upon which an application is filed for aid in behalf of a child shall be required to complete a statement of his current monthly income, his total income over the past 12 months, the number of dependents for whom he is providing support, the amount he is contributing regularly toward the support of all children for whom application for aid is made under this chapter, his current monthly living expenses and such other information as is pertinent to determining his ability to support his children.

A violation of this section constitutes a misdemeanor.

CHAPTER 2110

An act making an appropriation to the Department of Public Works for highway safety research.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred thousand dollars ($100,000) is hereby appropriated from the Motor Vehicle Fund in the State Treasury to the Department of Public Works to be expended for research on highway safety, such research to be conducted jointly by the Division of Highways of the department and the Department of Motor Vehicles and the Department of the California Highway Patrol.

CHAPTER 2111

An act to add Section 266 to the Education Code, relating to school textbooks.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 266 is added to the Education Code, to read:

266. The Superintendent of Public Instruction shall report on elementary textbooks to the Joint Legislative Budget Committee.

The report shall include such information relating to state textbooks as the Joint Legislative Budget Committee may require. The report shall be made at times required, and on forms prescribed by the Joint Legislative Budget Committee. The report shall be made at least once a year.

CHAPTER 2112

An act to add Section 23703 to the Revenue and Taxation Code, relating to exemption from taxation for charitable corporations.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 23703 is added to the Revenue and Taxation Code, to read:

23703. (a) No exemption shall be allowed under this article to any charitable corporation as defined in Sections 12582.1 and 12583 of the Government Code for any year or years for which it fails to file with the Attorney General, on or before the due date, any registration or periodic report required by Article 7 (commencing with Section 12580) of Chapter 6, Part 2, Division 3, Title 2, of the Government Code.

(b) The exemption shall be disallowed under this section only after the Attorney General has notified the Franchise Tax Board in writing that a charitable corporation subject to the provisions of subdivision (a) has failed to file any such registration or periodic report on or before the due date thereof.

(c) If an exemption is disallowed under this section, such exemption may be reinstated when the registration or periodic reports are filed; however, any such charitable corporation shall pay the minimum tax provided for by Section 23153 for any year or years for which its exemption was disallowed under this section.

(d) No exemption shall be disallowed under this section for income years commencing before January 1, 1962.

(e) The Franchise Tax Board may make any regulations which it deems necessary to effectuate the purposes of this section.

CHAPTER 2113

An act to amend Section 24054 of the Education Code, relating to state college auxiliary organizations.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 24054 of the Education Code is amended to read:

24054. The Department of Finance, or a public accountant selected by the organizations or funds hereafter described and in accordance with procedures prescribed by the Department of Finance, shall audit any and all state college auxiliary funds and funds of organizations using the name of the State, state college, or representing an official relationship with the college, or funds in which college officials participate as directors as part of their official position, whether such funds be maintained on campus or not. The operation of state college auxiliary organizations shall be conducted in conformity with regulations established by the trustees and approved by the Director of Finance. The regulations shall include provisions requiring the governing board of each auxiliary organization to provide, on or before July 1, 1962, salaries, working conditions and benefits, exclusive of retirement and permanent status benefits, for the full-time employees of each auxiliary organization, except alumni associations, which are comparable to those provided state employees performing similar services. For those employees whose duties are not comparable to classes in state employment the salaries established shall be at least equal to the salaries prevailing in other educational institutions in the area.

CHAPTER 2114

An act to amend Section 13444 of the Education Code, relating to probationary employees of school districts.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 13444 of the Education Code is amended to read:

13444. The governing board of any school district shall dismiss probationary employees for cause only. The determina-

tion of the board as to the sufficiency of the cause for dismissal shall be conclusive, but the cause shall relate solely to the welfare of the schools and the pupils thereof. The determination of the board as to the sufficiency of the cause for dismissal shall not be subject to judicial review. The causes for dismissal shall not be restricted to those specified in Section 13403.

No employee shall be denied the right to a hearing to determine the cause for his dismissal and in case a hearing is requested by the employee the proceeding shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code and the governing board shall have all the power granted to an agency in said Chapter 5, except that the respondent shall file his notice of defense, if any, within five days after service upon him of accusation and he shall be notified of such five-day period for filing in the accusation, and excepting further, that in districts with an average daily attendance of less than 85,000 the governing board of the district itself may conduct the hearing without its being presided over by a hearing officer as otherwise required by Chapter 5. No employee in districts with an average daily attendance of less than 85,000 shall be denied the right to receive written notice stating the causes for dismissal and such written notice shall not deprive any employee so dismissed of the further right to a hearing as described in this section. All expenses of the hearing, including the cost of the hearing officer, shall be paid by the governing board from the district funds.

The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

CHAPTER 2115

An act to add Chapter 3 (commencing with Section 15200) to Part 6, Division 3, Title 2 of the Government Code, relating to state assistance for counties in the prosecution and conduct of homicide trials, and making an appropriation.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 (commencing at Section 15200) is added to Part 6, Division 3, Title 2 of the Government Code, to read:

CHAPTER 3. ADMINISTRATION OF JUSTICE

15200. The Legislature hereby declares that: (1) The uniform administration of justice throughout the State is a matter

Legislative declaration

of statewide interest; (2) The prosecution and conduct of trials of persons accused of homicide should not be hampered or delayed by any lack of funds available to the counties for such purposes; (3) A county should not be required to bear the entire costs of a trial involving a homicide if such costs will seriously impair the finances of the county; and (4) It is the intention of the Legislature in enacting this chapter to provide for state assistance to counties in such emergency situations.

"Costs incurred by the county"

15201. As used in this chapter, "costs incurred by the county" mean all costs incurred by the county in the trial or trials of a person for the offense of homicide, including costs incurred by the district attorney in investigation and prosecution, by the sheriff in investigation, and all other costs incurred by the county in connection with the trial including witness fees and expenses, reporter fees, and costs in preparing transcripts.

Reimbursement

15202. A county in which is conducted a trial or trials of a person for the offense of homicide may apply to the Director of Finance for reimbursement of the costs incurred by the county in excess of the amount of money derived by the county from a tax of ten cents ($.10) on each one hundred dollars ($100) on the property assessed for purposes of taxation within the county.

No reimbursement shall be made pursuant to this section if the county, in the opinion of the Director of Finance, has sufficient funds in its treasury, not allocated or committed for other purposes, which could be used to pay such costs.

Grant of funds

15203. If the county meets the conditions described in Section 15202 and applies to the Director of Finance for reimbursement pursuant to that section, the Director of Finance, out of any funds appropriated for the purpose of this chapter, may grant to such county funds sufficient to reimburse the county for such costs in excess of the amount derived by the tax described in Section 15202. The Director of Finance, in determining whether funds shall be granted to a county under this chapter shall consider the amount of state funds available for this purpose, the financial position of the county applying for a grant, and whether applications by other counties have been made or are expected to be made.

Rules and regulations

15204. The Director of Finance may establish rules and regulations to carry out the purposes of this chapter.

Appropriation

SEC. 2. The sum of thirty-five thousand dollars ($35,000) is appropriated from the General Fund to the Director of Finance for expenditure for the purpose of this chapter during the 1961-1962 fiscal year.

CHAPTER 2116

An act to add Article 3 (commencing with Section 33070) to Chapter 1, Part 1, Division 24 of, and Sections 33281 and 33282 to, and to amend Section 33274 of, the Health and Safety Code, relating to community redevelopment.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 33070) is added to Chapter 1, Part 1, Division 24 of the Health and Safety Code, to read:

Article 3. Housing for Residents of Project Areas

Slums, public policy, etc

33070. The Legislature of the State of California recognizes that among the principal causes of slum and blighted residential areas are the following factors:

(a) Inadequate enforcement of health, building, and safety laws.

(b) The fact that the limited financial resources of many human beings who inhabit them make only this type of housing available to such persons.

(c) Racial discrimination against persons of certain groups in seeking housing.

(d) The neglect of absentee landlords.

It is, therefore, declared to be the public policy of this State that, in order to cope with the problem of the rehabilitation of slum or blighted areas, these factors shall be taken into consideration in any rehabilitation or redevelopment program. It is further declared to be the public policy of this State that such rehabilitation or redevelopment programs shall not be undertaken and operated in such a manner as to exchange new slums for old slums or as to congest individuals from one slum to another slum.

Federal urban renewal aid

33070. A redevelopment agency may, in order to facilitate the rehousing of families and single persons who are displaced from their homes in a project area, utilize the aids made available through federal urban renewal, redevelopment and housing legislation and may use funds derived from any public or private source to carry out the purposes of this section.

Discrimination

33071. There shall be no discrimination in the undertaking or operation of the provisions of this article because of race, color, religion, national origin, or ancestry.

SEC. 2. Section 33274 of said code is amended to read:

Construction of buildings

33274. This part does not authorize an agency to construct any of the buildings for residential, commercial, industrial, or other use contemplated by the redevelopment plan.

SEC. 3. Section 33281 is added to said code, to read:

Rental property

33281. This part does not authorize an agency to own or operate rental property acquired and rehabilitated in prospect

of resale beyond a reasonable period necessary to effect such resale. Property acquired by an agency for rehabilitation and resale shall be offered for resale within one year after completion of rehabilitation, or an annual report shall be published by the agency in a newspaper of general circulation published in the community listing any rehabilitated property held by the agency in excess of such one-year period, stating the reasons such property remains unsold and indicating plans for its disposition.

SEC. 4. Section 33282 is added to said code, to read:

Annual report

33282. In undertaking rehabilitation of structures pursuant to this part, every redevelopment agency shall, on or before February 15th of each year, commencing with February 15, 1963, render a report to the Legislature setting forth in detail the activities of the agency involving rehabilitation, including, but not limited to, each of the following:

(a) Expenditure of public funds.

(b) Number and kinds of units rehabilitated.

(c) Disposition of rehabilitated units.

CHAPTER 2117

An act to amend Section 29186 of, and to add Section 29291 to, the Public Utilities Code, relating to validating proceedings.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 29186 of the Public Utilities Code is amended to read:

Bonds

29186. An action to determine the validity of bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 2. Section 29291 is added to the Public Utilities Code, to read:

Bonds, other indebtedness

29291. An action to determine the validity of bonds or other evidences of indebtedness may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Effect Stats 1961, Ch 1967

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 575 is enacted by the Legislature at its 1961 Regular Session, in which event Section 29291 added to the Public Utilities Code by Senate Bill No. 575 is repealed, and Section 1 of this act shall become operative only if Section 2 of this act does not become operative.

CHAPTER 2118

An act to add Section 20806 to the Education Code, relating to school district taxation.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 20806 is added to the Education Code, to read:

20806. For the purpose of providing funds for the payment by the district of all or part of the premiums, dues, or other charges for health and welfare benefits on officers and employees, or on the spouses and dependent children of such officers and employees, which the governing board of a district may have authorized in accordance with the provisions of Article 1 (commencing with Section 53200) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, district taxes may be levied and collected annually by the respective district at the same time and in the same manner as other district taxes are levied and collected. The tax shall be in addition to any other district tax now or hereafter authorized by law, and shall not be considered in fixing maximum rates of tax for school district purposes.

This section shall apply only when the average daily attendance of a school district or of two or more school districts governed by governing boards of identical personnel is 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding fiscal year.

CHAPTER 2119

An act to add Section 599 to the Penal Code, relating to mistreatment of poultry and rabbits.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 599 is added to the Penal Code, to read:

599. Every person is guilty of a misdemeanor who gives away, any live baby chicks, rabbits, ducklings, or other fowl as a prize for, or as an inducement to enter, any contest, game or other competition or as an inducement to enter a place of amusement.

CHAPTER 2120

An act to amend Section 15955 of the Education Code, relating to school district contracts.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 15955 of the Education Code is amended to read:

15955. Continuing contracts for work to be done, services to be performed, or for apparatus or equipment to be furnished, sold, built, leased, installed, or repaired for the district, or for materials or supplies to be furnished, sold or leased to the district may be made with an accepted vendor or lessor as follows: for work or services, or for apparatus or equipment, not to exceed five years; for materials or supplies, not to exceed three years.

CHAPTER 2121

An act to add Sections 13409 and 54205 to the Government Code, relating to purchases through the Department of Finance.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 13409 is added to the Government Code, to read:

Purchases of materials, equipment or supplies

13409. The Department of Finance is authorized to make purchases of materials, equipment, or supplies, other than printed material, on behalf of any city, county, city and county, district, or other local governmental body or corporation empowered to expend public funds for the acquisition of property, upon written request of such local agency; provided that such purchases can be made by the Department of Finance upon the same terms, conditions and specifications at a price lower than the local agency can obtain through its normal purchasing procedures. No purchase shall be for less than five hundred dollars ($500) and the local agency shall accept sole responsibility for payment to the vendor. All purchases shall be subject to audit and inspection by the local agency for which made.

No purchase shall be made under this section when bids have been received by the local agency for the furnishing of such materials, equipment, or supplies, unless the purchase by the Department of Finance can be made at a lower price upon the same terms, conditions and specifications.

A charge shall be made to each local agency availing itself of this service, not to exceed the cost to the department of rendering the service.

The Department of Finance may adopt such rules and regulations as are necessary for the purposes of this section.

SEC. 2. Section 54205 is added to said code, to read:

Requests

54205. Any local agency may request the State Department of Finance to make purchases of materials, equipment, or supplies on its behalf in accordance with the provisions of Section 13409.

CHAPTER 2122

An act to add Section 35792 to the Vehicle Code, relating to vehicle height limits.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 35792 is added to the Vehicle Code, to read:

35792. The Department of Public Works or local authorities with respect to highways under their respective jurisdictions may at their discretion upon application in writing and if good cause appears issue a special permit in writing on either an individual trip or seasonal basis authorizing the applicant to move a vehicle containing a load consisting solely of cans or other receptacles which vehicle and load is in excess of 13 feet and 6 inches in height but does not exceed 14 feet in height measured from the surface upon which the vehicle stands. Such permits shall be issued only for the movement of the vehicle from the place of manufacture or storage of the cans to canneries, shall be operative only from June 1 to October 31 of each year and shall not be issued on routes where bridges, overpasses or other structures would render the movement unsafe.

CHAPTER 2123

An act to amend Section 9360.3 of the Government Code, relating to the retirement of legislators.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 9360.3 of the Government Code is amended to read:

9360.3. Application to the board for retirement of a member for disability may be made by the member or any person

in his behalf. Upon receipt of the application and determination of the board that the applicant is incapcitated for the performance of duty, the board shall retire the member for disability. The application shall be made only during one or more of the three following periods:

(a) While the person is a member of this system.

(b) During such time as he has allowed his accumulated contributions to remain in the system pursuant to Section 9355.2.

(c) If the person has not allowed his accumulated contributions to remain in the system pursuant to Section 9355.2 and if he was physically or mentally incapacitated to perform his duties on the date of discontinuance of his service as a legislator and such incapacity continued to the time of application, while he is physically or mentally incapacitated.

SEC. 2. The amendment of Section 9360.3 of the Government Code, made by Assembly Bill No. 2593 at the 1961 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the pre-existing law.

CHAPTER 2124

An act to add Section 19370 to, and to repeal Section 19256 of, the Government Code, relating to the transfer of employees.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 19370 is added to the Government Code, to read:

Transfer of function or administration

19370. Whenever a function or the administration of a law is transferred from one state agency to another state agency, all persons serving in the state civil service and engaged in the performance of the function or the administration of the law shall be transferred to such agency. The status, positions, and rights of such persons shall be retained by them pursuant to the State Civil Service Act. A state agency is not required to retain any unnecessary officers or employees.

"State agency" includes all departments, boards, offices, authorities, commissions, and other agencies of state government.

The board may provide by rule for the administration of this section.

Repeal

SEC. 2. Section 19256 of said code is repealed.

CHAPTER 2125

An act to grant certain lands, tide and submerged lands, swamp and overflowed lands of the State of California to the City of Redwood City, including the management, use and control thereof.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the City of Redwood City, a municipal corporation of the State of California, and to its successors, all of the rights, title and interest of the State of California held by said State by virtue of its sovereignty in and to all lands, tidelands and submerged lands, swamps and overflowed lands, whether filled or unfilled, included within that portion of the City of Redwood City, County of San Mateo, State of California, particularly described as follows: Grant to Redwood City

Beginning at the intersection of the northwesterly bank of Redwood Creek with the southerly bank of Deepwater Slough in Section 8, T5S, R3W, Mount Diablo Base and Meridian, said point is Station 175 as shown on the Map entitled "Map of the Grant to the City of Redwood City" recorded in Volume 4 of Licensed Land Surveys at Pages 69, 70, 71, 72 and 73, San Mateo County Records; thence across the mouth of Deepwater Slough, along the course between Stations 175 and 176, North 12° 25′ 11″ East 418.66 feet; thence along mean high tide line westerly, northerly and easterly along the inside of the curve of Deepwater Slough South 82° 06′ West 210.03 feet, South 86° 24′ 50″ West 351.69 feet, North 83° 25′ 10″ West 104.69 feet, North 77° 28′ 20″ West 221.27 feet, North 62° 06′ 10″ West 115.41 feet, North 54° 43′ 40″ West 100.44 feet, North 40° 07′ 30″ West 183.10 feet, North 29° 08′ 20″ West 468.26 feet, North 18° 26′ 10″ West 117.00 feet, North 4° 00′ 20″ East 100.24 feet, North 5° 02′ 30″ West 273.06 feet, North 14° 37′ 20″ East 95.08 feet, North 10° 24′ 30″ East 199.28 feet, North 4° 50′ 40″ East 118.42 feet, North 12° 39′ 10″ East 100.44 feet, North 19° 53′ 10″ East 99.96 feet, North 16° 23′ 20″ East 177.20 feet, North 28° 15′ 50″ East 211.18 feet, North 34° 01′ 40″ East 471.78 feet, North 39° 11′ 10″ East 579.27 feet, North 49° 57′ 20″ East 245.58 feet, North 59° 07′ 40″ East 107.19 feet, North 66° 18′ 30″ East 107.02 feet, North 83° 59′ 30″ East 114.63 feet, North 88° 50′ 30″ East 99.02 feet, South 72° 53′ 50″ East 122.41 feet, South 64° 08′ East 110.02 feet, South 50° 59′ 20″ East 101.67 feet, South 57° 02′ East 746.13 feet, and South 52° 05′ 50″ East 40.40 feet to the course between Stations 190 and 191 as shown on said "Map of the Grant to the City of Redwood City" distant thereon North 41° 34′ 29″ East 39.00 feet from said Station 190 on the northwesterly bank of Redwood Creek; thence along said course between Stations 190 and 191, across the mouth of Deepwater Slough, North 41° 34′ 29″ East 254.00

feet; thence along the mean high tide line westerly and southerly along the outside of the curve of Deepwater Slough North 74° 58′ 20″ West 207.53 feet, North 53° 24′ 10″ West 251.60 feet, North 37° 12′ 30″ West 203.40 feet, North 47° 12′ 10″ West 147.19 feet, North 54° 07′ West 174.03 feet, North 62° 01′ 10″ West 144.94 feet, North 73° 13′ West 131.61 feet, North 78° 49′ 30″ West 82.57 feet, South 80° 27′ 20″ West 114.59 feet, South 77° 34′ West 130.05 feet, South 61° 43′ 10″ West 194.18 feet, South 54° 26′ 40″ West 349.09 feet, South 42° 20′ 30″ West 239 94 feet, South 40° 17′ 50″ West 491.67 feet, South 36° 20′ 50″ West 263 21 feet, South 29° 06′ 20″ West 322.76 feet, South 15° 48′ 20″ West 282 69 feet, South 6° 50′ 30″ West 276.97 feet, South 16° 53′ 10″ West 117.05 feet, South 9° 58′ 20″ West 134 65 feet, and South 24° 37′ West 302.49 feet to an arm of Deepwater Slough running westerly; thence along the mean high tide line along the bank of said arm of Deepwater Slough South 39° 57′ 30″ West 96.54 feet, South 49° 01′ 40″ West 100.66 feet, North 86° 52′ 40″ West 110.16 feet, North 63° 44′ 30″ West 167.26 feet, South 42° 15′ 10″ East 176.98 feet, South 24° 36′ West 91.29 feet, South 3° 58′ 10″ East 173.42 feet, South 5° 03′ 50″ West 79.31 feet, South 15° 41′ 30″ West 92.45 feet, South 43° 29′ 10″ West 187.45 feet, South 30° 11′ 50″ West 141.15 feet, South 37° 24′ 20″ East 64.20 feet, South 61° 30′ 20″ East 39 82 feet, North 63° 26′ 10″ East 46.96 feet, North 24° 36′ 50″ East 196.89 feet, North 40° 41′ 20″ East 141.11 feet, North 15° 11′ 10″ East 145.07 feet, North 4° 26′ 40″ West 193.58 feet, North 12° 31′ 40″ East 73.76 feet, North 81° 40′ 30″ East 82.87 feet, South 73° 34′ 10″ East 81.32 feet, South 81° 08′ 10″ East 110.32 feet, North 84° 12′ East 128.66 feet, North 46° 32′ 50″ East 104.69 feet and North 21° 42′ 30″ East 116.24 feet, to the westerly bank of Deepwater Slough; thence continuing along the high tide line southerly and easterly along the outside bank of the curve of Deepwater Slough, South 42° 16′ 30″ East 14.87 feet, South 14° 05′ 30″ East 246.42 feet, South 2° 45′ 30″ West 83.10 feet, South 25° 46′ 10″ East 418.63 feet, South 29° 12′ 30″ East 291.00 feet, South 43° 05′ 30″ East 169.78 feet, South 69° 37′ 20″ East 373.37 feet, South 84° 10′ 30″ East 98.51 feet, South 80° 58′ 50″ East 255.15 feet, South 76° 49′ 40″ East 96.54 feet, South 62° 47′ East 78.72 feet, South 81° 23′ East 66.75 feet, and South 62° 56′ 10″ East 153.85 feet to the point of beginning.

To be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city, and its successors, only for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation by air as well as by water, and for the construction, mainte-

nance, and operation of flood control projects, including the use of said lands for the purpose of depositing thereon spoils from dredging operations in connection with channel improvements in Redwood Creek, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods (but in no event exceeding 50 years), for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods (but in no event exceeding 50 years), for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor, and collect and retain rents from such leases. Nothing contained in this subdivision (a) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937 and any such franchise shall be effective with respect to said lands.

(b) That said lands shall be improved by said city without expense to the State, and shall always remain available for public use for all purposes of commerce and navigation, and the State of California shall have at all times, the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or other water or aircraft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures, appliances or facilities mentioned in paragraph (a), no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors.

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes.

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land; provided, however, that dredging operations may be conducted by or on behalf of said grantee in any part of the granted areas for the improvement of navigation in Redwood Creek and the spoils resulting from such dredging may be disposed of at the discretion of the City of Redwood City, and if any monetary benefit is derived from the disposal of sand or shell, such benefit shall inure to the State of California.

(f) The lands herein described are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for

highway right-of-way purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

(g) That within 10 years from the effective date of this act said lands shall be substantially improved by said city without expense to the State, and if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and said lands shall revert and rest in the State.

Survey, etc.

SEC. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the Recorder of San Mateo County, the area of state lands described in this act.

CHAPTER 2126

An act to amend Sections 681, 682, 4226, 4231, 4351, and 4395 of, and to add Sections 626.1 and 685.5 to, the Agricultural Code, relating to milk, and making an appropriation.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 626.1 is added to the Agricultural Code, to read:

Low fat milk

626.1. Low fat milk is a market milk product. Low fat milk shall contain not less than 1.9 percent milk fat, not more than 2.1 percent milk fat, and not less than 10 percent of milk solids not fat. Low fat milk may contain added vitamins and minerals, provided that such low fat milk is labeled to indicate such additions and the amount thereof. Low fat milk shall otherwise meet all standards and requirements specified in this division for market milk and shall be labeled "low fat milk."

This section shall not become operative until the minimum producer prices for Class 1 usage established under the provisions of Chapter 17 (commencing with Section 4200), Division 6 of this code are established on a milk-fat and milk solids not fat basis and shall remain in effect until October 1, 1963.

SEC. 2. Section 681 of said code is amended to read:

Tester's license

681. (a) Persons who test milk or cream or fluid derivatives thereof, purchased, received or sold on the basis of milk fat contained therein must hold a tester's license. Methods or processes of testing must be approved by the director. A separate license is required for each of the methods or processes of testing.

(b) Persons, other than licensed testers, who take samples of milk or cream or fluid derivatives thereof purchased, received or sold on the basis of milk fat contained therein, on which sample tests are to be made as a basis of payment, and all persons who weigh or measure milk or cream or fluid derivatives thereof, the weight or measure to be used as a basis of payment, must hold a sampler's and weigher's license. When one person does both sampling and weighing or measuring, only one license is required. In cases of emergency a person may weigh, measure or sample, for a period not exceeding one week, without a license. Any person who takes samples of milk or cream or fluid derivatives thereof for testing shall hold the same in an unchanged condition until delivered to a licensed tester. Sampler's and weigher's license

(c) Persons who make bacteriological determinations of milk or cream to be used as a basis of payment or determining value must hold a technician's license. Technician's license

(d) Persons operating equipment wherein milk or products thereof are pasteurized must hold a pasteurizer's license to be known as general and limited licenses. The general license shall apply to pasteurization by all of the approved methods or processes of pasteurization, and the limited license shall apply only to the pasteurization by the process or method known as the holding or vat method. Pasteurizer's license

(e) Persons who test milk or cream purchased, received or sold on the basis of the nonfat milk solids contained therein shall hold a nonfat milk solids tester's license. Nonfat milk solids tester's license

SEC. 3. Section 682 of said code is amended to read:

682. Applications for tester's, sampler's and weigher's, technician's or pasteurizer's licenses shall be made to the director who shall examine each applicant for the license applied for as to his qualifications and knowledge of the law applicable to him. Each application must be accompanied by the fee as follows: Application for license

(a) For a tester's license, five dollars ($5).

(b) For a sampler's and weigher's license, one dollar ($1).

(c) For a technician's license, five dollars ($5).

(d) For a pasteurizer's license, one dollar ($1).

(e) For a nonfat milk solids tester's license, five dollars ($5).

All such licenses expire on the 31st day of each December and may be renewed upon payment of a fee of one dollar ($1) if the licensee has complied with all the requirements of the law and rules and regulations applicable to him.

SEC. 4. Section 685.5 is added to said code, to read:

685.5. The director shall, by rules and regulations duly adopted and promulgated by the director in conformity with the provisions of Chapter 4 (commencing with Section 11370) of Part 1, Division 3 of Title 2 of Government Code, adopt methods and procedures for the testing, weighing and measuring of nonfat milk solids, and for the recording and reporting of such testing. Any such methods and procedures shall be based upon any or all or a combination of any of the follow- Rules and regulations

ing methods and procedures for testing, weighing and measuring nonfat milk solids:

Gravimetric method

(1) The gravimetric method and procedure in which nonfat milk solids in milk samples are weighed after such milk has been subjected to a drying process; or

Specific gravity method

(2) The specific gravity method in which nonfat milk solids are tested by specially calibrated hydrometers or other acceptable devices in milk samples in which the milk fat content has been previously ascertained.

(3) Any other method found by the director to achieve accuracy comparable to or greater than that achieved by the gravimetric or specific gravity methods.

SEC. 5. Section 4226 of said code is amended to read:

Class 1

4226. Class 1 comprises any fluid milk, fluid skim milk, or fluid cream that is supplied to consumers as market milk, market skim milk, or market cream or concentrated milk or any combination of market milk, market skim milk, and market cream, or any market milk which is not sterilized and packaged in hermetically sealed containers, or any other dairy product in which the use of market milk or any components or derivatives of market milk is required by or pursuant to the provisions of this code, or any fluid milk, fluid skim milk, fluid cream, milk-fat, or milk solids not fat used in the standardizing or fortifying of market milk or any dairy product defined herein as Class 1.

SEC. 6. Section 4231 of said code is amended to read:

Determination of minimum prices

4231. In determining the minimum prices to be paid by distributors to producers or associations of producers for the several class usages for a marketing area, the director may establish prices for fluid milk, or fluid cream and fluid skim milk, or milk fat or fluid skim milk components of such fluid milk. Any such minimum prices established by the director shall be applicable to all fluid milk, or fluid cream and skim milk, or milk fat or fluid skim milk components of such fluid milk utilized in such marketing area, in accordance with the several class usages of such fluid milk or such components of such fluid milk regardless of the area of origin.

Stabilization and marketing plan

The stabilization and marketing plan may further provide for maximum charges for plant processing and transportation service on the fluid milk, fluid cream and fluid skim milk, or milk fat or fluid skim milk components which are transported to the area where sold. The stabilization and marketing plan may enumerate the applicable maximum charges, and may establish individual charges for each function enumerated. In establishing any such maximum charges for such transportation services, the director shall base such maximum charges upon the rates charged for actual or reasonably similar services by highway carriers, as the term "highway carriers" is defined in Section 3511 of the Public Utilities Code.

SEC. 7. Section 4351 of said code is amended to read:

Minimum wholesale and retail prices

4351. In all marketing areas wherein a stabilization and marketing plan for fluid milk is in effect or is hereafter estab-

lished under the provisions of this chapter, the director shall designate and prescribe, or provide methods for designating and prescribing, minimum wholesale and minimum retail prices for fluid milk, including pasteurized concentrated milk, and low fat milk pursuant to the provisions of this article. In all marketing areas wherein the director has, under a stabilization and marketing plan for fluid milk, prescribed minimum prices to be paid by the distributors for fluid cream, or fluid skim milk, or either or both, the director may designate and prescribe, or provide methods for designating and prescribing minimum wholesale and minimum retail prices for fluid cream, or fluid skim milk, or either or both, pursuant to the provisions of this article. The term "fluid milk" as used in this chapter shall, unless the context otherwise requires or indicates, mean and include (1) the term "fluid skim milk" in the application of this chapter to any marketing area in which the director has exercised his discretion to designate and prescribe, or provide methods for designating and prescribing, minimum wholesale and minimum retail prices for fluid skim milk, and (2) the term "low fat milk."

"Fluid milk"

"Fluid skim milk"

SEC. 8. Section 4395 of said code is amended to read:

4395. The director is hereby charged with the duty of supervision of the milk-fat and milk solids not fat testing and the weighing and sampling of fluid milk delivered to distributors, and from the funds provided by the provisions of Article 11 (commencing with Section 4375) he is authorized to allocate such sum for any fiscal year, not exceeding fifty-seven thousand dollars ($57,000), which shall be used exclusively for the supervision and checking the correctness of the milk-fat, milk solids not fat, and bacteriological tests and the weighing and sampling of all fluid milk delivered to distributors in accordance with the stabilization and marketing plans established pursuant to the provisions of this division.

Testing, weighing, etc.

CHAPTER 2127

An act to amend Section 8352 of, and to repeal Sections 8357, 8357.5 and 8358 of, the Revenue and Taxation Code, and to add Article 4 (commencing at Section 21680) to Chapter 4 of Part 1 of Division 9 of the Public Utilities Code, relating to financial assistance for airports, and making an appropriation therefor.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 8352 of the Revenue and Taxation Code is amended to read:

8352. The money in the Motor Vehicle Fuel Fund is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, as follows:

Appropriation of Motor Vehicle Fuel Fund money

(a) To pay the refunds authorized in this part, including refunds due on account of judgments for the return of license taxes illegally collected.

(b) To the Controller, to carry out any duties imposed upon him by this part.

(c) To the board, to carry out any duties imposed upon it by this part.

(d) To the Highway Users Tax Fund, as provided in this chapter.

(e) To pay the pro rata share of the overhead and general administrative expense of the Controller and the board attributable to duties imposed by this part. The pro rata share is payable upon presentation of a claim against any appropriation from the Motor Vehicle Fuel Fund for the support of the Controller or the board, as the case may be.

(f) For transfer to the Airport Assistance Fund, created by Section 21680 of the Public Utilities Code, the sum of three hundred fifty thousand dollars ($350,000) per annum, this sum representing the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed by this part on distributions of motor vehicle fuel used or usable in propelling aircraft of a type heavier than air, and less the pro rata cost of the Controller and the board under subdivisions (b), (c), and (e) attributable to determining such amount of money. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d).

(g) To the Small Craft Harbor Revolving Fund for expenditure in accordance with the provisions of Division 5.7 (commencing at Section 5801) of the Public Resources Code, the sum of seven hundred fifty thousand dollars ($750,000) per annum, commencing with the 1959-1960 fiscal year, this sum representing the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d).

Repeal

SEC. 2. Section 8357 of said code is repealed.

Repeal

SEC. 3. Section 8357.5 of said code is repealed.

Repeal

SEC. 4. Section 8358 of said code is repealed.

SEC. 5. Article 4 (commencing at Section 21680) is added to Chapter 4 of Part 1 of Division 9 of the Public Utilities Code, to read:

Article 4. Airport Assistance Fund

Creation of Airport Assistance Fund

21680. The Airport Assistance Fund is hereby created in the State Treasury. The moneys in the fund are continuously appropriated for expenditure by the commission as provided in this article.

Appropriation

21681. Out of the fund, the sum of fifteen thousand dollars ($15,000) per year shall first be available to the commission

for expenditure in aiding and assisting cities, counties, and airport districts in the administration and expenditure of funds received pursuant to this article. Payments made pursuant to this section shall be made prior to payments pursuant to Section 21682.

Annual payment

21682. (a) The commission shall, subject to the provisions of Section 21683, pay from the fund to each city, county, and airport district owning and operating an airport or airports under a valid permit issued by the California Aeronautics Commission or its successor the sum of two thousand five hundred dollars ($2,500) annually for each such airport, to be expended solely for airport and aviation purposes.

(b) If, in any year, there is insufficient money in the fund to make the payments specified in subdivision (a), the commission shall, subject to the provisions of Section 21683, pay to each such city, county or airport district an amount which is equal to the total amount of money in the fund, less the payment to the commission specified in Section 21681, multiplied by a percentage equivalent to the proportion which the airport or airports in the city, county or district bear to the total number of airports for which payment is required to be made pursuant to subdivision (a).

Special aviation fund

21683. No payment shall be made to a city, county, or airport district pursuant to Section 21682 unless the city, county, or airport district has established a special aviation fund and deposits in such fund each year, for expenditure solely for airport and aviation purposes, a sum at least equal to the amount to be paid by the commission pursuant to Section 21682. Payments received by a city, county, or airport district shall be deposited in its special aviation fund.

Remaining balance

21684. Any remaining balance in the fund, after making the payments provided for by Section 21682, shall be expended by the commission in making allocations, pursuant to Section 21685, to cities, counties, and airport districts for the acquisition and development of airports.

The commission shall establish, by rules and regulations, policies and standards to be followed in making allocations so as to further the proper development and maintenance of a statewide system of airports.

Application for funds

21685. Any city, county, or airport district may apply to the commission annually during the first six months of the year for the allocation of funds for the acquisition and development of airports. The commission may make an allocation to a city, county, or airport district if it determines that the proposed acquisition and development is feasible and in accordance with the policies and standards established by the commission.

Airport development fund

No allocation shall be made to a city, county, or airport district unless it has established an airport development fund and has deposited in such fund, for expenditure solely for acquisition and development of airports, a sum at least equal

to the allocation which the commission is to make. All amounts received by a city, county, or airport district pursuant to this section shall be deposited in its airport development fund and shall be expended solely for the acquisition and development of airports. No money in such fund shall be expended for operation or maintenance of an airport

Allocation to state college or University of California

21686. Any city, county, or airport district may pay any part of the money in its special aviation fund or airport development fund to a state college or branch of the University of California located within its boundaries to be expended for the same purposes as the city, county, or airport district may expend such money. Any money paid to a state college or branch of the University of California shall be expended within the city, county, or airport district paying the money.

CHAPTER 2128

An act to add Section 773 to the Public Utilities Code, relating to contractors' bonds under public contracts.

In effect September 15 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 773 is added to the Public Utilities Code, to read:

773. Section 4200 of the Government Code shall not apply to a public utility under the jurisdiction of the Public Utilities Commission of the State of California.

CHAPTER 2129

An act to repeal Section 3250 of, and to add Sections 3251 and 3252 to the Welfare and Institutions Code, and to amend Sections 6201, 6205, 6208 and repeal Section 6203 of the Education Code, relating to orientation centers for the blind.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 3250 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 3251 is added to said code, to read:

Oakland Orientation Center for the Blind

3251. When in the opinion of the Director of Education and the Director of Finance it is no longer feasible to operate the Oakland Orientation Center for the Blind as a residential

facility for blind persons, who were residents of the Oakland Orientation Center on March 1, 1951, and as an orientation center for the blind, the Department of Education shall provide comparable services for blind residents and students of the orientation center program in other locations as may be deemed appropriate.

SEC. 3. Section 3252 is added to said code, to read:

Blind transferred to other facilities

3252. Every blind person who was a resident of the Oakland Orientation Center for the Blind on March 1, 1951, who may be transferred to other facilities either public or private and who is unable to work shall be considered as a beneficiary of the State in exercise of the power to assist the handicapped, and when he has no other source of income or support, shall receive not less than two dollars ($2) per week as aid for his personal needs. Such payments shall be made from funds appropriated for the support of the Department of Education.

The Director of Education may contract with public or private agencies for the proper care of all residents who may be transferred from the Oakland Orientation Center for the Blind to other public or private facilities. Payments for the support of all persons so transferred shall be made from funds appropriated for the support of the Department of Education.

All residents who are transferred to other facilities in accordance with Section 3251 shall be provided at the expense of the State with room, board, medical, dental and eye care and such other services as may be deemed necessary by the Director of Education.

SEC. 4. Section 6201 of the Education Code is amended to read:

Establishment of other center

6201. The Department of Education may establish an orientation center for the blind in such location as may be deemed necessary to provide on a statewide basis the services to be rendered by an orientation center as provided in this article. An orientation center as may be established shall be under the jurisdiction and supervision of the Department of Education, and shall be administered by the Director of Education in accordance with the provisions of this article. The department shall make and promulgate such rules and regulations as are necessary for the administration of such orientation centers in accordance with the provisions of this article.

Repeal

SEC. 5. Section 6203 of said code is repealed.

SEC. 6. Section 6205 of said code is amended to read:

Director

6205. For the orientation center for the blind the Director of Education shall appoint a director who shall administer and supervise the institutional and educational aspects of the program at that center in accordance with the provisions of this article, and under the supervision of the Director of Education. The director of the orientation center for the blind shall be either (1) a visually handicapped person who has been employed for at least five years in the education or rehabilitation of the blind, or (2) a sighted or visually handicapped person who has completed four years of college educa-

Same Qualifications

tion and at least three years of successful experience in the rehabilitation of the blind, or (3) a veteran, blinded in war, who has completed a special training course in orientation under the direction of the armed services or the Veterans Administration and 30 semester hours of college work in the fields of education or psychology, or both, or (4) a person with comparable qualifications as determined by the Director of Education with the approval of the State Personnel Board.

SEC. 7. Section 6208 of said code is amended to read:

Duties of department

6208. The department may:

(a) Make rules for the government and direction of the orientation center established under this article, and may prescribe conditions for the admission and discharge of trainees having regard to an equitable representation from each county of the State.

(b) Designate the subjects which shall be regularly taught and the training which shall be given.

CHAPTER 2130

An act to amend Sections 4710 and 4830 of, and to add Section 4711.5 to, the Health and Safety Code, relating to county sanitation districts.

In effect September 15, 1961

[Approved by Governor July 18, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 4710 of the Health and Safety Code is amended to read:

Resolution to form county sanitation district

4710. A board of supervisors desiring to form a county sanitation district shall adopt a resolution of its intention to do so. The resolution shall contain all of the following:

(a) A statement of the intention to form a district.

(b) The boundaries of the proposed district or some other designation of its territorial extent.

(c) The name of the proposed district.

(d) The time and place where objections to the formation of the district or to its extent will be heard.

(e) Instructions to the clerk of the board to publish the resolution and notices of hearing.

(f) When the proposed district includes parcels of noncontiguous territory, a statement that the proposed district will be in accordance with the master plan of county sanitation service as adopted by the board of supervisors or if the county has not adopted such a master plan then a statement that the proposed district is within the same watershed. Watershed as used in this section means to include only that area drained by gravity to the trunk sewer or sewers.

SEC. 2. Section 4711.5 is added to said code, to read:

4711.5. The land proposed to be formed into a district need not consist of contiguous parcels. Land parcels

SEC. 3. Section 4830 of said code is amended to read:

4830. Territory, whether situated within the same or another county and whether incorporated or unincorporated, which is not included in any other county sanitation district or other district formed for similar purposes, may be annexed to a county sanitation district if the board of supervisors finds and determines that the additional territory will be benefited by annexation. The land proposed to be annexed need not consist of contiguous parcels nor be contiguous with the county sanitation district when such land is within the same county. When land proposed to be annexed is not within the same county such land must be contiguous to the district. Such annexation may include annexation to an existing improvement district of the district. Territory already a part of a district may be annexed to an improvement district of the district in the same manner as annexation of territory to a sanitation district. The annexation may be effected in the same manner as the formation of a sanitation district in the first instance, in which case the procedure set forth in Section 4831 shall be followed or by verified petition in the manner provided in Section 4831.5, or 4831 7. Annexation of territory

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CHAPTER 2131

An act to repeal Section 5018 of, to add Sections 324, 351, 4008.5, 5018, and 25804 to, and to amend Sections 4007, 4008, and 9553 of, the Vehicle Code, relating to registration exemptions of farm vehicles used on highways.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 324 is added to the Vehicle Code, to read:

324. A "farm trailer" is a trailer or semitrailer having a gross weight of 6,000 pounds or less owned and operated by a farmer in the conduct of agricultural operations, and used exclusively to transport agricultural products upon the highway to the point of first handling and return. "Farm trailer"

SEC. 2. Section 351 is added to said code, to read:

351. "Implement of husbandry" includes any farm tractor, otherwise an implement of husbandry, only incidentally operated upon a highway, used upon a highway to draw a farm trailer carrying farm produce, or to draw any trailer or semitrailer carrying other implements of husbandry, between farms, or from a farm to a processing or handling point and returning with or without the trailer. Notwithstanding the "Implement of husbandry"

provisions of Section 12501, the driver of any farm tractor used to draw a farm trailer carrying farm produce as specified in this section shall be in possession of a driver's license other than a junior permit.

SEC. 3. Section 4007 of said code is amended to read:

Same Incidental operation on highway

4007. Implements of husbandry which are only incidentally operated or moved over a highway and implements of husbandry listed in Section 350 or 351 are exempt from registration.

SEC. 4. Section 4008 of said code is amended to read:

Trailer or semitrailer

4008. A trailer or semitrailer owned and used exclusively by a farmer to haul his own implements of husbandry or tools used exclusively for the production or harvesting of agricultural products is exempt from registration.

SEC. 5. Section 4008.5 is added to said code, to read:

"Farm trailers"

4008.5. "Farm trailers" as defined in Section 324, are exempt from registration except that Section 5018 shall apply to such trailers.

Repeal

SEC. 6. Section 5018 of said code is repealed.

SEC. 7. Section 5018 is added to said code, to read:

Cotton or farm trailers

5018. Owners of cotton trailers, or farm trailers as defined in Section 324 which are exempt from registration, shall, prior to any movement of such vehicles upon a highway, make application to obtain for display thereon special identification plates of the type provided for implements of husbandry, except that the service charge shall be five dollars ($5) for each vehicle and the photograph provisions are waived. Such plates shall be renewed between the inclusive dates of January 1 through February 4th every three years, by application and payment of the five-dollar ($5) service charge.

Three years

As used in this section, three years means three (3) calendar years. Any part of the year of the year of first application, shall constitute a calendar year.

SEC. 8. Section 9553 of said code is amended to read:

Penalty

9553. (a) A penalty shall be added upon any application for annual renewal of registration or any application for renewal of special identification plates made on or after February 5th except as provided in Section 4604.

(b) A penalty shall be added upon any application for renewal of any special plate or plates made on or after December 1st.

Delinquent fee

(c) Except as otherwise provided in this section, if any fee is not paid within 30 days after the same becomes delinquent a penalty shall be added thereto.

SEC. 9. Section 25804 is added to said code, to read:

Farm tractors and trailers

25804. Farm tractors as defined in Section 351, and trailers displaying an identification plate, as provided for in Section 5018, when operated during darkness shall not be exempted from the provisions of Section 24400 and 25100

CHAPTER 2132

An act to repeal Section 661 of, to amend Section 681 of, and to add Articles 3 (commencing with Section 700), and 4 (commencing with Section 750) to Chapter 5 of Division 3 of, the Harbors and Navigation Code, and to repeal Chapter 6 (commencing with Section 3101) of Part 5 of Division 1 of the Revenue and Taxation Code, and to add Sections 661 and 661.1 to the Harbors and Navigation Code, relating to vessels.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 661 of the Harbors and Navigation Code is repealed.

SEC. 2. Section 661 is added to said code, to read:

661. (a) Every owner of an undocumented vessel numbered under this code is liable and responsible for the death of or injury to person or property resulting from negligence in the operation of such vessel, in the business of the owner or otherwise, by any person using and operating the same with the permission, express or implied, of the owner, and the negligence of such person shall be imputed to the owner for all purposes of civil damage. It shall be presumed that such vessel is being operated with the knowledge and consent of the owner if at the time of the injury, death or damage it is under the control of his or her spouse, father, mother, brother, sister, son, daughter, or other immediate member of the owner's family. Nothing contained in this chapter shall be construed to relieve any person from any liability which he would otherwise have, but nothing contained in this chapter shall be construed to authorize or permit any recovery in excess of injury or damage actually incurred.

Liability for negligent operation

Presumption of knowledge

(b) The liability of an owner for imputed negligence imposed by this section and not arising through the relationship of principal and agent or master and servant is limited to the amount of ten thousand dollars ($10.000) for the death of or injury to one person in any one accident and, subject to the limit as to one person, is limited to the amount of twenty thousand dollars ($20,000) for the death of or injury to more than one person in any one accident and is limited to the amount of ten thousand dollars ($10,000) for damage to property of others in any one accident.

Imputed negligence

(c) In any action against an owner on account of imputed negligence as imposed by this section the operator of the vessel whose negligence is imputed to the owner shall be made a party defendant if personal service of process can be had upon the operator within this State. Upon recovery of judgment, recourse shall first be had against the property of the operator so served.

Subrogation

(d) If there is recovery under this section against an owner based on imputed negligence, the owner is subrogated to all the rights of the person injured or whose property has been injured and may recover from the operator the total amount of any judgment and costs recovered against the owner.

Bailee of owner

(e) If the bailee of an owner with the permission, expressed or implied, of the owner permits another to operate the vessel of the owner, then the bailee and such operator shall both be deemed operators of the vessel of the owner within the meaning of subdivisions (c) and (d) of this section.

Settlement of claims

(f) Where two or more persons are injured or killed in one accident, the owner may settle and pay any bona fide claims for damages arising out of personal injuries or death, whether reduced to judgment or not, and the payments shall diminish to the extent thereof the owner's total liability on account of the accident. Payments aggregating the full sum of twenty thousand dollars ($20,000) shall extinguish all liability of the owner for death or personal injury arising out of the accident which exists by reason of imputed negligence, pursuant to this section, and did not arise through the negligence of the owner nor through the relationship of principal and agent or master and servant.

Sale under conditional sale

(g) If a vessel is sold under a contract of conditional sale whereby the title to such vessel remains in the vendor, such vendor or his assignee shall not be deemed an owner within the provisions of this section relating to imputed negligence, but the vendee or his assignee shall be deemed the owner notwithstanding the terms of such contract, until the vendor or his assignee retakes possession of the vessel. A chattel mortgagee of a vessel out of possession is not an owner within the provisions of this section relating to imputed negligence.

Abatement

(h) No action based on imputed negligence under this section shall abate by reason of the death of any injured person or of any person liable or responsible under the provisions of this section. In any action for physical injury based on imputed negligence under this section by the executor, administrator, or personal representative of any deceased person, the damages recoverable shall be the same as those recoverable under Section 956 of the Civil Code.

SEC. 3. Section 661.1 is added to said code, to read:

Guest clause

661.1. No person who as a guest accepts a ride in any vessel upon the waters of this State without giving compensation for such ride, or any other person has any right of action for civil damages against the operator of the vessel or against any other person legally liable for the conduct of the operator on account of personal injury to or the death of the guest during the ride, unless the plaintiff in such action establishes that the injury or death proximately resulted from the intoxication or willful misconduct of the operator or establishes that such operator was under the influence of any narcotic drug, barbiturate or marijuana. As used in this section a "guest" shall

be deemed to include any person or persons being towed by any vessel on water skis or an aquaplane or a similar device.

SEC. 4. Section 681 of the said code is amended to read:

681. (a) The owner of each vessel requiring numbering by this State shall file an initial application for number with the Division of Small Craft Harbors at its Sacramento office or an agent authorized by the Division of Small Craft Harbors on forms approved by the commission. The application shall contain the name and address of the owner, and of the legal owner if any. The application shall be signed by the owner of the vessel and shall be accompanied by a fee of five dollars ($5). Initial application for numbers made during 1961 and every third year thereafter shall be accompanied by a fee of four dollars ($4). Initial application for numbers made during 1962 and every third year thereafter shall be accompanied by a fee of three dollars ($3). Upon receipt of the application in approved form, the Division of Small Craft Harbors shall issue a certificate of ownership to the legal owner and a certificate of number to the owner, or both to the owner if there is no legal owner, stating the number issued to the vessel and the name and address of the owner. The Division of Small Craft Harbors shall forward the original application to the department. The owner shall paint on or attach to each side of the bow of the vessel the identification number in such manner as may be prescribed by rules and regulations of the commission in order that it may be clearly visible. The number shall be maintained in a legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued, whenever such vessel is in operation. The Division of Small Craft Harbors may issue one or more stickers, tabs or other suitable devices to identify vessels as being currently registered. The size, shape, and color of such sticker, tab, or other device and the positioning of such on the vessel shall be as determined by the commission. Application for number

(b) The owner of any vessel already covered by a number in full force and effect which has been issued to it pursuant to then operative federal law or a federally approved numbering system of another state shall make application within thirty (30) days after the ninety (90) day reciprocity period provided for in Section 682. Such application shall be in a manner and pursuant to the procedure required for the issuance of a number under subdivision (a) of this section.

(c) Should the ownership of an undocumented vessel change, the existing certificate of ownership and a new application form accompanied by a fee of three dollars ($3) shall be filed with the Division of Small Craft Harbors and a new certificate of ownership and a new certificate of number shall be issued in the same manner as provided for in the initial issuance of number and the number shall be reassigned to the new owner. Change of ownership

(d) In the event that an agency of the United States government shall have in force an overall system of identification Federal numbering system

numbering for undocumented vessels within the United States, the numbering system employed pursuant to this article shall be in conformity therewith.

Certificate of ownership, etc

(e) The Division of Small Craft Harbors may issue any certificate of ownership and certificate of number or temporary certificate of number directly or the Division of Small Craft Harbors may authorize any person to act as agent for the issuance of a certificate of number. In the event that a person accepts such authorization, he may be assigned a block of numbers which upon issuance, in conformity with this article and with any rules and regulations of the commission, shall be valid as if issued directly by the Division of Small Craft Harbors. All registration of vessels pursuant to the provisions of this code shall be conducted by the Division of Small Craft Harbors at its Sacramento office or by any agent authorized by the Division of Small Craft Harbors to conduct such registration. No field offices shall be established by the Division of Small Craft Harbors for the registering of vessels

Public records

(f) All records of the commission, the department, and the Division of Small Craft Harbors made or kept pursuant to this section shall be public records.

Effective date

(g) Every certificate of number issued pursuant to this article shall continue in full force and effect until December 31, 1962 unless sooner terminated, discontinued or extended in accordance with the provisions of this article. Certificates of number shall be renewed by the owner between January 1, 1963, and February 4, 1963, or between January 1 and February 4 every three years thereafter, by presentation of the certificate of number last issued for the vessel or by presentation of a potential registration card issued by the Division of Small Craft Harbors. The fee for renewal shall be three dollars ($3) and shall accompany the request for such renewal.

Expiration date

(h) All certificates of number valid on the effective date of this section, and all certificates of number issued from that date to December 31, 1962, shall expire on December 31, 1962, and on December 31st of every third year thereafter regardless of when such certificates are initially issued.

Late application penalty

(i) If the initial application for number is not received by the Division of Small Craft Harbors on or before the date set by the commission a penalty of one-half the fee shall be assessed If a certificate of number is not renewed on or before the date on which is expires a penalty of one-half the fee shall be assessed.

Deposit of moneys

(j) All money received, except moneys collected under Section 683, pursuant to this article shall be deposited in the General Fund.

Wrecking, junking, destruction or abandonment

(k) The owner shall furnish the Division of Small Craft Harbors notice of the wrecking or junking, or the destruction or abandonment of such undocumented vessel within fifteen (15) days thereof. Such wrecking, junking, destruction or abandonment shall terminate the certificate of ownership and certificate of number of such undocumented vessel which if

in existence shall be surrendered to the Division of Small Craft Harbors The Division of Small Craft Harbors, upon receiving notice of the abandonment of an undocumented vessel, or upon an official determination that an undocumented vessel has been abandoned, may order the destruction of such vessel at the expiration of 30 days if an investigation by the division has disclosed that no owner, legal owner, or lienholder claims an interest in such vessel, or if such persons have waived their interest. Nothing in this section shall be construed to deny the legal rights, otherwise provided for by law, of any person claiming an interest in an abandoned vessel if such person notifies the division within the time specified in this section

Change of address

(*l*) Any holder of a certificate of number shall notify the Division of Small Craft Harbors within 30 days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the Division of Small Craft Harbors with his new address. The Division of Small Craft Harbors may provide for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

Display of number

(m) No number other than the number issued to an undocumented vessel or granted reciprocity pursuant to this article shall be painted, attached, or otherwise displayed on either side of the bow of such undocumented vessel.

Copy fee

(n) A fee of one dollar ($1) shall be charged for a copy of certificate of number, certificate of ownership, or any application filed pursuant to this article.

Refunds

(o) Fees received pursuant to this article are appropriated for payment of refunds of money received or collected in the payment of fees, permits, or services whenever the fee, permit or service cannot lawfully be issued or rendered to the applicant, and in cases where the payment in whole or in part represents overpayment or payment in duplicate.

Transmittal of information to county assessor

(p) The Division of Small Craft Harbors shall transmit information from each initial application and each transfer application or renewal application to the county assessor in the county of residence of the owner of the vessel and to the county assessor in the county in which the vessel is principally kept if other than the county of residence of the owner. If an application shows that the owner of the vessel has changed his residence from one county to another county or that there has been a change in the county in which the vessel is principally kept, the Division of Small Craft Harbors shall transmit information of the change to the assessor of the county in which the owner of the vessel formerly resided or to the assessor of the county in which the vessel formerly was principally kept. After the Division of Small Craft Harbors receives a notice pursuant to subdivision (k) of this section the division shall transmit information of the destruction or abandonment to the assessor of the county in which the owner of the vessel

resides and to the assessor of the county in which the vessel is or was principally kept, if other than the county of residence of the owner.

Fee exemption

(q) A nonprofit corporation organized solely for charitable purposes pursuant to Part 1 (commencing at Section 9000) or Part 3 (commencing at Section 10200), Division 2, Title 1 of the Corporations Code, which purposes relate to promoting the ability of boys and girls to do things for themselves, to train them in scoutcraft and camping, and to teach them patriotism, courage, self-reliance and kindred virtues, shall not be required to pay the fees provided for in this section.

The rules and regulations adopted by the commission shall be adopted in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code.

SEC. 5. Article 3 (commencing with Section 700) is added to Chapter 5 of Division 3 of said code, to read:

Article 3. Transfer of Title or Interest in Undocumented Vessels

Effect of title transfer of undocumented vessel

700. No transfer of the title or any interest in or to an undocumented vessel numbered under this code shall pass, and any attempted transfer shall not be effective, until the parties thereto have fulfilled either of the following requirements:

Endorsement

(a) The transferor has made proper endorsement and delivery of the certificate of ownership and delivery of the certificate of number to the transferee as provided in this code and the transferee has delivered to the Division of Small Craft Harbors or has placed the certificates in the United States mail addressed to the Division of Small Craft Harbors when and as required under this code with the proper transfer fee and thereby makes application for a new certificate of ownership and a new certificate of number

Delivery or mailing of documents

(b) The transferor has delivered to the Division of Small Craft Harbors or has placed in the United States mail addressed to the Division of Small Craft Harbors the appropriate documents for the transfer of ownership of the vessel pursuant to the sale or transfer except as otherwise provided.

Obligation upon receipt of certificate of ownership

701. Whenever any person has received as transferee a properly endorsed certificate of ownership and the certificate of number of the vessel described in the certificates, he shall within 10 days thereafter file the certificates accompanied by a fee of three dollars ($3) with the Division of Small Craft Harbors, and thereby make application for a certificate of ownership and certificate of number.

Issuance of new certificate of ownership

702. The Division of Small Craft Harbors, upon receipt of a properly endorsed certificate of ownership and the certificate of number of the vessel described in the certificate and a new application form and the required fee, shall issue a new certificate of ownership and a new certificate of number in the same manner as provided for in the initial issuance of number and the number may be reassigned to the new owner, provided,

however, in the case of a transfer of a part interest which does not effect the owner's right to operate such undocumented vessel such transfer shall not terminate the certificate of number.

Involuntary transfers

703. Section 700 does not apply to involuntary transfers, as upon repossession by a vendor under a conditional contract of sale, or to transfers involving chattel mortgage liens.

Civil liability termination

704. An owner who has made a bona fide sale or transfer of an undocumented vessel and has delivered possession thereof to a purchaser shall not by reason of any of the provisions of this code be deemed the owner of the vessel so as to be subject to civil liability for the operation of the vessel thereafter by another when the owner in addition to the foregoing has fulfilled either of the following requirements:

(a) When he has made proper endorsement and delivery of the certificate of ownership and delivered the certificate of number as provided in this code.

(b) When he has delivered to the Division of Small Craft Harbors or has placed in the United States mail, addressed to the Division of Small Craft Harbors, either the notice as provided in Section 710 and Section 711 or appropriate documents for transfer of the vessel pursuant to the sale or transfer.

Assignment of title or interest

705. A legal owner may assign his title or interest in or to an undocumented vessel numbered under this code to a person other than the owner without the consent of and without affecting the interest of the owner.

Signatures

706. Upon transfer of the title or any interest of the legal owner or legal owners in an undocumented vessel numbered under this code, the transferor shall write his signature, and the transferee shall write his signature and address, in the appropriate spaces provided upon the reverse side of the certificate of ownership issued for the vessel.

Same

707. Upon transfer of the title or interest or any part thereof of the registered owner only in an undocumented vessel numbered under this code, the registered owner shall write his signature and address and the transferee shall write his signature and address in the appropriate spaces provided on the reverse side of the certificate of ownership for the vessel, and the legal owner shall write his signature in the space provided for the new legal owner indicating that he is to retain his legal title and interest.

Lost certificate of ownership

708. When the required certificate of ownership is lost, stolen, damaged, or mutilated, application for transfer may be made upon a form provided by the Division of Small Craft Harbors for a duplicate certificate of ownership. The transferor shall write his signature and address in the appropriate spaces provided upon the application and file the same together with the proper fees for duplicate certificate of ownership and transfer.

Failure or neglect to deliver certificate of number

709. It is unlawful for any person to fail or neglect to deliver the certificate of number and, when having possession, to properly endorse, date, and deliver the certificate of owner-

ship to a transferee who is lawfully entitled to a transfer of ownership.

Notice of transfer or sale

710. Whenever the owner of an undocumented vessel numbered under this code sells or transfers his title or interest in, or any part thereof, and delivers the possession of, the vessel to another, the owner shall within five days thereafter notify the Division of Small Craft Harbors of the sale or transfer giving the date thereof, the name and address of the owner and of the transferee and such description of the vessel as may be required in the appropriate form provided for such purpose by the Division of Small Craft Harbors.

Same

711. Every dealer upon transferring by sale, lease or otherwise any undocumented vessel, whether new or used, required to be numbered under this code, shall, not later than the end of the next business day of the dealer, give written notice of the transfer to the Division of Small Craft Harbors upon an appropriate form provided by it, but a dealer need not give the notice when selling or transferring a new unnumbered vessel to another dealer

Chattel mortgage or conditional sales contract

712. When a chattel mortgage or conditional sales contract describing a numbered vessel is satisfied, canceled, or released by the parties thereto who are the registered owner and legal owner respectively of said vessel and thereafter within a period of ten (10) days a new chattel mortgage encumbering the vessel is executed between the same parties, no application for transfer of ownership by reason thereof shall be made, no new certificate of ownership or certificate of number shall be issued, and all provisions of this code relating to transfers of any title or interest in a vessel shall be deemed to have been fully complied with.

Security interest

713. The transferee of a security interest in the interest of a legal owner of a numbered vessel need not make application for a transfer of ownership when the security interest arises from a pledge of a conditional sales contract, lease agreement, or chattel mortgage by the legal owner to the pledgee

Involuntary transfer

714. (a) Whenever the title or interest of any owner or legal owner in or to a vessel numbered under this code passes to another otherwise than by a voluntary transfer, the new owner or legal owner may obtain a transfer of ownership upon application therefor and upon presentation of the last certificate of ownership and certificate of number issued for the vessel, if available, and any instruments or documents of authority or certified copies thereof as may be required by the Division of Small Craft Harbors, or required by law, to evidence or effect a transfer of title or interest in or to chattels in such case

Notice

(b) The Division of Small Craft Harbors when satisfied of the genuineness and regularity of the transfer shall give notice by mail to the owner and legal owner of the vessel as shown by the records of the Division of Small Craft Harbors, and five days after the giving of the notice, if still satisfied of the genuineness and regularity of such transfer, shall transfer the

ownership of the vessel accordingly and issue a new certificate of ownership and certificate of number to the person or persons entitled thereto.

Death of legal owner

715. Upon the death of an owner or legal owner of any vessel numbered under this code without the decedent leaving other property necessitating probate, the surviving husband or wife or other heir in the order named in Section 630 of the Probate Code, unless the vessel is by will otherwise bequeathed, and if the value of the vessel is one thousand dollars ($1,000) or less, may secure a transfer of ownership of the title or interest of the deceased upon presenting to the Division of Small Craft Harbors the appropriate certificate of ownership and certificate of number, if available, and a certified statement of the person setting forth the fact of survivorship or heirship, and the names and addresses of any other heirs, and, if required by the Division of Small Craft Harbors, a certificate of the death of the deceased, together with a statement that there are no creditors of the deceased or, if so, that the creditors of the deceased have been paid in full or the claims have been otherwise discharged.

Lost certificate of number

716. Whenever application is made to the Division of Small Craft Harbors for a transfer of ownership of a vessel to a new owner or legal owner and the applicant is unable to present the certificate of ownership or certificate of number issued for the vessel by reason of the same being lost or otherwise not available, the Division of Small Craft Harbors may receive the application and examine into the circumstances of the case and may require the filing of affidavits or other information, and when the Division of Small Craft Harbors is satisfied that the applicant is entitled to a transfer of ownership, the Division of Small Craft Harbors may transfer the ownership of the vessel, and issue a new certificate of ownership, and certificate of number to the person or persons found to be entitled thereto.

Duty of Division of Small Craft Harbors upon application for transfer

717. If the application for a transfer is made in the manner provided in this code, the Division of Small Craft Harbors shall not be required to withhold the transfer of any right title or interest in or to a vessel if the application on its face appears to be genuine and regular and the Division of Small Craft Harbors has received neither a request from any law enforcement agency that action on the application be deferred nor an order of a court of the United States or of the State of California restraining the transfer within two years prior thereto.

Validity of chattel mortgage as against creditors

718. No chattel mortgage on any vessel numbered under this code, irrespective of whether such number was effected prior or subsequent to the execution of such mortgage, is valid as against creditors or subsequent purchasers, or encumbrances, until the mortgagee, or his successor or assignee, has deposited with the Division of Small Craft Harbors, at its office in Sacramento, or at any other office as may be designated by the

Chief of the Division of Small Craft Harbors, a properly endorsed certificate of ownership to the vessel, subject to the mortgage, showing the chattel mortgagee as legal owner if the vessel is then numbered under this code; or if the vessel is not so numbered, the owner shall file an initial application for number as provided for in this code and the certificate of ownership issued under said application shall show said chattel mortgagee as the legal owner.

Constructive notice of mortgage

719. When the chattel mortgagee, his successor or assignee, has deposited with the Division of Small Craft Harbors a properly endorsed certificate of ownership showing the mortgagee as legal owner, or if the vessel is not numbered when the owner shall file an initial application for number as provided for in this code and the certificate of ownership issued under said application shows said mortgagee as the legal owner and said certificate of ownership is deposited with the Division of Small Craft Harbors, the deposit constitutes constructive notice of the mortgage to creditors and subsequent purchasers and encumbrancers.

Records

720. Upon the deposit with the Division of Small Craft Harbors of the certificate of ownership showing the chattel mortgagee as legal owner as provided in Section 718 hereof, the Division of Small Craft Harbors shall on its records show the mortgagee, his successor or assignee, as legal owner with respect to such vessel.

Exclusive method of notice

721. The method provided in this part for giving constructive notice of a chattel mortgage on a vessel numbered under this code is exclusive, the execution of the chattel mortgage need not be acknowledged or proved and certified, and such chattel mortgage is excepted from the provisions of Sections 2957, 2959(a), 2965 and 2966 of the Civil Code.

Responsibility for registration

SEC. 6. The Division of Small Craft Harbors shall be responsible for the registration of undocumented vessels pursuant to the provisons of this code, effective July 1, 1962. The Department of Motor Vehicles shall transfer all records, papers, and files relating to the registration of undocumented vessels to the Division of Small Craft Harbors upon the request of the chief of the division.

SEC. 7. Article 4 (commencing with Section 750) is added to Chapter 5 of Division 3 of said code, to read:

Article 4. Reports of Stolen Vessels

Report of loss or theft

750. Every peace officer upon receiving a report based on reliable information that any undocumented vessel numbered under this code has been lost or stolen shall not later than 48 hours after receiving such information report the theft or loss to the Division of Small Craft Harbors, and such peace officer upon receiving information of the recovery of any such vessel which he has previously reported as stolen or lost, shall immediately report the fact of the recovery to the Division of Small Craft Harbors.

751. It is unlawful for any person to make or file a false or fraudulent report of the theft of an undocumented vessel required to be numbered under this code with any law enforcement agents with intent to deceive. False or fraudulent report

752. The owner or legal owner of a vessel numbered under this code which has been stolen or embezzled may notify the Division of Small Craft Harbors of the theft or embezzlement, but in the event of an embezzlement may make the report only after having procured the issuance of a warrant for the arrest of the person charged with such embezzlement Every owner or legal owner who has given any such notice shall notify the Division of Small Craft Harbors of a recovery of the vessel. Report of embezzlement

753. The Division of Small Craft Harbors, upon receiving a report of a lost, stolen or embezzled vessel numbered under this code, shall make the appropriate designation on the record of such vessel in the files of the division. The designations shall remain on the records of such vessel until such time as the Division of Small Craft Harbors has received notification by the owner or legal owner of such vessel that the vessel has been recovered. Such designations regarding a report of a stolen or embezzled vessel shall remain on the records of such vessel for a period of one year or until the notification of recovery thereof has been received by the division, whichever is sooner. Record designation upon receipt of report

SEC. 8. Chapter 6 (commencing with Section 3101) of Part 5 of Division 1 of the Revenue and Taxation Code is repealed. Repeal

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CHAPTER 2133

An act to amend Section 19141 of the Government Code, relating to reinstatement of employees in the state civil service.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 19141 of the Government Code is amended to read:

19141. (a) An employee who has vacated a position to accept another position in a higher class, or a class on the same level, under temporary appointment shall, if he so desires, at the termination of such appointment, be reinstated to his former position.

(b) An employee who has vacated a position to accept another position in a higher class, or a class on the same level, and who is rejected during the probationary period shall be reinstated to his former position.

(c) An employee who has vacated a position to accept appointment to an exempt position shall be reinstated to his former position, if he so desires, at any time within six months after vacating such former position, and may, with the consent

of the appointing power of the vacated position, be reinstated to such former position at any time.

(d) An employee who has vacated a position to accept appointment by the Governor to an office to serve at his pleasure, or for a fixed term, or by the Legislature, shall if he so desires, at the termination of such appointment, or term of office, or any extension thereof, by operation of law or by new appointment, be reinstated to his former position.

An employee who has vacated a position to accept appointment by any court of record in this State or any justice, judge or clerk thereof, or by the Judicial Council, shall if he so desires, at the termination of such appointment, or term of office, or any extension thereof, by operation of law or by new appointment, be reinstated to his former position.

(e) An employee who has vacated a position to accept an appointment to a position herein defined as "an exempt deputy or assistant position" shall, if he so desires, at the termination of such appointment, or term of office, or any extension thereof, by operation of law or by new appointment, be reinstated to his former position; provided, however, that such employee shall return to his former position within four years after vacating his former position, or within four years after the effective date of this section, as amended by the 1955 Legislature, whichever is later.

For the purposes of this section, the term "an exempt deputy or assistant position" shall include:

(1) A confidential position to any officer mentioned in paragraph (1) or (2) of Section 4 of Article XXIV of the State Constitution, as the term "confidential position" is used in paragraph (5) of said Section 4 of Article XXIV;

(2) A position exempt from civil service under paragraph (6) of Section 4 of Article XXIV of the State Constitution;

(3) A position exempt from civil service under the provisions of Section 22 of Article XX of the State Constitution;

(4) A position exempt from civil service under the provisions of Section 2.1 of Article IX of the State Constitution; and

(5) A position filled by any of the deputies or assistants appointed by the Attorney General and exempt from civil service under the provisions of Section 15003 or 18592 of the Government Code.

(f) When an employee has vacated a position to accept appointment to an exempt position and is laid off from that position his name shall be placed upon all appropriate layoff lists the same as if he had been laid off from the position which he vacated to accept appointment to such exempt position.

(g) An employee who has vacated a position to accept appointment to an exempt position or a limited term position in the same department, board, commission, or state agency, shall, if he so desires, at the termination of such appointment, or any extension thereof by operation of law or new appointment, be reinstated to his former position.

(h) Tenure in a position or office filled by appointment by the Governor, or by the Legislature, or by any court of record of this State or any justice, judge or clerk thereof, or by the Judicial Council, or in a position defined as "an exempt deputy or assistant position" pursuant to paragraph (e) of this section, upon the return of the employee to his permanent civil service position, shall be deemed to be time served in such civil service position, for the purpose of determining his seniority and eligibility for merit increases.

(i) For the purposes of this section, "employee" means a permanent employee, or a temporary, probationary, exempt, or limited term employee who previously had permanent status and who, since such permanent status, has had no break in the continuity of his state service.

(j) For the purpose of this section, "former position" means the last position in which the employee had permanent or probationary status.

(k) The provisions of this section, as amended by the 1955 Regular Session of the Legislature, shall apply to any person who subsequent to January 4, 1943, vacated a position in which he held permanent civil service status to accept appointment by the Governor to an office to serve at his pleasure or for a fixed term, or to accept appointment to a position defined as "an exempt deputy or assistant position" pursuant to paragraph (e) of this section, as amended by enactment at the 1955 Regular Session of the Legislature.

(*l*) The amendments to this section enacted by the 1961 Regular Session of the Legislature shall not be effective with respect to any employee who does not have a right on the effective date of the amendments to be reinstated without the consent of the appointing power pursuant to this section as it read immediately prior to the amendments.

CHAPTER 2134

An act to amend Sections 16731, 16733 and 16754 of, to add Section 16752.1 to, and to repeal Sections 16750 and 16751 of, the Government Code, relating to the General Obligation Bond Law.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 16731 of the Government Code is amended to read:

16731. Whenever the committee determines that the sale of all or any part of the bonds authorized to be issued is necessary or desirable, it shall adopt a resolution to that effect. The resolution shall authorize and direct the State Treasurer

Resolution for sale of bonds

to arrange for the preparation of the requisite number of suitable bonds and shall specify as to such bonds then to be sold:

Same Contents

(a) The aggregate number, aggregate par value, denominations and the date of the bonds to be then sold. Such denominations shall be in the sum of one thousand dollars ($1,000), or multiples thereof. The date appearing on said bonds shall be deemed to be the date of issuance for all purposes of this chapter, irrespective of the actual date of delivery of such bonds and the payment of the purchase price thereof.

(b) The dates of maturity, and the amount of the bonds maturing at each date of maturity, which amounts need not be equal, but which dates shall be at annual or semiannual intervals, and the first of which dates of maturity shall be not more than five years, and the last of which dates of maturity shall be not more than 45 years, after the date of the bonds.

(c) Whether or not the bonds are to be subject to redemption at the option of the board prior to maturity, and, if so, the provisions for such redemption, the manner of the call thereof, and the price or prices at which the bonds shall be subject to redemption.

(d) The annual rate, or rates, of interest which the bonds to be issued shall bear, which may be in multiples of one-eighth or one-twentieth of 1 percent, payable semiannually, but not in excess of 5 percent, which rate or rates may be determined at the time of the sale of said bonds.

(e) The due dates of the interest coupons to be attached to the bonds.

(f) The technical form and language of the bonds and interest coupons.

(g) Whether or not the right is reserved to make delivery in the form of temporary or interim bonds, certificates, or receipts, exchangeable for definitive bonds when executed and available for delivery, and if such right is reserved the denominations and form of such temporary securities.

(h) Whether or not the bonds are to be subject to registration, and if so, whether such registration is to be as to principal only, or as to both principal and interest, or in either of such forms at the option of the holder, and the form and all of the terms and conditions of such registration. If such registration is provided for, coupon bonds may be interchanged for registered bonds and registered bonds for coupon bonds, and all of the provisions of this chapter with reference to the payment of bonds and interest coupons shall be subject to the terms and conditions of such registration with respect to the payment of registered bonds and the interest thereon.

(i) All other terms and conditions of the bonds and of the execution, issuance and sale thereof, which shall be consistent with all of the provisions of this chapter.

(j) Notwithstanding the provisions of subdivision (a), the provisions, if any, for the interexchange of coupon or registered bonds of different denominations and the issuance of coupon or registered bonds in lieu of or in exchange for bonds

of a like aggregate principal amount but of different denominations and in either coupon or registered form, or partly in coupon and partly in registered form.

SEC. 2. Section 16750 of said code is repealed. Repeal

SEC. 3. Section 16751 of said code is repealed. Repeal

SEC. 4. Section 16752.1 is added to said code, to read:

16752.1. The State Treasurer may cancel or postpone the sale to an indefinite date by public announcement made prior to or at the time and place fixed for the sale of the bonds. After two consecutive cancellations or postponements of such sale, any further cancellations or postponements shall be with the prior approval of the committee. The State Treasurer may give such notice of the new time and place of the sale of the bonds as he may deem advisable. Cancellation or postponement of sale

SEC. 5. Section 16733 of said code is amended to read:

16733. The rate of interest to be borne by the bonds need not be uniform for all bonds of the same issue, and shall be the rate or rates specified in the bid accepted by the State Treasurer. The interest coupons first payable may be so payable at any time within one year after the date of such bonds. Rate of interest

SEC. 6. Section 16754 of said code is amended to read:

16754. The bonds specified in the resolution shall be sold by the State Treasurer, at such time as may be fixed by him, and upon such notice as he may deem advisable, or at the time to which the sale shall have been so continued, at public sale, upon sealed bids, to the bidder whose bid will result in the lowest net interest cost on account of such bonds, but the State Treasurer must reject any and all bids for the bonds which shall be below the par value thereof plus the interest which shall have accrued thereon from the date thereof (or, if any past due coupon or coupons have been detached from said bonds prior to the delivery thereof, then from the due date of the latest coupon so detached) to the date of the purchaser's payment for said bonds. The net interest cost under each bid shall be determined by ascertaining the total amount of interest which the State would be required to pay under that bid, from the date of sale to the respective maturity dates of the bonds then offered for sale, at the coupon rate or rates specified in such bid, less the total amount of the premium, if any, offered by such bid. The bid under which the amount so ascertained is the least shall be deemed to be the bid resulting in the lowest net interest cost. Such sale shall be for cash, payable upon the delivery of the bonds in definitive form, or if the right to deliver temporary securities has been reserved, then upon the delivery of such temporary securities. Date of sale

CHAPTER 2135

An act to amend Section 75030.5 of the Government Code, relating to the retirement of judges.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 75030.5 of the Government Code is amended to read:

75030.5. Any judge who has served as a constitutional officer or as a public legal officer before becoming a judge has a right to elect by written election filed with the Controller at any time prior to retirement, to make contributions pursuant to this section for, and receive credit in this system as service for all or any part of the time he served as such officer, excluding any period of time for which he is receiving or is entitled to receive a retirement allowance from any other public retirement system. As used herein, the term "constitutional officer" means the holder of an office created by the Constitution of this State, and "public legal officer" means the holder of any legal office of the State or any agency of the State or of any county or city in the State who is paid a salary or other fixed regular compensation and who is admitted and licensed to practice law in the State of California during the time of holding said office and whose principal duties in said office are legal in nature, such as Attorney General, Legislative Counsel, Commissioner of Corporations, district attorney, county counsel, city attorney, city prosecutor, public defender, or deputy of any such office, or a secretary to the Governor whose duties include the hearing of extradition matters, admitted and licensed to practice law in the State of California during the time of holding said office and whose principal duties in said office are legal in nature.

Every judge electing to receive credit for service pursuant to this section shall at the time of filing his election, and as a condition to receiving such credit, pay into the Judges' Retirement Fund a sum equal to the amount which would have been deducted from his salary and paid into that fund pursuant to Section 75102 had he been a judge during the time for which he elects to receive credit for service, computed by applying the rates of deduction applicable to judges' salaries during such time to the rate of salary he actually received during his first year as a judge, plus interest at 3 percent a year, to the date of his payment, upon the amounts of such deductions and from the respective dates they would have been paid had he been a judge during the time for which he elects to receive credit for service. Such amount and interest shall be determined by the Controller in accordance with this section.

CHAPTER 2136

An act to add Article 5 (commencing with Section 75090) to Chapter 11 of Title 8 of the Government Code, relating to judges.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing with Section 75090) is added to Chapter 11, Title 8 of the Government Code, to read:

Article 5. Survivor Benefits

Benefits to surviving spouse

75090. The benefits of this article are payable only to the surviving spouse of a judge who elects to come within this article. Any person who is a judge on the effective date of this article may elect to come within this article on or before October 1, 1962. Any person who becomes a judge after such effective date may elect to come within this article within six months after becoming a judge. Election to come within this article is made by filing written notice thereof with the Secretary of State. Any such election by a judge may thereafter be revoked by the judge and a re-election may be made at any time after such revocation.

Death prior to retirement

75091. If a judge who is credited with at least 10 years of service but less than 20 years of service under this chapter dies prior to retiring under this chapter, and while serving as a judge, his surviving spouse shall receive a monthly allowance, payable from the Judges' Retirement Fund, equal to 1.625 percent of the monthly salary payable, at the time payment of the allowance falls due, to the judge holding the judicial office to which the deceased judge was last elected or appointed multiplied by the number of years of service of the deceased judge.

If a judge who is credited with 20 years or more of service under this chapter dies prior to retiring under this chapter, and while serving as a judge, his surviving spouse shall receive a monthly allowance, payable from the Judges' Retirement Fund, equal to 37½ percent of the monthly salary payable, at the time the payment of the allowance falls due, to the judge holding the judicial office to which the deceased judge was last elected or appointed.

For the purposes of this section any fraction of a year equals one year. The allowance is payable commencing upon the death of the judge and continuing until the death or remarriage of the surviving spouse.

If the surviving spouse is eligible for an allowance under Section 75104.4, the allowance provided for by Section 75104.4 shall be paid and no allowance shall be made under this article.

If an allowance is paid under this section, no payment shall be made pursuant to Section 75104 or Section 75104.5.

Contribution to Judges' Retirement Fund

75092. Any judge electing to come within this article shall contribute two dollars ($2) a month to the Judges' Retirement Fund. Such contribution shall be deducted from the monthly salary of each judge so electing by the State Controller and each county auditor in the same manner as deductions are made pursuant to Sections 75102 and 75103. The Legislature reserves the right to increase the rate of contribution prescribed by this section in such amount as it may find appropriate.

CHAPTER 2137

An act to add Section 68205 to the Government Code, relating to the compensation of municipal court judges.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 68205 is added to the Government Code, to read:

68205. For the purposes of Section 11570, the judges of the municipal courts shall be deemed to be state officers as that term is used in Section 11570, and the compensation of each of the judges of the municipal courts specified in this chapter (commencing with Section 68200) shall be the amount specified in this chapter plus any increases established by the Legislature pursuant to Section 11570.

CHAPTER 2138

An act making an appropriation for the establishment of a branch office of the Department of Motor Vehicles in Manteca, California.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. The sum of twenty-one thousand one hundred dollars ($21,100) is hereby appropriated from the Motor Vehicle Fund to the Department of Motor Vehicles for the establishment of a branch office of the department in Manteca, California.

CHAPTER 2139

An act to add Chapter 2.5 (commencing with Section 8110) to Division 1 of Title 2 of the Government Code, relating to the State Advisory Commission on Indian Affairs, and making an appropriation.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 5 (commencing with Section 8110) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 2.5. STATE ADVISORY COMMISSION ON INDIAN AFFAIRS

Commission

8110. There is in the State Government a State Advisory Commission on Indian Affairs.

8111. As used in this chapter, "commission" means the State Advisory Commission on Indian Affairs.

Commission members

8112. The commission shall consist of nine members, the Director of Social Welfare, the Director of Public Health, the Director of Education, three Members of the Senate appointed by the Senate Committee on Rules, and three Members of the Assembly appointed by the Speaker.

Expenses

8113. Each member of the commission shall be entitled to receive his actual necessary expenses while on official business of the commission.

Chairman

8114. The chairman of the commission shall be designated by the governor.

Secretary

8115. The commission shall appoint a secretary who may be one of its members and may employ such employees as it deems necessary to carry out its functions under this chapter. It may also incur necessary expenses to effectuate its purposes.

Commission study

8116. The commission shall study the problems of the American Indians residing in California, including, but not limited to, the problems presented by the termination of federal control over Indian affairs, the operation, effect, administration, enforcement, and needed revision of any and all state laws pertaining to the Indians and the three relocation centers in California and shall report its findings, together with any suggested legislation, to the Governor and to the Legislature not later than the 15th day of June, 1962.

Additional powers and duties

8117. The commission has the following additional powers and duties:

(a) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the commission as will best assist it to carry out the purposes for which it is created.

(b) To co-operate with and secure the co-operation of county, city, city and county, and other local agencies in investigating any matter within the scope of this chapter.

(c) To report its findings and recommendations to the Governor, the Legislature, and to the people from time to time and at any time, not later than provided in Section 8116.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this chapter.

(e) To appoint an advisory committee consisting of not more than seven members, three of whom shall be appointed from among the recognized leaders of the California Indian reservations in the northern, central and southern sections of the State, and four of whom shall be appointed from the public at large. Section 11009 of the Government Code is applicable to the advisory committee.

Effective period of act

8118. This act shall be operative until September 15, 1964, and shall thereafter be of no force or effect.

Appropriation

SEC. 2. The sum of twenty-five thousand dollars ($25,000), or so much thereof as may be necessary, is hereby appropriated out of the General Fund in the State Treasury for the support of the State Advisory Commission on Indian Affairs created by this act, including the expenses of the advisory committee.

CHAPTER 2140

An act making an appropriation for the establishment of a branch office of the Department of Motor Vehicles in Los Banos, California.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. The sum of twenty-one thousand sixty-seven dollars ($21,067) is hereby appropriated from the Motor Vehicle Fund to the Department of Motor Vehicles for the establishment of a branch office of the department in Los Banos, California.

CHAPTER 2141

An act to amend Sections 16645.9 and 16645.11 of the Education Code, relating to child care centers for mentally retarded and physically handicapped children.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 16645.9 of the Education Code is amended to read:

16645 9. The Superintendent of Public Instruction shall prepare a schedule of fees which shall be used by each school district for the charging of fees to parents. Such schedule shall be the same as the schedule prescribed by the Superintendent of Public Instruction as specified in Section 16614 of this code. The fees shall be based on the financial status of the parents, with larger fees to be charged for children of families having larger incomes. Schedule of fees

If the combined income of the parents having one child exceeds five hundred twenty-eight dollars ($528), or, where there is more than one child, if it exceeds five hundred twenty-eight dollars ($528) plus an additional sixty-six dollars ($66) for each additional child, the parents shall be charged the full cost of care of the child at the center. Fees for children of parents having lower incomes shall be fixed on a sliding scale basis. If it becomes necessary for the Superintendent of Public Instruction to adjust the fee schedule, any increase shall be made first in fees charged to those in the higher income brackets. The rate of increase in fees charged for children of families of different income levels need not be uniform as between the different income levels.

The fee schedule shall, so far as reasonably possible, be established on such basis and in accordance with such principles as the Superintendent of Public Instruction may determine to insure proper administration of the child care center program and to establish uniform budgetary and accounting procedures.

SEC. 2. Section 16645.11 of said code is amended to read:

16645.11. The Superintendent of Public Instruction shall apportion state funds to the districts in such amounts as will equal the difference between sixty-six cents ($0.66) and the average hourly fee per child collected as provided for in Section 16616 of this code. If the fees collected by any district shall for any month be less or more than fourteen cents ($0 14) per hour per child, the amount of the apportionment shall be increased or decreased in an amount equal to the amount by which the fees collected are less or more, respectively, than fourteen cents ($0.14) per hour per child, except that in no event shall the amount apportioned exceed fifty-seven cents ($0.57) per hour per child. Apportionment of state funds

SEC 3. This act shall be known as "The James J. McBride Act." Short title

CHAPTER 2142

An act providing for the investigation and study of the feasibility of financing and constructing a toll bridge, toll tube, or other toll highway crossing across San Francisco Bay from San Francisco to Marin County by way of Angel Island or Alcatraz Island, and the inclusion of rapid transit facilities thereon, including necessary surveys, plans, estimates of costs, and preliminary engineering, and making an appropriation therefor.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Public Works is hereby authorized and directed to complete the investigation and study conducted pursuant to Chapter 1845 of the Statutes of 1955 of the feasibility of financing and constructing, pursuant to the California Toll Bridge Authority Act, a toll bridge, toll tube, or other toll highway crossing across San Francisco Bay from a point between Battery and Stockton Streets in the City and County of San Francisco to a point on Angel Island and thence to Marin County. The department shall include in such investigation and study a comparison of an alternative route for such a crossing, via Alcatraz Island The department shall also include in such investigation and study a review of all previous studies made by the state and federal governments of alternative routes for such a crossing on a salt water barrier connecting Marin County, Alameda County, and San Francisco, but no new studies shall be conducted as to such alternatives. In making such investigation and study, the department shall prepare such surveys, plans, and estimates of costs, and shall conduct such preliminary engineering, as may be necessary or convenient.

The department shall include in such investigation and study, an investigation and study as to the feasibility of the financing and construction of rapid transit facilities in connection with the toll bridge, tube, or other highway crossing. The department shall co-operate and exchange information with, make information available to, and consider any recommendations of, the San Francisco Bay Area Rapid Transit District with respect to such investigations and studies.

The department shall submit a progress report to the Legislature as to such investigation and study by the first calendar day of the 1962 Regular Session of the Legislature, and shall submit a final report thereon to the Legislature at the 1963 Regular Session of the Legislature not later than February 1, 1963.

SEC. 2. The sum of five hundred thousand dollars ($500,000), or so much thereof as may be necessary, is hereby appropriated out of the the money in the State Highway Fund

available for construction of state highways in County Group No. 1, as specified in Section 187 of the Streets and Highways Code, to the Department of Public Works to carry out the investigation and study required by Section 1 of this act. The California Toll Bridge Authority shall return said appropriation, or so much thereof as may be used, together with interest thereon at the rate of one and one-half percent (1½%) per annum, to be computed on the total amount withdrawn during any one year, to the State Highway Fund in the State Treasury from the proceeds of the first sale of revenue bonds issued for the construction of any toll bridge, toll tube, or other toll highway crossing under the provisions of the California Toll Bridge Authority Act between the City and County of San Francisco and the County of Marin; provided, that in the event revenue bonds are not issued and sold for the construction thereof, any money expended from this appropriation shall be returned to the State Highway Fund from that portion of the San Francisco-Oakland Bay Bridge Toll Revenue Fund other than from the tolls of the existing San Francisco-Oakland Bay Bridge or of any other bridge or bridges which are deposited in said fund. The moneys required to be repaid by this section shall be credited to the money available for the construction of state highways in County Group No. 1, as specified in Section 187 of the Streets and Highways Code.

CHAPTER 2143

An act to add Article 6 (commencing with Section 1485) to Chapter 7, Part 2, Division 2 of the Water Code, relating to appropriation of water.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 1485) is added to Chapter 7, Part 2, Division 2 of the Water Code, to read:

Article 6. Applications by Governmental Agencies Discharging Disposal Water

1485. Any municipality, governmental agency, or political subdivision operating sewerage disposal plants producing disposal water meeting the requirements of the State Water Pollution Control Board, and disposing of said water in the San Joaquin River may file an application for a permit to appropriate an equal amount of water, less diminution by seepage, evaporation, transpiration or other natural causes between the

point of discharge and the point of recovery, downstream from said disposal plant and out of the San Joaquin River or the Sacramento-San Joaquin Delta. A permit to appropriate such amount of water may be granted by the State Water Rights Board upon such terms and conditions as in the board's judgment are necessary for the protection of the rights of others. Water so appropriated may be sold or utilized for any beneficial purpose. The right to the use of water granted by this section shall not include water flowing in underground streams.

The Legislature finds and declares that the problems incident to the full utilization of the waters of the San Joaquin River and the Sacramento-San Joaquin Delta into which it flows, are unique and that a general law cannot be made applicable thereto.

CHAPTER 2144

An act to add Section 9362 to the Education Code, relating to school textbooks.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 9362 is added to the Education Code, to read:

9362. In order to insure competition and to provide the State a basis upon which to compare costs, the State Board of Education shall request all persons presenting textbooks for adoption by it for use in the elementary schools to submit a list of comparative prices for each textbook presented calculated on each of the following bases:

(a) The sale of the completed textbooks to the State.

(b) The lease of plates and other material to the State for the printing of such textbooks by the State.

This section shall not be construed to require that the board reject any bid for the sale of textbooks or the lease of plates or other materials if the bidder fails to submit the comparative prices specified in this section.

CHAPTER 2145

An act to amend Section 16315 of the Government Code, relating to state expenditures.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 16315 of the Government Code is amended to read:

16315. Any appropriation made for major construction, improvements, equipment, designs, working plans, and specifications may be expended to reimburse the Division of Architecture Revolving Fund, the University of California, or the Trustees of the California State Colleges, or a state college, as the case may be, for expenditures incurred prior to the availability of such appropriation; provided, that the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such appropriation in accordance with any applicable provision of law. Any money in the Division of Architecture Revolving Fund may be expended or encumbered for expenditure prior to the availability of such appropriation for any project as to which reimbursement of the fund therefor is authorized by this section. Any money available to the Trustees of the California State Colleges or to a state college for expenditure for projects of major construction, improvements, equipment, designs, working plans, and specifications may be expended or encumbered for expenditure by the trustees for any state college project prior to the availability of the appropriation for the particular project if reimbursement of the trustees or the state college from such appropriation is authorized pursuant to this section

Nothing herein contained shall be construed to limit or control the Regents of the University of California or the Trustees of the California State Colleges in the expenditure of funds appropriated for major construction, improvements, and equipment for the use, development or enlargement of the University of California or the California State Colleges, respectively.

CHAPTER 2146

An act to add Chapter 8 (commencing with Section 5351) to Division 2 of the Public Utilities Code, relating to charter-party carriers of passengers.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing with Section 5351) is added to Division 2 of the Public Utilities Code, to read:

CHAPTER 8. CHARTER-PARTY CARRIERS OF PASSENGERS

Article 1. General Provisions and Definitions

5351. This chapter may be cited as the "Passenger Charter-party Carriers' Act." Short title

Purpose

5352. The use of the public highways for the transportation of passengers for compensation is a business affected with a public interest. It is the purpose of this chapter to preserve for the public full benefit and use of public highways consistent with the needs of commerce without unnecessary congestion or wear and tear upon such highways; to secure to the people safe, adequate and dependable transportation by carriers operating upon such highways; and to secure full and unrestricted flow of traffic by motor carriers over such highways which will adequately meet reasonable public demands by providing for the regulation of all transportation agencies with respect to safety of operations and accident indemnity so that safe, adequate, and dependable service by all necessary transportation agencies shall be maintained and the full use of the highways preserved to the public.

Exceptions

5353. The provisions of this chapter do not apply to:

(a) Transportation service rendered wholly within the corporate limits of a single city or city and county.

(b) Transportation of school pupils conducted by or under contract with the governing board of any school district entered into pursuant to authority vested by the provisions of the Education Code.

(c) Common carrier transportation services between fixed termini or over a regular route which are subject to authorization pursuant to the provisions of Article 2 (commencing with Section 1031), Chapter 5, Part 1, Division 1, of this code.

(d) Transportation services occasionally afforded for farm employees moving to and from farms on which employed when such transportation is performed by the employer in vehicles owned or leased by him, or by a nonprofit agricultural co-operative association organized and acting within the scope of its powers under Chapter 4 (commencing with Section 1190), Division 6, of the Agricultural Code, and without any requirement for the payment of compensation therefor by the employees.

(e) Transportation service rendered by a publicly owned transit system.

(f) Passenger vehicles carrying passengers on a noncommercial enterprise basis.

Acts of officers, agents, etc

5354. In construing and enforcing the provisions of this chapter relating to the prescribed privileges and obligations of the holder of a permit issued hereunder, the act, omission, or failure of any officer, agent, or employee, or person offering to afford the permitted service with the approval or consent of the permit holder, is the act, omission, or failure of the permit holder.

Definitions

5355. Unless the context otherwise requires, the definitions and general provisions set forth in this article govern the construction of this chapter.

5356. "Corporation" includes a corporation, a company, an association, and a joint stock association.

5357. "Person" includes an individual, a firm, or a co-partnership.

5358. "Public highway" includes every public street, road, or highway in this State.

5359. "Motor vehicle" means every self-propelled vehicle with a seating capacity of more than five persons excluding driver.

5360. Subject to the exclusions of Section 5353 of this chapter, "charter-party carrier of passengers" means every person engaged in the transportation of persons by motor vehicle for compensation, whether in common or contract carriage, over any public highway in this State.

Article 2. Authorization to Operate as a Charter-party Carrier of Passengers

Permit

5371. No charter-party carrier of passengers shall engage in transportation services made subject to this chapter unless there is in force a permit issued annually by the commission authorizing such operation.

Application for permit

5372. Applications for permits shall be in writing, verified under oath, and shall be in such form, contain such information, and be accompanied by such proof of service upon interested parties as the commission may require.

Filing fee

5373 Each annual application for a permit to act as a charter-party carrier of passengers pursuant to the provisions of this chapter shall be accompanied by a filing fee of twenty-five dollars ($25).

Fitness and responsibility

5374. Before an annual permit is issued, the commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct the proposed transportation services.

Refusal of permit

5375. The commission may, with or without hearing, issue or refuse to issue the permit. If the commission finds that the applicant possesses satisfactory fitness and financial responsibility to initiate and conduct the proposed transportation services, and will faithfully comply with the rules and regulations adopted by the commission with respect thereto, it shall issue the permit to conduct the requested operations, or may issue it for the partial exercise of the privilege sought, and may attach to the permit such terms and conditions as, in its judgment, are required in the public interest; provided that the permit shall not limit the authorized operations to designated points, areas, or routes; or require the filing or publication of time schedules or tariffs. The fact that the applicant for the permit is, or may later become a holder of a certificate of public convenience and necessity issued pursuant to the provisions of Article 2 (commencing with Section 1031), Chapter 5, Part 1, Division 1, of this code shall not be deemed inconsistent with the provisions of this section, and such dual authority may be authorized.

Effective term

5376. A permit shall be and remain in effect for one year unless suspended or terminated by the commission.

Limitations

5377. No permit issued pursuant to this article, or rights to conduct any of the services therein authorized, shall be sold, leased, or assigned, or otherwise transferred or encumbered.

Revocation or suspension

5378. The commission may cancel, revoke, or suspend any operating permit issued pursuant to the provisions of this chapter upon any of the following grounds:

(a) The violation of any of the provisions of this chapter, or of any operating permit issued thereunder.

(b) The violation of any order, decision, rule, regulation, direction, demand, or requirement established by the commission pursuant to this chapter

(c) The conviction of the charter-party carrier of passengers of any misdemeanor under this chapter.

(d) The rendition of a judgment against the charter-party carrier of passengers for any penalty imposed under this chapter.

(e) The failure of a charter-party carrier of passengers to pay any fee imposed upon the carrier within the time required by law.

(f) On request of the holder of the permit.

Application for new permit after cancellation or revocation

5379. After the cancellation or revocation of a permit, or during the period of its suspension, it is unlawful for a charter-party carrier of passengers to conduct any operations as such a carrier. The commission may either grant or deny an application for a new permit whenever it appears that a prior permit of the applicant has been canceled or revoked pursuant to Section 5378 or whenever it appears, after hearing, that as a prior permit holder, the applicant engaged in any of the unlawful activities set forth in Section 5378 for which his permit might have been canceled or revoked.

Article 3. Regulation of Charter-party Carriers of Passengers

Supervision and regulation

5381. To the extent that such is not inconsistent with the provisions of this chapter, the commission may supervise and regulate every charter-party carrier of passengers in the State and may do all things, whether specifically designated in this part, or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction.

Rules and regulations

5382. To the extent that such are not inconsistent with the provisions of this chapter, all general orders, rules and regulations, applicable to the operations of carriers of passengers under authority of certificates of public convenience and necessity issued pursuant to the provisions of Article 2 (commencing at Section 1031), Chapter 5, Part 1, Division 1 of this code, unless otherwise ordered by the commission shall apply to charter-party carriers of passengers

Article 4. Accident Liability Protection

Protection against liability

5391. The commission shall, in granting permits pursuant to this chapter, require charter-party carrier of passengers to

procure, and to continue in effect during the life of the permit, adequate protection against liability imposed by law upon the charter-party carrier of passengers for the payment of damages for personal bodily injuries, including death resulting therefrom, protection against a total liability of the charter-party carrier of passengers on account of bodily injuries to, or death of, more than one person as a result of any one accident, and protection against damage or destruction of property The minimum requirements for such assurances of protection against liability shall not be less than the requirements which are applicable to operations conducted under certificates of public convenience and necessity issued pursuant to the provisions of Article 2 (commencing with Section 1031), Chapter 5, Part 1, Division 1, of this code, and the rules and regulations prescribed pursuant thereto shall apply to charter-party carriers of passengers.

Minimum requirements

Article 5. Basis of Charges

5401. Charges for the transportation to be offered or afforded by a charter-party carrier of passengers shall be computed and assessed on a vehicle mileage or time of use basis, or on a combination thereof, which charges may vary in accordance with the passenger capacity of the vehicle, or the number of persons to be transported, but it shall not be lawful for a charter-party carrier of passengers to directly or through his agent, broker, or otherwise to contract, agree, or arrange to charge or to demand or receive compensation for the transportation offered or afforded which shall be computed charged, or assessed by the carrier on an individual-fare basis, except schoolbus contractors who are compensated by parents of children attending public, private, or parochial schools.

Charges for transportation

Article 6. Fines and Penalties

5411. Every charter-party carrier of passengers and every officer, director, agent, or employee of any charter-party carrier of passengers who violates or who fails to comply with, or who procures, aids, or abets any violation by any charter-party carrier of passengers of any provision of this chapter, or who fails to obey, observe, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or of any operating permit issued to any charter-party carrier of passengers, or who procures, aids, or abets any charter-party carrier of passengers in its failure to obey observe, or comply with any such order, decision, rule, regulation, direction, demand, requirement, or operating permit, is guilty of a misdemeanor and is punishable by fine of not more than five hundred dollars ($500) or by imprisonment in the county jail for not more than three months, or both.

Misdemeanor by carrier, officer, etc

5412. Every corporation or person other than a charter-party carrier of passengers, who knowingly and willfully, either individually, or acting as an officer, agent, or employee

Misdemeanor Other corporation or person

of a corporation, copartnership, or any other person other than a charter-party carrier of passengers, violates any provision of this chapter or fails to observe, obey, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or who procures, aids, or abets any charter-party carrier of passengers in its violation of this chapter, or in its failure to obey, observe, or comply with any such order, decision, rule, regulation, direction, demand, or requirement, is guilty of a misdemeanor, and is punishable by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail for not more than three months, or both.

Same
Carrier, officer, etc

5413. Every charter-party carrier of passengers and every officer, director, agent, or employee of any charter-party carrier of passengers who violates or who fails to comply with, or who procures, aids, or abets, any violation by any charter-party carrier of passengers of any provision of this chapter, or who fails to obey, observe, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or of any operating permit issued to any charter-party carrier of passengers, or who procures, aids, or abets any charter-party carrier of passengers in its failure to obey, observe, or comply with any such order, decision, rule, regulation, direction, demand, requirement, or operating permit, is subject to a penalty of not more than five hundred dollars ($500) for each offense.

Same
Other corporation or person

5414. Every corporation or person other than a charter-party carrier of passengers who knowingly and willfully, either individually, or acting as an officer, agent, or employee of a corporation, copartnership, or any other person other than a charter-party carrier of passengers, violates any provision of this chapter or fails to observe, obey, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or who procures, aids, or abets any charter-party carrier of passengers in its violation of this chapter, or in its failure to obey, observe, or comply with any such order, decision, rule, regulation, direction, demand, or requirement, is subject to a penalty of not more than five hundred dollars ($500) for each offense.

Separate and distinct offense

5415. Every violation of the provisions of this chapter or of any order, decision, decree, rule, direction, demand, or requirement of the commission by any corporation or person is a separate and distinct offense, and in case of a continuing violation each day's continuance thereof is a separate and distinct offense.

Cumulative penalties

5416. All penalties accruing under this chapter are cumulative, and a suit for the recovery of one penalty does not bar or affect the recovery of any other penalty or forfeiture or bar any criminal prosecution against any person or corporation, or any officer, director, agent of employee thereof, or any

other corporation or person, or bar the exercise by the commission of its power to punish for contempt.

Actions to recover penalties

5417. Actions to recover penalties under this chapter shall be brought in the name of the people of the State of California, in the superior court of the county, or city and county, in which the cause or some part thereof arose, or in which the corporation complained of, if any, has its principal place of business, or in which the person, if any, complained of, resides. The action shall be commenced and prosecuted to final judgment by the attorney of the commission.

Rules of procedure and evidence

5418. In any such action, all penalties incurred up to the time of the commencement of the action may be sued for and recovered. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions.

Disposition of recovered penalties

5419. All penalties recovered by the State in any action pursuant to this chapter, together with the costs thereof, shall be paid into the State Treasury to the credit of the General Fund. Any such action may be compromised or discontinued on application of the commission upon such terms as the court approves and orders.

CHAPTER 2147

An act to repeal Sections 311, 312, 313, and 314 of, and to add Chapter 7.5 (commencing with Section 311) to Title 9 of Part 1 of, and to amend the heading of Chapter 8 of Title 9 of Part 1 of, and to add Section 314 to, and to amend Section 290 of, the Penal Code, relating to obscenity.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 311 of the Penal Code is repealed.

Repeal

SEC. 2. Section 312 of said code is repealed.

Repeal

SEC. 3. Section 313 of said code is repealed.

Repeal

SEC. 4. Section 314 of said code is repealed.

SEC. 5. Chapter 7.5 (commencing with Section 311) is added to Title 9 of Part 1 of said code, to read:

CHAPTER 7.5. OBSCENE MATTER

Definitions

311. As used in this chapter:

(a) "Obscene" means that to the average person, applying contemporary standards, the predominant appeal of the matter, taken as a whole, is to prurient interest, i.e., a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters and is matter which is utterly without redeeming social importance.

(b) "Matter" means any book, magazine, newspaper, or other printed or written material or any picture, drawing,

photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines or materials.

(c) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

(d) "Distribute" means to transfer possession of, whether with or without consideration.

(e) "Knowingly" means having knowledge that the matter is obscene.

Misdemeanors

311.2. Every person who knowingly: sends or causes to be sent, or brings or causes to be brought, into this State for sale or distribution, or in this State prepares, publishes, prints, exhibits, distributes, or offers to distribute, or has in his possession with intent to distribute or to exhibit or offer to distribute, any obscene matter is guilty of a misdemeanor.

311.3. Every person, who with knowledge that a person is a minor under 18 years of age, or who, while in possession of such facts that he should reasonably know that such person is a minor under 18 years of age, knowingly distributes to, or sends or causes to be sent to, or exhibits to, or offers to distribute any obscene matter to a minor under 18 years of age, is guilty of a misdemeanor.

311.4. Every person who, with knowledge that a person is a minor, or who, while in possession of such facts that he should reasonably know that such person is a minor, hires, employs, or uses such minor to do or assist in doing any of the acts described in Section 311.2, is guilty of a misdemeanor.

311.5. Every person who writes or creates advertising or solicits anyone to publish such advertising or otherwise promote the sale or distribution of matter represented or held out by him to be obscene, is guilty of a misdemeanor.

311.6. Every person who knowingly sings or speaks any obscene song, ballad, or other words, in any public place is guilty of a misdemeanor.

311.7. Every person who, knowingly, as a condition to a sale, allocation, consignment, or delivery for resale of any paper, magazine, book, periodical, publication or other merchandise, requires that the purchaser or consignee receive any obscene matter or who denies or threatens to deny a franchise, revokes or threatens to revoke, or imposes any penalty, financial or otherwise, by reason of the failure of any person to accept obscene matter, or by reason of the return of such obscene matter, is guilty of a misdemeanor.

Defense of scientific or educational purpose

311.8. It shall be a defense in any prosecution for a violation of this chapter that the act charged was committed in aid of legitimate scientific or educational purposes

Punishment

311.9. (a) Every person who violates Section 311.2 is punishable by fine of not more than one thousand dollars ($1,000) plus five dollars ($5) for each additional unit of material coming within the provisions of this chapter, which is involved in the offense, not to exceed ten thousand dollars

($10,000), or by imprisonment in the county jail for not more than six months plus one day for each additional unit of material coming within the provisions of this chapter, and which is involved in the offense, such basic maximum and additional days not to exceed 360 days in the county jail, or by both such fine and imprisonment. If such person has previously been convicted of a violation of Section 311.2, he is punishable by fine of not more than two thousand dollars ($2,000) plus five dollars ($5) for each additional unit of material coming within the provisions of this chapter, which is involved in the offense, not to exceed twenty-five thousand dollars ($25,000), or by imprisonment in the county jail for not more than one year, or by both such fine and such imprisonment. If such person has been twice convicted of a violation of this chapter, a violation of Section 311.2 is punishable as a felony.

Conditions permitting punishment as a felony

(b) Every person who violates Sections 311.3 and 311.4 is punishable by fine of not more than two thousand dollars ($2,000) or by imprisonment in the county jail for not more than one year, or by both such fine and such imprisonment. If such person has been previously convicted of a violation of Section 311.3 or Section 311.4, he is punishable by imprisonment in the state prison not exceeding five years.

Punishments for specific offenses

(c) Every person who violates Section 311.7 is punishable by fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail for not more than six months in the county jail, or by both such fine and imprisonment. For a second and subsequent offense he shall be punished by a fine of not more than two thousand dollars ($2,000), or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. If such person has been twice convicted of a violation of this chapter, a violation of Section 311.7 is punishable as a felony.

312. Upon the conviction of the accused, the court may, when the conviction becomes final, order any matter or advertisement, in respect whereof the accused stands convicted, and which remains in the possession or under the control of the district attorney or any law enforcement agency, to be destroyed, and the court may cause to be destroyed any such material in its possession or under its control.

Order for destruction of matter

SEC. 6. The heading of Chapter 8 of Title 9 of Part 1 of said code is amended to read:

CHAPTER 8. INDECENT EXPOSURE, OBSCENE EXHIBITIONS, AND BAWDY AND OTHER DISORDERLY HOUSES

SEC. 7. Section 314 is added to Chapter 8 of Title 9 of Part 1 of said code, to read:

314. Every person who willfully and lewdly, either

Willful lewd acts: Punishment

1. Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or,

2. Procures, counsels, or assists any person so to expose himself or take part in any model artist exhibition, or to make any other exhibition of himself to public view, or the view of any number of persons, such as is offensive to decency, or is adapted to excite to vicious or lewd thoughts or acts, is guilty of a misdemeanor.

Upon the second and each subsequent conviction under subdivision 1 of this section, or upon a first conviction under subdivision 1 of this section after a previous conviction under Section 288 of this code, every person so convicted is guilty of a felony, and is punishable by imprisonment in state prison for not less than one year.

SEC. 8. Section 290 of said code is amended to read:

Registration of convicted sex offenders

290. Any person who, since the first day of July, 1944, has been or is hereafter convicted in the State of California of the offense of assault with intent to commit rape or the infamous crime against nature, under Section 220, or of any offense defined in Sections 266, 267, 268, 285, 286, 288, 288a, subdivision 1 of Section 647a, subdivision 3 or 4 of Section 261, subdivision (a) or (d) of Section 647, or subdivision 1 or 2 of Section 314 of this code, or of any offense involving lewd and lascivious conduct under Section 702 of the Welfare and Institutions Code; or any person who since said date has been or is hereafter convicted of the attempt to commit any of the above-mentioned offenses; or any person who since said date or at any time hereafter is discharged or paroled from a penal institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses; or any person who since said date or at any time hereafter is determined to be a sexual psychopath under the provisions of Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code; or any person who has been since said date or is hereafter convicted in any other state of any offense which, if committed or attempted in this State, would have been punishable as one or more of the above-mentioned offenses shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

Informing of registration requirement

Any person who, after the first day of August, 1950, is discharged or paroled from a jail, prison, school, road camp, or other institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses or is released from a state hospital to which he was committed as a sexual psychopath under the provisions of Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code shall, prior to such discharge, parole, or release, be informed of his duty to register under this section by the official in charge of the place of confinement or hospital and the official shall require the person to read and sign such form

as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The official in charge of the place of confinement or hospital shall obtain the address where the person expects to reside upon his discharge, parole, or release and shall report such address to the State Bureau of Criminal Identification and Investigation. The official in charge of the place of confinement or hospital shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Any person who after the first day of August, 1950, is convicted in the State of California of the commission or attempt to commit any of the above-mentioned offenses and who is released on probation or discharged upon payment of a fine shall, prior to such release or discharge, be informed of his duty to register under this section by the court in which he has been convicted and the court shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The court shall obtain the address where the person expects to reside upon his release or discharge and shall report within three days such address to the State Bureau of Criminal Identification and Investigation. The court shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Registration formalities

Such registration shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the State Bureau of Criminal Identification, and (b) the fingerprints and photograph of such person. Within three days thereafter the registering law enforcement agency shall forward such statement, fingerprints and photograph to the State Bureau of Criminal Identification and Investigation.

If any person required to register hereunder changes his residence address he shall inform, in writing within 10 days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three days after receipt of such information, forward it to the State Bureau of Criminal Identification and Investigation. The State Bureau of Criminal Identification and Investigation shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

Any person required to register under the provisions of this section who shall violate any of the provisions thereof is guilty of a misdemeanor.

Not open to inspection

The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

Severability of provisions

SEC. 9. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 2148

An act to amend Section 250 of the Health and Safety Code, and to amend Section 250 of the Health and Safety Code as proposed to be amended by Assembly Bill No. 480, relating to physically handicapped persons.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 250 of the Health and Safety Code is amended to read:

"Handicapped child"

250. "Handicapped child," as used in this article, means a physically defective or handicapped person under the age of 21 years who is in need of services. "Handicapped child" includes, but is not limited to, children suffering from phenylketonuria.

SEC. 2. Section 250 of said code, as proposed to be amended by Assembly Bill No. 480, is amended to read:

"Handicapped child"

250. "Handicapped child," as used in this article, means a physically defective or handicapped person under the age of 21 years who is in need of services. "Handicapped child" includes, but is not limited to, children suffering from phenylketonuria or cystic fibrosis.

Effect. Stats 1961, Ch 1839

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 480 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Assembly Bill No. 480 takes effect; at which time Section 250 of the Health and Safety Code as amended by Section 1 of this act is repealed.

CHAPTER 2149

An act to amend Sections 33017, 33018, 33201, 33201.5, 33202, 33203, 33230, 33269, 33700, 33707, 33735, 33736, 33738, 33742, and 33747 of, to add Section 33267.2 to, and to repeal Sections 33915, and 33916 of, the Health and Safety Code, and to amend Section 25100 of the Corporations Code, relating to community redevelopment.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 33017 of the Health and Safety Code is amended to read:

Exemption from levy and sale

33017. All property of an agency, including funds, owned or held by it for the purposes of this part shall be exempt from levy and sale by virtue of an execution or other judicial process. Execution or other judicial process shall not issue against such property of an agency nor shall any judgment against an agency be a charge or lien upon such property. This section does not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage, deed of trust, or other encumbrance of an agency or the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an agency on its rents, fees, or revenues.

SEC. 2. Section 33018 of said code is amended to read:

Powers of public body

33018. For the purpose of aiding and co-operating in the planning, undertaking, construction, or operation of redevelopment projects located within the area in which it is authorized to act, any public body, upon the terms and with or without consideration as it determines, may:

(a) Dedicate, sell, convey, or lease any of its property to a redevelopment agency.

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with redevelopment projects.

(c) Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places which it is otherwise empowered to undertake.

(d) Plan or replan, zone or rezone any part of such area and make any legal exceptions from building regulations and ordinances.

(e) Enter into agreements with the federal government, an agency, or any other public body respecting action to be taken pursuant to any of the powers granted by this part or any other law; such agreements may extend over any period, notwithstanding any law to the contrary.

(f) Purchase or legally invest in any of the bonds of an agency and exercise all of the rights of any holder of such bonds.

(g) Purchase and buy or otherwise acquire land in a project area from an agency for redevelopment in accordance with the plan, and in connection therewith, is hereby authorized to become obligated in accordance with Section 33272 except that subsection (b) of Section 33272 shall apply to a public body only to the extent that it is authorized (and funds have been made available) to make the redevelopment improvements or structures required.

SEC. 3. Section 33201 of said code is amended to read:

Limitation of powers

33201. An agency which, on the effective date of the amendment to this section enacted at the 1961 Regular Session of the Legislature, is not authorized to transact any business or exercise any powers by a resolution adopted prior to such date, shall not transact any business or exercise any powers under this part unless, by ordinance, the legislative body declares that there is need for an agency to function in the community.

The ordinance of the legislative body declaring that there is need for an agency to function in the community shall be subject to referendum as prescribed by law for a county or a city ordinance.

SEC. 4. Section 33201.5 of said code is amended to read:

Filing of ordinance

33201.5. The agency shall cause a certified copy of the ordinance to be filed in the office of the Secretary of State.

SEC. 5. Section 33202 of said code is amended to read:

Conclusive presumption of authority

33202. In any proceeding involving the validity or enforcement of, or relating to, any contract by an agency, the agency is conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the filing with the Secretary of State of such an ordinance.

Agencies which transacted business and exercised powers prior to the effective date of the amendment to this section enacted at the 1961 Regular Session of the Legislature shall, in any proceeding involving the validity of, or enforcement of, or relating to, any contract by an agency, be conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof of the adoption of a resolution adopted pursuant to the provisions of Section 33201 which were in effect prior to such effective date or upon proof that a copy of such resolution has been filed with the Secretary of State.

SEC. 6. Section 33203 of said code is amended to read:

Suspension of agency

33203. If an agency has not redeveloped or acquired land for, or commenced the redevelopment of, a project, or entered into contracts for redevelopment within two years after the adoption of an ordinance pursuant to Section 33201, or, in the case of an agency authorized to transact business and exercise powers by resolution adopted pursuant to the provisions of Section 33201 which were in effect prior to the effective date of the 1961 amendment to this section, within two years after the

adoption of such a resolution, the legislative body may by ordinance declare that there is no further need for the agency. Upon the adoption of the ordinance the offices of the agency members are vacated and the capacity of the agency to transact business or exercise any powers is suspended until the legislative body adopts an ordinance declaring the need for the agency to function.

SEC. 7. Section 33230 of said code is amended to read:

Appointment of members

33230. When the legislative body adopts an ordinance declaring the need for an agency the mayor or chairman of the board of supervisors, with the approval of the legislative body, shall appoint five resident electors of the community as members of the agency.

SEC. 8. Section 33267.2 is added to said code, to read:

Acquisition of real property

33267.2. Notwithstanding any other provision of this part, an agency with the approval of the legislative body of the community may acquire, by negotiation or other means, real property in a project area at any time after formulation of the preliminary plan for such area by the planning commission, and prior to the adoption of the redevelopment plan by the legislative body of the community, provided however an agency may not exercise the power of eminent domain in connection with such acquisition prior to adoption of the redevelopment plan.

SEC. 9. Section 33269 of said code is amended to read:

Development of building site

33269. An agency may develop as a building site any real property owned or acquired by it. In connection with such development it may cause, provide or undertake or make provision with other agencies for the installation, or construction of streets, utilities, parks, playgrounds, and other public improvements necessary for carrying out in the project area the redevelopment plan.

SEC. 10. Section 33700 of said code is amended to read:

Redevelopment plan

33700. Each agency shall prepare or cause to be prepared, or adopt, a redevelopment plan for each project area and for that purpose may hold hearings and conduct examinations, investigations, and other negotiations.

Public hearing and notice

Before the adoption of a redevelopment plan by the agency, the agency shall conduct a public hearing on it. The agency shall publish notice of the hearing not less than once a week for four successive weeks prior to the hearing. The notice shall be published in a newspaper of general circulation, printed and published in the community, or if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the area or areas designated in the proposed redevelopment plan and a general statement of the scope and objectives of the plan. Copies of the notices shall be mailed to the last known assessee of each parcel of land in the area designated in the redevelopment plan, at his last known address as shown by the records of the assessor for the community. The notice shall be mailed by certified mail with return receipt requested.

Each assessee whose property would be subject to acquisition by purchase or condemnation under the plan shall be sent a statement to that effect attached to his notice of the hearing. Alternatively, a list or map of all properties which would be subject to acquisition by purchase or condemnation under the plan may be mailed to assessees with the notices of hearing.

SEC. 11 Section 33707 of said code is amended to read:

Diagram of redevelopment plan

33707. Every redevelopment plan shall show by diagram and in general terms:

(a) The approximate amount of open space to be provided and street layout.

(b) Limitations on type, size, height, number, and proposed use of buildings.

(c) The approximate number of dwelling units.

(d) The property to be devoted to public purposes and the nature of such purposes.

(e) Other covenants, conditions, and restrictions which the legislative body prescribes.

SEC. 12. Section 33735 of said code is amended to read:

Declaration of intent

33735. The legislative body at the time of, or in connection with, the adoption of the plan, shall declare its intention to undertake and complete any proceedings necessary to be carried out by the community under the provisions of the plan.

SEC. 13. Section 33736 of said code is amended to read:

Condemnation

33736. If the plan provides for the condemnation of any real property, the legislative body shall not approve the plan except upon a finding that condemnation is necessary to the execution of the plan and adequate provisions have been made for payment for property to be acquired as provided by law.

SEC. 14. Section 33738 of said code is amended to read:

Displacement of occupants

33738. If a plan may result in the temporary or permanent displacement of any occupants of housing facilities in the project area the legislative body shall not approve the plan except upon a finding that the agency has a feasible method or plan for the relocation of families and persons displaced from the project area. The legislative body shall determine that there are or are being provided in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the project area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment.

If it is necessary to make available permanent housing facilities for displaced occupants in such county outside the agency undertaking the plan, such activity shall be subject to the approval of the governing body of such county or of the city in which the housing is made available.

SEC. 15. Section 33742 of said code is amended to read:

33742. The approval of a redevelopment plan by a legislative body shall be by ordinance. The ordinance shall: Approval by ordinance

(a) Contain a legal description of the boundaries of the project area covered by the redevelopment plan.

(b) Set forth the purposes and intent of the legislative body with respect to the project area.

(c) Contain the findings and make the declarations of intention and determinations required in other sections of this part.

(d) Incorporate the plan by reference.

(e) Designate the approved plan as the official redevelopment plan of the project area.

SEC. 16. Section 33747 of said code is amended to read:

33747. If at any time after the adoption of a redevelopment plan for a project area by the legislative body, it becomes necessary or desirable to amend or modify such plan, the legislative body may amend such plan upon the recommendation of the agency. Modification of plan

Before recommending amendment of the plan the agency shall hold a public hearing on the proposed amendment. Notice of such hearing shall be published pursuant to Section 6063 of the Government Code prior to the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the area designated in the plan to be amended and a general statement of the purpose of the amendment. Copies of the notices shall be mailed to the last known assessee of each parcel of land within such boundaries, at his last known address as shown by the records of the assessor for the community, and to persons, firms, or corporations which have acquired property within such boundaries from the agency, at his last known address as shown by the records of the agency. The notice shall be mailed by certified mail with return receipt requested. If after the public hearings the agency recommends substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, such changes shall be submitted to the planning commission for its report and recommendation to the legislative body within 30 days after such submission.

After receiving the recommendation of the agency concerning such changes in the plan, and not sooner than 30 days after the submission of changes to the planning commission, the legislative body shall hold a public hearing on the proposed amendment, notice of which hearing shall be published in a newspaper in the manner and at the times designated above for notice of hearing by the agency. If after such hearing the legislative body determines that the amendments in the plan, proposed by the agency, are necessary or desirable, the legisla-

tive body shall adopt an ordinance amending the ordinance adopting the plans thus amended.

Amendments to a plan adopted pursuant to this section shall be recorded in compliance with Section 27295 of the Government Code as promptly as practicable following adoption by the legislative body.

Repeal

SEC. 17. Section 33915 of said code is repealed.

Repeal

SEC. 18. Section 33916 of said code is repealed.

SEC. 19. Section 25100 of the Corporations Code is amended to read:

Nonapplicability of Corporate Securities Law

25100. Except as otherwise expressly provided in this division, the Corporate Securities Law does not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States of America, or any territory or insular possession thereof, or by the District of Columbia, or by any state, territory, county, municipality, community redevelopment agency, or taxing district therein.

(b) Any security issued or guaranteed by any foreign government with which the United States of America is, at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any state, province, or political subdivision thereof having the power of taxation or assessment, which security is recognized, at the time it is offered or sold in this State, as a valid obligation by the foreign government or by the state, province, or political subdivision thereof issuing it.

(c) Any security issued by and representing an interest in or a direct obligation of a national bank, or issued by any federal land bank or joint land bank, or a national farm loan association, under the provisions of the Federal Farm Loan Act of July 17, 1916, or any amendment thereof or thereto, or by any company created and acting as an instrumentality of the Government of the United States of America pursuant to authority granted by the Congress of the United States of America, or by any company organized and existing under and by virtue of any act of Congress.

(d) Any security issued by and representing an interest in or a direct obligation of a state bank, trust company, or savings institution incorporated under the laws of this State.

(e) Any security the issuance of which has been authorized by the Public Utilities Commission of this State or by the Interstate Commerce Commission or by the Federal Power Commission.

(f) Any stock (as defined in the Savings and Loan Association Law), issued by a company organized for the purpose of conducting a savings and loan association within this State, the issuance of which has been authorized by the Savings and Loan Commissioner.

(g) Any shares, investment certificates, or borrowers' membership certificates (as defined in the Savings and Loan Association Law) issued by a savings and loan association holding

a license then in force issued by the Savings and Loan Commissioner.

(h) Any security issued by a company organized for the purpose of transacting an insurance business, the issuance of which is subject to authorization by the Insurance Commissioner.

(i) Any security which has been certified as a legal investment for savings banks under the laws of this State.

(j) Any certificate of deposit for any security which has been approved by the California Districts Securities Commission for certification as a legal investment for savings banks and trust companies under the laws of this State.

(k) Any security issued under or pursuant to a plan of reorganization which, pursuant to any of the provisions of the act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States" approved June 1, 1898, and acts amendatory thereof and supplementary thereto, has been confirmed by the decree or order of a court of competent jurisdiction.

(*l*) Any partnership interest in a general partnership, or in a limited partnership where certificates are executed, filed, and recorded as provided by Sections 15502 and 15525 of the Corporations Code of the State of California, except partnership interests when offered to the public.

(m) Any bona fide joint adventure interest, except such interests when offered to the public.

CHAPTER 2150

An act to amend Section 816 of the Agricultural Code, relating to onions.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 816 of the Agricultural Code is amended to read:

816. Onions shall be free from insect injury which has penetrated or damaged the edible portion of the onion and from mold and decay; and free from serious damage due to sun scald, heat, freezing, sprouting or other causes. Except for sprouting, damage to any one onion is not serious unless it causes a waste of 20 percent, by weight, of the individual onion. Damage to any one onion affected by sprouting is not serious unless a sprout is more than one inch in length, measured from the neck of the onion where the sprout emerges to the tip of such sprout, or the onion has become soft or spongy.

Not more than 5 percent, by weight, of the onions in any one container or bulk lot may be below these requirements.

All containers of onions of more than 15 pounds each shall be clearly and distinctly labeled with name of the packer or person who authorized the packing, and the correct address of such person.

CHAPTER 2151

An act to amend Sections 5105, 5105.5, 5141 and 5141.5 of the Revenue and Taxation Code, relating to property taxes.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 5105 of the Revenue and Taxation Code is amended to read:

Interest on tax recovery

5105. In any action in which the recovery of taxes is allowed by the court, the plaintiff is entitled to interest on the taxes for which recovery is allowed at a rate per centum per annum equal to the rate per centum per annum that the defendant has received, through investment or by bank deposit, on the amount allowed and recovered as taxes from the date of the filing of the claim for refund to the date of entry of judgment, and such accrued interest shall be included in the judgment. This section shall not apply to taxes paid before the effective date of this act.

SEC. 2. Section 5105.5 of said code is amended to read:

Fixing amount of interest

5105.5. The court shall fix the amount of interest, if any, not to exceed a rate of percent equal to the rate of percent that the defendant has received, through investment or by bank deposit, on the amount allowed and recovered as taxes which shall be allowed under Section 5105 in any action for the recovery of taxes in which the plaintiff is a city.

SEC. 3. Section 5141 of said code is amended to read:

Judgment on void assessment

5141. If the court finds that the assessment complained of is void in whole or in part, it shall render judgment for the plaintiff for the amount of the taxes paid on so much of the assessment as is found to be void. In such event but only where taxes are paid after the effective date of this act, the plaintiff is entitled to interest on the taxes for which recovery is allowed at a rate per centum per annum equal to the rate per centum per annum that the defendant has received, through investment or by bank deposit, on the amount allowed and recovered as taxes from the date of payment under protest to the date of entry of judgment, and such accrued interest shall be included in the judgment. The taxes paid on so much of the assessment as is not found to be void shall constitute valid taxes which, if paid after delinquency, shall carry penalties, interest and costs.

SEC. 4. Section 5141.5 of said code is amended to read:

Fixing of interest

5141.5. The court shall fix the amount of interest, if any, not to exceed a rate of percent which is equal to the rate of

percent that the defendant has received, through investment or by bank deposit, on the amount of money allowed and recovered as taxes which shall be allowed under Section 5141 in any action for the recovery of taxes in which the plaintiff is a city.

CHAPTER 2152

An act to amend Section 8954 of the Business and Professions Code, relating to yacht and ship brokerage.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 8954 of the Business and Professions Code is amended to read:

8954. The commission may suspend or revoke the license of a broker or salesman who has committed any of the following acts:

(a) Makes a substantial misrepresentation upon which any person has relied.

(b) Makes a false warranty of a character likely to influence, persuade or induce any person with whom business is transacted under this chapter.

(c) Engages in a continued and flagrant course of misrepresentation or makes false warranties, whether or not relied upon by another person.

(d) Acts for the buyer and seller in a transaction without the knowledge and consent of both parties.

(e) Commingles the money or other property of his principal with that of his own.

(f) Does any of the acts or participates in any of the transactions defined in Section 8902 of this code with respect to any yacht or ship not numbered in accordance with the provisions of Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code.

(g) Performs any act or participates in any transaction which belongs to or is connected with a class or activity other than the class for which he is licensed.

(h) Uses coercive or oppressive methods for the purpose of obtaining business or of procuring an exclusive listing, or participating in a transaction knowing that such means have been or will be used therein.

(i) Quotes prices higher than the gross listing prices.

(j) Engages in any other conduct constituting fraud or dishonest dealings, either with respect to his principal or other persons.

(k) Permits his name to be used for the purpose of assisting any person who is not a licensed yacht and shipbroker or salesman to evade the provisions of this chapter.

Effect: Stats 1961, Ch 2132

SEC. 2. This act shall become operative only if Senate Bill No. 266 is enacted by the Legislature at its 1961 Regular Session and in such case at the same time as said Senate Bill No. 266 takes effect.

CHAPTER 2153

An act to amend Sections 930, 930.5, 940, 978, 979, 981, 983, 984, 985, 992, 1176, 1280, 1585, 2655, 2901, and 3253 of, to repeal Section 928 of, and to add Section 1282 to Article 2 of Chapter 5 of Part 1 of Division 1 of, and to add Section 2657 to Article 2 of Chapter 2 of Part 2 of Division 1 of, the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 928 of the Unemployment Insurance Code is repealed.

SEC. 2. Section 930 of said code is amended to read:

"Wages"

930. "Wages" does not include remuneration in excess of three thousand six hundred dollars ($3,600) paid to an individual by an employer during any calendar year, with respect to employment.

SEC. 3. Section 930.5 of said code is amended to read:

Acquisition of employer's trade or business

930.5. If an employer during any calendar year acquires substantially all the property used in a trade or business of another employer, or used in a separate unit of a trade or business of such other employer, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of the employer from whom the property was acquired, then, for the purpose of determining whether the acquiring employer has paid remuneration with respect to employment in excess of the limitation prescribed by Section 930, or the limitation prescribed by Section 985, to such individual during such calendar year, any remuneration with respect to employment paid to such individual by the employer from whom the property was acquired during such calendar year and prior to such acquisition shall be considered as having been

"Remuneration"

paid by the acquiring employer. As used in this section "remuneration" does not include the remuneration referred to in Sections 931, 932, 933, 934, 935, 936, 937, and 938.

SEC. 4. Section 940 of said code is amended to read:

"Wages"

940. For the purposes of this section and Sections 1026, 1088, 1280, 1281, 1282, 2652, 2654, 2655, and 2657, "wages" means taxable wages as well as wages which would be taxable except for the limitations on taxable wages provided under Sections 930 and 985, except that if an employer so elects, for such purposes "wages" for particular employees, or for a class

of employees, or for all of his employees, may exclude amounts for an individual worker in excess of six thousand dollars ($6,000) for any calendar quarter.

SEC. 5. Section 978 of said code is amended to read:

978. Whenever the balance in the Unemployment Fund on December 31st of any calendar year is less than 6.2 percent of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates. Employer tax rate schedule

If, as of the computation date the employer's net balance of reserve equals or exceeds that percentage of his average base payroll which appears on any line in Column 1 of the following table, but is less than that percentage of his average base payroll which appears on the same line in Column 2 of that table, his contribution rate shall be the figure appearing on that same line in Column 3 of that table.

	Reserve balance		Contribution rate
Line	Column 1	Column 2	Column 3
1	0%	7.0%	3.0%
2	7.0%	7.5%	2.7%
3	7.5%	8.0%	2.5%
4	8.0%	8.5%	2.5%
5	8.5%	9.0%	2.3%
6	9.0%	9.5%	2.0%
7	9.5%	10.0%	1.8%
8	10.0%	10.5%	1.5%
9	10.5%	11.0%	1.3%
10	11.0%	12.0%	1.0%
11	12.0%	13.0%	0.9%
12	13.0%	14.0%	0.8%
13	14.0%	15.0%	0.7%
14	15.0%	16.0%	0.6%
15	16.0%	17.0%	0.5%
16	17.0%	18.0%	0.4%
17	18.0%	100% or more	0.3%

SEC. 6. Section 979 of said code is amended to read:

979. Whenever the balance in the Unemployment Fund on December 31st of any calendar year equals or exceeds 6.2 percent of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates. Same. Alternate

If, as of the computation date, the employer's net balance of reserve equals or exceeds that percentage of his average base payroll which appears on any line in Column 1 of the

following table, but is less than that percentage of his average base payroll which appears on the same line in Column 2 of that table, his contribution rate shall be the figure appearing on that same line in Column 3 of that table.

Line	Reserve balance Column 1	Column 2	Contribution rate Column 3
1	0%	5.5%	3.0%
2	5.5%	6.0%	2.7%
3	6.0%	6.5%	2.5%
4	6.5%	7.0%	2.3%
5	7.0%	7.5%	2.1%
6	7.5%	8.0%	1.9%
7	8.0%	8.5%	1.7%
8	8.5%	9.0%	1.5%
9	9.0%	9.5%	1.3%
10	9.5%	10.0%	1.1%
11	10.0%	10.5%	0.9%
12	10.5%	11.0%	0.7%
13	11.0%	11.5%	0.5%
14	11.5%	100% or more	0.3%

SEC. 7. Section 981 of said code is amended to read:

Invocation of 3 percent contribution rate

981. Whenever it appears that the funds in the Unemployment Fund are less than one and one-half times the amount of unemployment compensation benefits paid during the preceding calendar year, the director, by appropriate notice, may invoke a contribution rate of 3 percent from all employers, in lieu and regardless of any reduced or lower rate elsewhere prescribed in Part 1 of this division. The rate established pursuant to this section shall be effective only until the expiration of the next quarter during which the fund again becomes equal to or in excess of one and one-half times the amount of unemployment compensation benefits paid during the then preceding calendar year.

SEC. 8. Section 983 of said code is amended to read:

Tax rate in event of delinquencies

983. (a) No employer's contribution rate for any rating period shall be less than 3 percent if he has failed:

(1) To file with the director on or before the date on which they become delinquent the contribution reports and worker earning reports required of employers under this part for periods ending on or before the computation date for such rating period.

(2) To pay within two months or within such further time as the director may fix after the computation date for such rating period all contributions, excluding interest and penalties, shown to be due on reports filed with the director for periods ending on or before such computation date.

(b) This section shall not apply in any case where the employer establishes to the satisfaction of the director that his failure to file or pay was not due to any intention to evade or avoid the provisions of this division.

SEC. 9. Section 984 of said code is amended to read:

984. Each worker shall contribute 1 percent of the wages paid to him by each employer with respect to employment after his employer has satisfied the conditions set forth in this part with respect to becoming an employer. Worker's contribution

SEC. 10. Section 985 of said code is amended to read:

985. Section 984 shall not apply to that part of the remuneration which, after remuneration equal to three thousand six hundred dollars ($3,600) with respect to employment has been paid to an individual by an employer during any calendar year, is paid to such individual by such employer during such calendar year.

SEC. 11 Section 992 of said code is amended to read:

992 During such time as the Federal Unemployment Tax Act is amended so that employers are allowed, against the tax imposed by Section 3301 of that act, credits amounting to 100 percent of such tax on account of contributions paid under this division, then the additional amount of contributions provided for by Section 993 shall be required to be paid into the Unemployment Fund. Federal unemployment tax credit

SEC. 12. Section 1176 of said code is amended to read:

1176. If, by reason of an employee receiving wages from more than one employer during any calendar year, the wages received by him during such year exceed three thousand six hundred dollars ($3,600), and the sum of the amount of tax imposed by Section 984 plus the amount of contributions under Section 3260 deducted from such wages exceeds thirty-six dollars ($36), the employee is entitled to a refund of the amount of the excess. Refunds under this section shall be made by the director from the Disability Fund if, within six months after the calendar year in which the excess wages are received, the employee makes a claim establishing his right to the refund. No interest shall be allowed or paid with respect to such refund. The director shall in accordance with authorized regulations determine the portion of the aggregate amount of such refunds made during any calendar year which is applicable to voluntary plans for which deductions were made under Section 3260, such determination to be based upon the relation during the preceding calendar year of the amount of wages subject to contributions to the Disability Fund to the amount of wages exempt from contributions to the Disability Fund under Section 3252. The director shall in accordance with authorized regulations prorate such aggregate amount among the applicable voluntary plans and shall assess and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of Section 3265 in respect to assessment and recovery of amounts paid by the Disability Fund shall apply to the assessments under this section. Refunds: Worker contribution

SEC. 13. Section 1280 of said code is amended to read:

Individual's "weekly benefit amount"

1280. An individual's "weekly benefit amount" is the amount appearing in Column B in the following table opposite that wage bracket in Column A which contains the amount of wages paid to the individual for employment by employers during the quarter of his base period in which his wages were the highest.

A Amount of wages in highest quarter	B Weekly benefit amount
$150- $179.99	$10
180- 209.99	11
210- 239.99	12
240- 269.99	13
270- 299.99	14
300- 329.99	15
330- 359.99	16
360- 389.99	17
390- 419.99	18
420- 449.99	19
450- 479.99	20
480- 509.99	21
510- 539.99	22
540- 569.99	23
570- 599.99	24
600- 629.99	25
630- 659.99	26
660- 689.99	27
690- 719.99	28
720- 749.99	29
750- 779.99	30
780- 809.99	31
810- 839.99	32
840- 869.99	33
870- 899.99	34
900- 929.99	35
930- 959.99	36
960- 989.99	37
990- 1,019.99	38
1,020- 1,049.99	39
1,050- 1,079.99	40
1,080- 1,109.99	41
1,110- 1,139.99	42
1,140- 1,169.99	43
1,170- 1,199.99	44
1,200- 1,229.99	45
1,230- 1,259.99	46
1,260- 1,289.99	47
1,290- 1,319.99	48
1,320- 1,349.99	49
1,350- 1,379.99	50

A Amount of wages in highest quarter	B Weekly benefit amount
$1,380-$1,409.99	$51
1,410- 1,439.99	52
1,440- 1,469.99	53
1,470- 1,499.99	54
1,500 and over	55

SEC. 14. Section 1282 is added to Article 2 of Chapter 5 of Part 1 of Division 1 of said code, to read:

Wages paid at irregular intervals

1282. If the remuneration of an individual is not based upon a fixed period or duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week or for any calendar quarter for the purpose of computing an individual's right to unemployment compensation benefits shall be determined pursuant to authorized regulations. The regulations shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his wages at regular intervals.

SEC. 15. Section 1585 of said code is amended to read:

Department of Employment Contingent Fund

1585. The Department of Employment Contingent Fund is continued in existence as a special fund in the State Treasury. There shall be deposited in or transferred to this fund:

(a) All interest on contributions collected under this division.

(b) All penalties collected under this division, except as provided in Section 1958.

(c) Rental payments or proceeds attributable to property derived from amounts expended from this fund.

(d) Interest on amounts expended from this fund.

SEC. 16. Section 2655 of said code is amended to read:

Individual's "weekly benefit amount"

2655. An individual's "weekly benefit amount" shall be the amount appearing in Column B in the table set forth in this subdivision on the line of which in Column A of such table there appears the wage bracket containing the amount of wages paid to such individual for employment by employers during the quarter of his disability base period in which such wages were the highest.

A Amount of wages in highest quarter	B Weekly benefit amount
$75- $149.99	$10
150- 174.99	11
175- 199.99	12
200- 224.99	13
225- 249.99	14
250- 274.99	15
275- 299.99	16
300- 324.99	17

A Amount of wages in highest quarter	B Weekly benefit amount
$325- $349.99	$18
350- 374.99	19
375- 399.99	20
400- 424.99	21
425- 449.99	22
450- 474.99	23
475- 499.99	24
500- 524.99	25
525- 549.99	26
550- 574.99	27
575- 599.99	28
600- 624.99	29
625- 649.99	30
650- 674.99	31
675- 699.99	32
700- 724.99	33
725- 749.99	34
750- 774.99	35
775- 799.99	36
800- 824.99	37
825- 849.99	38
850- 874.99	39
875- 899.99	40
900- 924.99	41
925- 949.99	42
950- 974.99	43
975- 999.99	44
1,000- 1,024.99	45
1,025- 1,049.99	46
1,050- 1,074.99	47
1,075- 1,099.99	48
1,100- 1,124.99	49
1,125- 1,149.99	50
1,150- 1,174.99	51
1,175- 1,199.99	52
1,200- 1,224.99	53
1,225- 1,249.99	54
1,250- 1,274.99	55
1,275- 1,299.99	56
1,300- 1,324.99	57
1,325- 1,349.99	58
1,350- 1,374.99	59
1,375- 1,399.99	60
1,400- 1,424.99	61
1,425- 1,449.99	62
1,450- 1,474.99	63
1,475- 1,499.99	64
1,500 and over	65

SEC. 17. Section 2657 is added to Article 2 of Chapter 2 of Part 2 of Division 1 of said code, to read:

Wages paid at irregular intervals

2657. If the remuneration of an individual is not based upon a fixed period or duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week or for any calendar quarter for the purpose of computing an individual's right to disability benefits shall be determined pursuant to authorized regulations. The regulations shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his wages at regular intervals.

SEC. 18. Section 2901 of said code is amended to read:

Contribution to Disability Fund

2901. Each individual performing services for an employer in employment shall contribute to the Disability Fund the contributions required of such individual by Sections 984 and 985.

SEC. 19. Section 3253 of said code is amended to read:

Voluntary plan coverage

3253. Except as provided in this part, an employee covered by an approved voluntary plan shall not be entitled to benefits from the Disability Fund for a disability which commenced while he is covered by the voluntary plan. Authorized regulations shall be prescribed to allow benefits to individuals simultaneously covered by one or more approved voluntary plans and the Disability Fund.

SEC. 20. No right or cause of action founded upon any provision of law amended or repealed by this act as the provision existed prior to such amendment or repeal shall be abolished or impaired by this act.

CHAPTER 2154

An act to amend Sections 708, 930.5, 940, 984, 985, 1176, 2655, 2768, 2901, 3006, 3012, 3252, 3260, and 3270 of, to repeal Sections 3007, and 3266 of, to repeal Chapter 3.5 (commencing with Section 2851) of Part 2 of Division 1 of, to repeal Article 4 (commencing with Section 3101) of Chapter 5 of Part 2 of Division 1 of, and to add Sections 2655.5 and 3269 to, the Unemployment Insurance Code, relating to unemployment disability insurance.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 708 of the Unemployment Insurance Code is amended to read:

Employers as individuals

708. Any individual who is an employer under this division or any two or more individuals who have so qualified may file with the director a written election that their services shall be deemed to be services performed by individuals in employment. Upon the approval of the election by the director and

to the extent that reports are filed and contributions paid with respect to such individuals, their services shall be deemed to constitute employment. Regardless of their actual earnings, for the purposes of computing benefit rights and contributions, they shall be deemed to have received remuneration for each calendar quarter in the highest of the maximum amounts stated in column A of Section 1280 or column A of Section 2655 or provided by Section 2655.5. Contributions required under this division are payable on and after the date stated in the approval of the director.

SEC. 2. Section 930.5 of said code is amended to read:

Acquisition of employer's trade or business

930.5. If an employer during any calendar year acquires substantially all the property used in a trade or business of another employer, or used in a separate unit of a trade or business of such other employer, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of the employer from whom the property was acquired, then, for the purpose of determining whether the acquiring employer has paid remuneration with respect to employment in excess of the limitation prescribed by Section 930, or the limitation prescribed by Section 985, to such individual during such calendar year, any remuneration with respect to employment paid to such individual by the employer from whom the property was acquired during such calendar year and prior to such acquisition shall be considered as having been paid by the acquiring employer. As used in this section "remuneration" does not include the remuneration referred to in Sections 931, 932, 933, 934, 935, 936, 937, and 938.

"Remuneration"

SEC. 3. Section 940 of said code is amended to read:

"Wages"

940. For the purposes of this section and Sections 928, 1026, 1088, 1280, 1281, 2652, 2654, 2655, and 2655.5, "wages" means taxable wages as well as wages which would be taxable except for the limitations on taxable wages provided under Sections 930 and 985, except that if an employer so elects, for such purposes "wages" for particular employees, or for a class of employees, or for all of his employees, may exclude amounts for an individual worker in excess of six thousand dollars ($6,000) for any calendar quarter.

SEC. 4. Section 984 of said code is amended to read:

Employee contributions

984. Each worker shall contribute 1 percent of the wages paid to him by each employer with respect to employment after his employer has satisfied the conditions set forth in this part with respect to becoming an employer.

SEC. 5. Section 985 of said code is amended to read:

Same, exceptions

985. (a) Section 984 shall not apply to any of the following:

(1) That part of the remuneration which, after remuneration equal to three thousand six hundred dollars ($3,600) with respect to employment has been paid to an individual by an employer during any calendar year after December 31, 1957

and prior to January 1, 1962, is paid to such individual by such employer during such calendar year.

(2) That part of the remuneration which, after remuneration equal to four thousand one hundred dollars ($4,100) with respect to employment has been paid to an individual by an employer during the calendar year 1962, is paid to such individual by such employer during such calendar year.

(3) That part of the remuneration which, after remuneration equal to four thousand six hundred dollars ($4,600) with respect to employment has been paid to an individual by an employer during the calendar year 1963, is paid to such individual by such employer during such calendar year.

(4) That part of the remuneration which, after remuneration equal to five thousand one hundred dollars ($5,100) with respect to employment has been paid to an individual by an employer during the calendar year 1964, is paid to such individual by such employer during such calendar year.

(5) That part of the remuneration which, after remuneration equal to five thousand six hundred dollars ($5,600) with respect to employment has been paid to an individual by an employer during the calendar year 1965, and thereafter is paid to such individual by such employer during such calendar year.

SEC. 6. Section 1176 of said code is amended to read:

Refunds of worker contributions

1176. (a) If, by reason of an employee receiving wages from more than one employer during any calendar year after December 31, 1957 and prior to January 1, 1962, the wages received by him during such year exceed three thousand six hundred dollars ($3,600), and the sum of the amount of tax imposed by Section 984 plus the amount of contributions under Section 3260 deducted from such wages exceeds thirty-six dollars ($36), the employee is entitled to a refund of the amount of the excess.

(b) If, by reason of an employee receiving wages from more than one employer during any calendar year appearing in column A of the following table, the wages received by him during such year exceed the amount shown opposite such year in column B, and the sum of the amount of the tax imposed by Section 984 plus the amount of contributions under Section 3260 deducted from such wages exceeds the amount shown opposite such year in column C, the employee is entitled to a refund of the amount of the excess over the amount shown opposite such year in column C:

A	B	C
Calendar year	Wages	Deduction
1962	$4,100	$41
1963	4,600	46
1964	5,100	51
1965 and thereafter	5,600	56

(c) Refunds under this section shall be made by the director from the Disability Fund if, within six months after the

calendar year in which the wages in excess of the applicable limitation are received, the employee makes a claim establishing his right to the refund. No interest shall be allowed or paid with respect to such refund. The director shall in accordance with authorized regulations determine the portion of the aggregate amount of such refunds made during any calendar year which is applicable to voluntary plans for which deductions were made under Section 3260, such determination to be based upon the relation during the preceding calendar year of the amount of wages subject to contributions to the Disability Fund to the amount of wages exempt from contributions to the Disability Fund under Section 3252. The director shall in accordance with authorized regulations prorate such aggregate amount among the applicable voluntary plans and shall assess and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of Section 3265 in respect to assessment and recovery of amounts paid by the Disability Fund shall apply to the assessments under this section.

SEC. 7. Section 2655 of said code is amended to read:

"Weekly benefit amount"

2655. An individual's "weekly benefit amount" shall be the amount appearing in column B in the table set forth in this subdivision on the line of which in column A of such table there appears the wage bracket containing the amount of wages paid to such individual for employment by employers during the quarter of his disability base period in which such wages were the highest.

A Amount of wages in highest quarter	B Weekly benefit amount
$75– $149.99	$10
150– 174.99	11
175– 199.99	12
200– 224 99	13
225– 249.99	14
250– 274.99	15
275– 299.99	16
300– 324.99	17
325– 349.99	18
350– 374.99	19
375– 399.99	20
400– 424.99	21
425– 449.99	22
450– 474.99	23
475– 499.99	24
500– 524.99	25
525– 549.99	26
550– 574.99	27
575– 599.99	28
600– 624.99	29

A Amount of wages in highest quarter	B Weekly benefit amount
$625– $649.99	$30
650– 674.99	31
675– 699.99	32
700– 724.99	33
725– 749.99	34
750– 774.99	35
775– 799.99	36
800– 824.99	37
825– 849.99	38
850– 874.99	39
875– 899.99	40
900– 924.99	41
925– 949.99	42
950– 974.99	43
975– 999.99	44
1,000– 1,024.99	45
1,025– 1,049.99	46
1,050– 1,074.99	47
1,075– 1,099.99	48
1,100– 1,124.99	49
1,125– 1,149.99	50
1,150– 1,174.99	51
1,175– 1,199.99	52
1,200– 1,224.99	53
1,225– 1,249.99	54
1,250– 1,274.99	55
1,275– 1,299.99	56
1,300– 1,324.99	57
1,325– 1,349.99	58
1,350– 1,374.99	59
1,375– 1,399.99	60
1,400– 1,424.99	61
1,425– 1,449.99	62
1,450– 1,474.99	63
1,475– 1,499.99	64
1,500– 1,524.99	65
1,525– 1,549.99	66
1,550– 1,574.99	67
1,575– 1,599.99	68
1,600– 1,624.99	69
1,625 and over	70

SEC. 8. Section 2655.5 is added to said code, to read:

2655.5. (a) The director shall determine and shall file with the Secretary of State prior to November 30 of each calendar year, beginning with the calendar year 1962, a "weekly benefit amount factor," for the immediately succeeding calendar year, which shall be two-thirds of the average weekly total wage paid in "employment" by all employers during the second

Weekly benefit amount factor

calendar quarter in the year in which the determination is made. "Employment" as used in this subdivision only, shall mean "employment" as that term was defined under this division as of December 31, 1960, except that any exclusions of service from "employment" under this division operative after December 31, 1960 shall be excluded from "employment" under this subdivision. In computing the weekly benefit amount factor, a fractional part of a dollar shall be disregarded unless it amounts to one-half dollar ($0.50) or more, in which case it shall be increased to one dollar ($1).

Additional weekly benefit amount levels

(b) For each one dollar ($1) by which the weekly benefit amount factor determined under subdivision (a) of this section exceeds seventy dollars ($70), there shall be added to the table of benefits set forth under Section 2655 an additional line having the same wage intervals in increments of twenty-five dollars ($25) as set forth in column A opposite the weekly benefit amounts of sixty-eight dollars ($68) and sixty-nine dollars ($69) in column B of Section 2655, so as to provide for one dollar ($1) of weekly benefit amount, in addition to seventy dollars ($70), for each such increase in the weekly benefit amount factor. Any additional weekly benefit amount established pursuant to this section shall apply to periods of disability commencing on or after January 1st of the calendar year for which the additional weekly benefit amount is first established and shall remain in effect for each succeeding calendar year, unless changed pursuant to subdivision (c) of this section.

Same: Cancellation

(c) Any additional weekly benefit amount established pursuant to subdivision (b) of this section shall be subject to cancellation. If the weekly benefit amount factor is reduced in any year, there shall be a corresponding reduction in any additional weekly benefit amount established pursuant to subdivision (b). In no event shall the maximum weekly benefit amount be below seventy dollars ($70).

SEC. 9. Section 2768 of said code is amended to read:

Trainees' Reestablishment of benefit year

2768. When any trainee has an unexpired benefit year for disability benefits at the time of induction into the armed forces, the unexpended balance of disability benefits remaining to his account shall be re-established beginning with the first day of the first week succeeding the date of his termination of service. The balance shall be paid at a weekly rate in accordance with Section 2655 or 2655.5. In the event the records relating to the unexpended balance have been destroyed under proper approval, the trainee may establish the unexpended balance by affidavit as provided by authorized regulation. Whenever this balance is exhausted the trainee may file a claim and his disability base period shall be determined in accordance with Sections 2770 and 2610 or Section 2611. All re-established balances shall lapse 65 weeks after termination of military service.

Repeal

SEC. 10. Chapter 3 5 (commencing with Section 2851) of Part 2 of Division 1 of said code is repealed.

SEC. 11. Section 2901 of said code is amended to read:

2901. Each individual performing services for an employer in employment shall contribute to the Disability Fund the contributions required of such individual by Sections 984 and 985. Disability Fund contributions

SEC. 12. Section 3006 of said code is amended to read:

3006. Seventy million dollars ($70,000,000) of the worker contributions collected under this division prior to May 21, 1946, and heretofore deposited or invested in the obligations of the Unemployment Trust Fund, reduced by that portion of such worker contributions which has been requisitioned pursuant either to this section or Section 3007 as heretofore in effect from the Unemployment Trust Fund subsequent to July 1, 1947, is transferred to and shall augment the contributions on deposit in the Disability Fund and shall be available for expenditure for the same purposes, except that no portion thereof shall be expended for the purposes of administering this part. The director shall promptly requisition the balance of the seventy million dollars ($70,000,000) transferred by this section from the Unemployment Trust Fund and shall deposit such funds in the Disability Fund. In no event shall there be any further transfer of money from the Unemployment Trust Fund to the Disability Fund. Requisition of 1944-45 worker contributions

SEC. 13. Section 3007 of said code is repealed. Repeal

SEC. 14. Section 3012 of said code is amended to read:

3012. (a) All money in the Disability Fund is continuously appropriated without regard to fiscal years for the purpose of providing disability benefits pursuant to this part, including the payment of refunds or judgments, and interest thereon, the payment of disability benefits to all eligible persons not covered exclusively by an approved voluntary plan, and the payment of the expenses of administration of this part. "Eligible persons" as used in this section, means those individuals who are covered by the Disability Fund at the time their period of disability commences, or whose employment has terminated or who are in noncovered employment at the time their period of disability commences, and who are otherwise eligible for benefits under this part. Continuous appropriation of Disability Fund "Eligible persons"

(b) For the purpose of keeping a record of the payments to, and the disbursements from, the Disability Fund with respect to the payment of benefits to persons whose employment has terminated or who are in noncovered employment at the time their period of disability commences, the director shall maintain the unemployed disabled account in the Disability Fund. This account shall be credited with the amount of the payments received by the Disability Fund under subdivision (b) of Section 3252 for each calendar year beginning with the calendar year 1962. This account shall also be credited with an amount equal to fifteen one-hundredths of 1 percent (0.15%) of the taxable wages paid to employees covered by the Disability Fund for the calendar year 1962, thirteen one-hundredths of 1 percent (0.13%) of the taxable wages paid to employees Unemployed disability account

covered by the Disability Fund for the calendar year 1963, and twelve one-hundredths of 1 percent (0.12%) of the taxable wages paid to employees covered by the Disability Fund for each calendar year beginning with the calendar year 1964. This account shall be charged each calendar year beginning with the calendar year 1962, with disbursements from the Disability Fund for the payment of benefits and the additional administrative costs of the payment of benefits to persons whose employment has terminated or who are in noncovered employment at the time their period of disability commences. These charges shall be made with respect to disability benefit periods commencing on and after January 1, 1962.

Repeal

SEC. 15. Article 4 (commencing with Section 3101) of Chapter 5 of Part 2 of Division 1 of said code is repealed.

SEC. 16. Section 3252 of said code is amended to read:

Voluntary plan coverage

3252. (a) Except as provided by subdivision (b) of this section, neither an employee nor his employer shall be liable for the worker contributions required under this division with respect to wages paid by the employer while the employee is covered by an approved voluntary plan.

Payments to department by voluntary plans

(b) Each voluntary plan shall pay to the department for the Disability Fund fifteen one-hundredths of 1 percent (0.15%) of the taxable wages paid to employees covered by the voluntary plan for disability benefit coverage for the calendar year 1962, thirteen one-hundredths of 1 percent (0.13%) of the taxable wages paid to employees covered by the voluntary plan for disability benefit coverage for the calendar year 1963, and twelve one-hundredths of 1 percent (0.12%) of the taxable wages paid to employees covered by the voluntary plan for disability benefit coverage for the calendar year 1964 and each succeeding calendar year. Such payments shall not constitute a part of the voluntary plan premium for purposes of any tax under any provision of law. After the end of each calendar quarter, the director shall assess the amounts required by this section against the employer, subject to the provisions of Section 3259. The provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to assessments provided by this section, except that interest shall not accrue until 30 days after notice of assessment. Amounts so collected shall be deposited in the Disability Fund to the credit of the unemployed disabled account.

SEC. 17. Section 3260 of said code is amended to read:

Employer's assumption of cost, payroll deductions, etc

3260. An employer may, but need not, assume all or part of the cost of the plan, and may deduct from the wages of an employee covered by the plan for the purpose of providing the disability benefits specified in this part an amount not in excess of that which would be required by Section 984 if the employee were not covered by the plan. Any such deductions from the wages of an employee remaining in the possession of the employer upon termination of the plan, as a result of plan contributions being in excess of plan costs, which are

not disposed of in conformity with authorized regulations, shall be remitted to the Disability Fund. If an employer fails to remit any such deductions to the Disability Fund, the director shall assess the amount thereof against the employer. The provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to assessments provided by this section, except that interest shall not accrue until 30 days after notice of assessment.

With respect to individuals covered by a voluntary plan on January 1st of a calendar year for which the limitation on taxable wages under Section 985 is increased, the amount of the deduction on or after that date may be increased to a maximum of 1 percent of such limitation on taxable wages without any further consent of the individual or approval of the director, but only if such increase in the amount of the deduction is made immediately effective as of January 1st of that particular year.

SEC. 18. Section 3266 of said code is repealed Repeal

SEC. 19. Section 3269 is added to said code, to read:

3269. The director shall in accordance with authorized regulations, determine each fiscal year the total amount expended for added administrative work arising out of voluntary plans. The total amount so determined shall be prorated among the approved voluntary plans in effect during that year on the basis of the amount of wages paid in voluntary plan covered employment by employers to individuals participating in such plans. The director shall make assessments of amounts so prorated against the employers responsible for benefits under such approved plans. The provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to the assessments provided by this section, except that interest shall not accrue until 30 days after notice of assessment. The amounts collected under this section shall be added to the amounts otherwise made available for administration of this part Expense proration among voluntary plans

SEC. 20 Section 3270 of said code is amended to read:

3270. The provisions of Sections 3254(h) and 3255(h), dealing with substantial selection of risks adverse to the Disability Fund, shall be operative as of January 1, 1962. Adverse selection to Disability Fund

SEC. 21. The provisions of Sections 708, 2655, and 2768 of the Unemployment Insurance Code as amended by this act shall become operative with respect to periods of disability commencing on and after January 1, 1962, and the provisions of said sections of said code in effect prior to such amendments shall continue to be applicable with respect to periods of disability commencing prior to January 1, 1962, except that with respect to contributions liability Section 708 as amended by this act shall be operative on January 1, 1962. Operative dates etc

SEC. 22. The provisions of Section 3252 of the Unemployment Insurance Code as amended by this act shall be operative on January 1, 1962.

SEC. 23. The repeal of Section 3266 of the Unemployment Insurance Code made by this act shall not affect the authority of the Director of Employment to make and collect assessments pursuant to the provisions of Section 3266 with respect to liability arising for benefit payments made during the calendar years of 1961 and 1962 with respect to disability benefit periods commencing prior to January 1, 1962. The assessments under Section 3266 for liability arising from benefit payments made in the calendar year 1962 shall be prorated to each employer who had a voluntary plan in effect during any portion of the calendar year 1961 in the ratio that the wages which were exempt under Section 3252 paid by him during the calendar year bears to the total of all such exempt wages paid by all employers during that year, and otherwise shall be computed in all respects in accordance with said Section 3266 Notwithstanding the repeal of Sections 2851, 2852 and 3266 of the Unemployment Insurance Code by this act, the liability of voluntary plans for such benefit payments for the calendar years of 1961 and 1962 is hereby expressly preserved.

SEC. 24. The Director of Employment, in determining whether the approval of a voluntary plan or group of plans under Sections 3254 or 3255 of the Unemployment Insurance Code will result in a substantial selection of risks adverse to the Disability Fund, shall implement such sections by authorized regulations to be effective January 1, 1962 prescribing a reasonable test or tests for the measurement of such adverse risks, evaluating and taking account of the sex, age, and wage distribution of the employees to be covered by the plan and the employees covered by all other plans insured by the same insurer, and such other factors as may relate to a reasonable test or tests for such purpose, when compared to the incidence or distribution of the same or similar factors with respect to employees in employment under said code

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CHAPTER 2155

An act to amend Sections 625, 642, 976, 2602, and 3803 of, to add Section 676 to Article 3 of Chapter 3 of Part 1 of Division 1 of, and to add Section 2606 to the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 625 of the Unemployment Insurance Code is amended to read:

Definitions

625 "Employment" for the purposes of this part does not include agricultural labor.

SEC. 2. Section 642 of said code is amended to read:

642. "Employment" for the purposes of this part does not include service performed in the employ of an agricultural or horticultural organization.

SEC. 3. Section 676 is added to Article 3 of Chapter 3 of Part 1 of Division 1 of said code, to read:

676. "Employer" means any employing unit, which for some portion of a day, has within the current calendar year or had within the preceding calendar year one or more individuals performing services in agricultural labor, including agricultural labor for an agricultural or horticultural organization, and pays wages for such service in excess of one hundred dollars ($100) during any calendar quarter.

SEC. 4. Section 976 of said code is amended to read:

Employer contributions

976. Employer contributions to the Unemployment Fund shall accrue and become payable by every employer, except an employer as defined by Section 676, for each calendar year with respect to wages paid for employment. The contributions are due and shall be paid to the department for the Unemployment Fund by each employer in accordance with this division and shall not be deducted in whole or in part from the wages of individuals in his employ.

SEC. 5. Section 2602 of said code is amended to read:

Provisions prevailing

2602. (a) Except as otherwise provided, the provisions and definitions of Part 1 of this division apply to this part. In case of any conflict between the provisions of Part 1 and the provisions of this part, the provisions of this part shall prevail with respect to unemployment compensation disability benefits, and the provisions of Part 1 prevail with respect to unemployment compensation benefits.

(b) The provisions of Articles 4 and 5 of Chapter 5 of Part 1, and the provisions of Chapter 6 of Part 1 of this division do not apply to this part.

(c) Sections 312, 318, 319, 625, 626, 627, 628, 642, 1251, 1253, 1254, 1255, 1279, 1326 to 1333, inclusive, 1339, and 1340 do not apply to this part.

SEC. 6. Section 2606 is added to said code, to read:

"Employment"

2606 "Employment" for the purposes of this part means service included in "employment" as defined by Part 1 of this division and service in agricultural labor, including agricultural labor for an agricultural or horticultural organization.

SEC. 7. Section 3803 of said code is amended to read:

Additional employer contributions

3803. Additional contributions to the Unemployment Fund shall accrue and become payable by every employer, except an employer as defined by Section 676, for each calendar year with respect to taxable wages for employer contributions paid for employment. Additional contributions shall not be deducted in whole or in part from wages of employees. After January 1st of each year, the department shall assess the amount of additional contributions payable by each employer for the preceding calendar year. Additional contributions are due and payable on the date of mailing of the notice of assessment and

shall become delinquent if not paid within 30 days of the due date The provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to assessments provided by this section, except that interest shall not accrue until 30 days after notice of assessment

Operative effect, dates, etc

SEC. 8. The provisions of the Unemployment Insurance Code added and amended by this act shall be operative with respect to wages paid on and after October 1, 1961. The provisions of sections of the Unemployment Insurance Code amended by this act as in effect prior to such amendments shall continue to be applicable to wages paid prior to October 1, 1961.

CHAPTER 2156

An act to amend Sections 135, 139, 634, 638, 641, 701, and 993 of, to repeal Sections 642, 643, and 644 of, and to amend and renumber Sections 645, 646, 647, and 648 of, the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 135 of the Unemployment Insurance Code is amended to read·

"Employing unit"

135. "Employing unit," means any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, corporation whether domestic or foreign, public housing administration agency, whether operated by state or local governmental subdivisions, the State of California with respect to service performed by a blind or physically handicapped worker, who does not hold a civil service or permanent tenure position, in connection with his employment by the State of California for work in the California Industries for the Blind, any instrumentality of the United States required to make payments under this division, and the receiver, trustee in bankruptcy, trustee or successor thereof, and the legal representative of a deceased person, which has, or subsequent to January 1, 1936, had, in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this division.

SEC. 2. Section 139 of said code is amended to read:

"State"

139. "State" includes the Commonwealth of Puerto Rico and the District of Columbia, as well as each of the states of the United States.

SEC. 3 Section 634 of said code is amended to read:

634. (a) "Employment" does not include service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954. Employment

(b) Service performed in the employ of an organization operated for the primary purpose of carrying on a trade or business all of the profits of which are payable to one or more organizations described in subdivision (a) is not exempt under this section. For purposes of this subdivision, "trade or business" shall not include the rental by an organization of its real property (including personal property leased with the real property).

SEC. 4. Section 638 of said code is amended to read:

638. Sections 639 to 645, inclusive, shall be operative only during such time as the respective type or types of service set forth in those sections are similarly excluded from the definition of "employment," in the Federal Unemployment Tax Act. Operative periods, etc

SEC. 5. Section 641 of said code is amended to read:

641. "Employment" does not include service performed in any calendar quarter in the employ of any organization exempt from Federal income tax if the remuneration for such service is less than fifty dollars ($50). "Employment"

SEC. 6. Section 642 of said code is hereby repealed. Repeal

SEC. 7. Section 643 of said code is hereby repealed. Repeal

SEC. 8. Section 644 of said code is hereby repealed. Repeal

SEC. 9. Section 645 of said code is amended and renumbered to read:

642. "Employment" does not include service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university. "Employment"

SEC. 10. Section 646 of said code is amended and renumbered to read:

643. "Employment" does not include service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative). Same

SEC. 11. Section 647 of said code is amended and renumbered to read:

Same

644. "Employment" does not include service performed in the employ of an instrumentality wholly owned by a foreign government:

(a) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(b) If the Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof.

SEC. 12. Section 648 of said code is amended and renumbered to read:

Same

645. "Employment" does not include service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law.

SEC. 13. Section 701 of said code is amended to read:

Employing unit's election to become employer

701. An employing unit, not otherwise subject to this division, which files with the director its written election to become an employer for not less than two calendar years, shall, with the written approval of the election by the director, become an employer subject to this division to the same extent as other employers as of the date stated in the approval.

SEC. 14. Section 993 of said code is amended to read:

Additional employer contributions

993. Every employer who is subject to the tax provided for by Section 3301 of the Federal Unemployment Tax Act, shall, subject to Section 992, pay into the Unemployment Fund in addition to the amounts required by other provisions of this division an amount equal to four-tenths of 1 percent of all wages paid by him in employment and included in the measure of the contributions allowed as the credit against the tax imposed by Section 3301 of the Federal Unemployment Tax Act.

Effective date of amendments

SEC. 15. The amendments and repeals made by Sections 3 through 13 of this act shall take effect with respect to remuneration paid after December 31, 1961 for services performed after December 31, 1961.

SEC. 16. No right or cause of action founded upon any provision of law amended or repealed by this act as the provision existed prior to such amendment or repeal shall be abolished or impaired by this act.

CHAPTER 2157

An act to amend Sections 3504, 3801, 3802, and 3803 of the Unemployment Insurance Code, relating to extended unemployment compensation.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 3504 of the Unemployment Insurance Code is amended to read:

3504. The director shall during the month immediately preceding each calendar month compute the extension ratio for that calendar month and shall file his computation with the Secretary of State. Computation of extension ratio

SEC. 2. Section 3801 of said code is amended to read:

3801. (a) There shall be maintained in the Unemployment Fund an account known as the extended duration benefit account. This account shall be credited with the amount of all extended duration benefits paid after December 31, 1961 This account shall be charged with the amount of additional contributions collected after December 31, 1961. Extended duration benefit account

(b) As of December 31, 1961, the debit or credit balance in the Unemployment Fund which is attributable to the extended duration benefit provisions shall be closed into the extended duration benefit account and the existing balance in that account shall be canceled.

SEC. 3. Section 3802 of said code is amended to read:

3802. (a) Employers shall pay into the Unemployment Fund additional contributions upon all wages paid on and after January 1, 1959, with respect to employment at the following rate. Additional employer contribution

As of January 1, 1962, and January 1st of each succeeding year, the director shall determine the number of calendar months during the preceding calendar year for which the extension ratio equaled or exceeded 0 06 and shall file his determination with the Secretary of State. If the extension ratio equaled or exceeded 0 06 in the number of months which appears on any line in column 1 of the following table, the rate for additional contributions for all employers for the year in which the determination is made shall be the figure appearing on that same line in column 2 of that table:

Line	Column 1	Column 2 (Additional contribution rate)
1	None, 1, 2, 3, or 4	0 20%
2	5, 6 or 7	0.15%
3	8 or more	0.10%

(b) If at the time of calculating the additional contribution rate under subdivision (a) it is apparent that the addition to the balance in the extended duration benefit account as of December 31st of the preceding year of the sum of an amount determined by multiplying the rate determined under subdivision (a) by the estimated taxable wages for the year for which the calculation is made and an amount determined by multiplying the rate for the preceding calendar year by the estimated taxable wages for the fourth calendar quarter of that year would cause a surplus in the extended duration benefit account exceeding approximately seven-tenths of one percent (0.07%) of the estimated taxable wages for the year for which the calculation is made, the director shall reduce the additional contribution rate to the extent that the surplus in such account will not exceed approximately seven-tenths of one percent (0.07%) of the estimated taxable wages for the year for which the calculation is made The director shall file his determination with the Secretary of State.

SEC. 4. Section 3803 of said code is amended to read:

Accrual, etc.

3803. (a) Additional contributions to the Unemployment Fund shall accrue and become payable by every employer for each calendar year with respect to taxable wages for employer contributions paid for employment. Additional contributions shall not be deducted in whole or in part from wages of employees Beginning January 1, 1962, except as provided in subdivision (b) of this section, additional contributions are due and payable as "contributions" in accordance with this division.

Assessment of additional contributions

(b) After January 1, 1962, the department shall assess the amount of additional contributions payable by each employer for the calendar year 1961. Additional contributions so assessed are due and payable on the date of mailing of the notice of assessment and shall become delinquent if not paid within 30 days of the due date The provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to assessments provided by this subdivision, except that interest shall not accrue until 30 days after notice of assessment.

SEC. 5. No right or cause of action founded upon any provision of law amended by this act as the provision existed prior to such amendment shall be abolished or impaired by this act. The amendments made to Sections 3801, 3802, and 3803 of the Unemployment Insurance Code by this act shall not be construed to relieve any employer from its liability for additional contributions arising under the prior law and such liability, including liability for additional contributions for the year 1961 at the rate of 0 20 percent as determined by the Director of Employment pursuant to such prior law, is hereby expressly preserved.

CHAPTER 2158

An act to amend Sections 906, 980, 1036, 1115, and 1735 of, to add Section 1116 to Article 7 of Chapter 4 of Part 1 of Division 1 of, to add Section 1180.5 to Article 9 of Chapter 4 of Part 1 of Division 1 of, and to repeal Section 1091 of, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 906 of the Unemployment Insurance Code is amended to read:

Definition

906. "Contributions paid on his own behalf" means:

(a) All contributions, paid under this part to the Unemployment Fund on behalf of an employer with respect to wages paid by him on or before the computation date for any rating period, which have been paid on or before the end of the calendar month next succeeding such computation date.

(b) Any additional amount of contributions, paid under this part to the Unemployment Fund on behalf of an employer with respect to wages paid by him on or before the computation date for any rating period, which have been assessed pursuant to Section 1036 and have been paid before the delinquent date for the calendar quarter in which he is given notice of the assessment pursuant to Section 1036.

SEC. 2. Section 980 of said code is amended to read:

Determination of balance in Unemployment Fund

980. In determining the balance in the Unemployment Fund for the purpose of Section 978 or 979 there shall be excluded:

(a) Any estimated or other contributions not legally due and payable with respect to the final calendar quarter of the calendar year, except any payment of contributions made under Section 1137 and except any payment of contributions by employers terminating business during any calendar quarter.

(b) Any amounts available for transfer to the Disability Fund.

(c) Any amount credited to this State's account in the Unemployment Trust Fund pursuant to Section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration other than for capital assets, whether or not such amount has been withdrawn from such fund.

(d) Any unexpended advance from the federal unemployment account in the Unemployment Trust Fund received in accordance with Section 323 of this division and Title XII of the Social Security Act, as amended.

Correction of error in statement account or charges' Notice, etc

SEC. 3. Section 1036 of said code is amended to read:

1036. Prior to the expiration of the rating period to which a statement relates the director shall give notice to the employer of the correction of any error which the director finds in any statement of account or statement of charges. If the correction increases the contribution rate the notice of correction shall be included in a notice of assessment of any applicable deficiency in contributions for the rating period and the provisions of Article 8 of Chapter 4 of this part shall apply. If the correction reduces the contribution rate the notice of correction shall be included in a notice of the amount of any applicable overpayment of contributions paid for the rating period and the provisions of Article 9 of Chapter 4 of this part shall apply. Any other notice of correction shall be subject to protest and review in the same manner as in respect to an original statement of account or statement of charges.

Repeal

SEC. 4. Section 1091 of said code is hereby repealed.

Jeopardy assessments

SEC. 5. Section 1115 of said code is amended to read:

1115. (a) If the director finds that the collection of any contributions will be jeopardized in any case where an employing unit is insolvent, or is delinquent in a substantial amount of contributions due under this division, or is about to discontinue business at any of its known places of business, or the business is of a temporary or seasonal nature, the director may, upon giving the employing unit 10 days' notice:

(1) Require payment of contributions with respect to wages paid from the beginning date of the calendar quarter in which notice is given to the date designated in the notice.

(2) Require payment of contributions for reporting periods less than calendar quarters.

(b) As used in this section "reporting period" means that period less than a calendar quarter which is established by the director.

(c) Contributions required under subdivision (a)(1) of this section are due and payable on the date designated in the notice and shall become delinquent if not paid within 10 days of the due date.

(d) Contributions required under subdivision (a)(2) of this section are due and payable on the first day of the reporting period following the close of each reporting period and shall become delinquent if not paid within 10 days of the due date.

(e) The employing unit shall file within the time required for payment of contributions under this section a return in such form and containing such information as the director prescribes.

(f) Notices under this section may be served either personally or by mail, addressed to the employing unit at the same address that appears on the records of the department. Service is complete at the time of deposit in the United States mail.

SEC. 6. Section 1116 is added to Article 7 of Chapter 4 of Part 1 of Division 1 of said code, to read:

Employers, etc Duties on quitting business, etc.

1116. (a) (1) Every employing unit except a domestic or foreign corporation shall, within 10 days of quitting business, file with the director a final return and report of wages of its workers, in such form and containing such information as the director prescribes.

(2) Every domestic corporation shall, within 10 days of quitting business or within 10 days of the commencement of proceedings to wind up its affairs and voluntarily dissolve in accordance with Sections 4600 through 4619 of the Corporations Code, whichever expires the earlier, file with the director a return and a report of wages of its workers, in such form and containing such information as the director prescribes.

(3) Every foreign corporation shall, within 10 days of quitting business or within 10 days of the surrender of its right to engage in business in this State in accordance with Sections 6700 and 6701 of the Corporations Code, whichever expires the earlier, file with the director a final return and report of wages of its workers, in such form and containing such information as the director prescribes.

(4) As used in this section, "quitting business" does not include any change in the form or membership of an employing unit if before and after such change 50 percent or more of the control of management is held by the same individual, or is held by an individual before his death and after his death by his estate or heirs.

(b) Contributions with respect to a return required under subdivision (a) are due and payable on the first day of the applicable 10-day period established pursuant to subdivision (a) and shall become delinquent if not paid within 10 days of the due date.

(c) The director for good cause may extend for not to exceed 30 days the time for making a return or paying without penalty or interest any amount required to be paid under this section.

SEC. 7. Section 1180.5 is added to Article 9 of Chapter 4 of Part 1 of Division 1 of said code, to read:

Erroneous denial of claim for refund

1180.5. (a) If the director finds that a claim for refund or credit or portion thereof, including a claim deemed made and denied pursuant to subdivision (a) of Section 1179.5, has been erroneously denied, he may reverse the denial of the claim or portion thereof in the following cases:

(1) Where no petition for review of denial of the claim has been filed or deemed filed, if the reversal is made prior to the expiration of the period within which a petition for review may be filed under Section 1180.

(2) Where a petition for review of denial of the claim is filed or deemed filed, if the reversal is made prior to the mailing of a decision by the referee.

(b) The director shall give notice of the reversal of an erroneous denial of a claim or portion thereof under this section,

notice to be served in the manner prescribed by Section 1180. With respect to that portion of any such claim which remains denied by the director, the notice of reversal shall also constitute a notice of denial of such portion and Section 1180 and the other provisions of this article shall apply.

SEC. 8. Section 1735 of said code is amended to read:

Corporate officers' Willful failure to file return

1735. Any officer of a domestic or foreign corporation, whose duty it is to prepare or to supervise the preparation of contribution returns, who willfully fails to file the return and report of wages required by Section 1116 shall be held personally liable for all contributions, penalties, and interest which may be due, owing and unpaid by such corporation to the Unemployment Fund or the Disability Fund at the time of quitting business, dissolution or withdrawal.

CHAPTER 2159

An act to add Sections 711, 712, 713, and 714 to the Unemployment Insurance Code, relating to unemployment compensation.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 711 is added to the Unemployment Insurance Code, to read:

"Nonprofit organization"

711. (a) As used in this section "nonprofit organization" means any corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954.

Election to become an employer

(b) If Congress enacts legislation exempting nonprofit organizations from the provisions of Section 3303 of the Federal Unemployment Tax Act, a nonprofit organization may, when requested by a written petition signed by a majority of its employees to be covered by the election, elect to become an employer subject to this division for not less than two calendar years with respect to all of its employees who are covered by the election, and may file its written election with the director. If the director finds that a majority of the employees to be covered by the election to become an employer have signed the petition, the nonprofit organization shall, upon the written approval of the director, become an employer subject to this

division to the same extent as other employers, and services performed by its employees covered by the election, shall constitute employment subject to this division. Beginning at that time it shall withhold from the wages of employees covered by the election the contributions required for unemployment compensation disability benefits. A nonprofit organization may exclude from coverage under an election pursuant to this section any of the following service:

Exclusion of certain services

(1) Service performed in any calendar quarter in the employ of any such nonprofit organization exempt from federal income tax if the remuneration for such service is less than fifty dollars ($50).

(2) Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university.

(3) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law.

(4) Service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law.

(5) Service performed by an individual as a duly ordained priest, clergyman, rabbi, rector, vicar, pastor, or minister of religion, or by a practitioner who heals the sick by prayer in the practice of religion, or by a reader whose duty it is to conduct regular religious services of a religious organization, or by a member of a religious order in the exercise of duties required by the order, or by any other individual performing service in the practice of religion by designation of the governing body of a religious organization and subject to discipline by, including removal by, such governing body.

(6) Service performed as a professor, associate professor, lecturer, graduate assistant or research assistant, teacher, instructor, vocational instructor, counselor, activities adviser, dean of a college, dean, associate dean, laboratory technician, librarian, president, vice president, registrar or other member of the faculty or teaching or administrative staff performing similar service to these categories.

(c) In lieu of the contributions required of employers except as provided by Section 714, each nonprofit organization that has elected coverage under this section may elect any one of the following:

Alternative method of paying contributions

(1) To pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (d) of this section, an amount equal to the additional cost to the Unemployment Fund of the benefits paid with respect to employment for the nonprofit organization. Benefits otherwise payable irrespective of this section shall be charged

to employers' accounts in accordance with other sections of this division, but the additional cost to the Unemployment Fund of the benefits paid pursuant to this section shall be borne solely by the appropriate nonprofit organization. If benefits are based on wages paid by two or more nonprofit organizations, the benefits shall be borne by each of the nonprofit organizations in the proportion that the total wages paid to the individual in employment by each nonprofit organization bears to the total wages paid to the individual in employment by all nonprofit organizations during the base period. "Total wages paid" as used in this subdivision include taxable wages as well as wages which would be taxable except for the limitation on taxable wages provided under Section 930.

(2) To pay into the Unemployment Fund the cost of benefits paid with respect to employment for the nonprofit organization and charged to its account in accordance with Section 1026, pursuant to authorized regulations which shall prescribe the rate or amount, time, manner, and method of payment of contributions and the extent to which the reserve account elements of any nonprofit organization that has made contributions pursuant to an elective coverage agreement either under Section 702 or this section may be included in its account under this subdivision (c)(2). Sections 712, 1030, 1031, and 1032 shall not apply to an election under this subdivision (c)(2).

Joint accounts

(3) Two or more nonprofit organizations that have elected coverage under this section may, pursuant to authorized regulations, file an application with the director for the establishment of a joint account for the purpose of determining the rate of contributions they shall pay into the Unemployment Fund to reimburse the fund for benefits paid with respect to employment for such nonprofit organizations. The members of the joint account may elect either to share the additional cost to the Unemployment Fund of the benefits paid with respect to employment for such members, or to share the cost of benefits paid with respect to employment for such members and charged to the joint account in accordance with Section 1026. The director shall prescribe authorized regulations for the establishment, maintenance, and dissolution of joint accounts, and for the rate or amount, time, manner, and method of payment of contributions by the members of joint accounts, on an additional cost basis and on the alternative basis of the cost of benefits charged in accordance with Section 1026. Section 712 shall not apply to any joint account established pursuant to this subdivision, but the director may by authorized regulations prescribe the extent to which the reserve account elements of any nonprofit organization that has made contributions pursuant to an elective coverage agreement either under Section 702 or this section may be included in the joint account. Sections 1030, 1031, and 1032 shall not apply to any joint account established pursuant to this subdivision.

(d) In making the payments prescribed by subdivision (c) (1) of this section, and by subdivision (c)(3) of this section for a joint account on an additional cost basis, there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from each nonprofit organization on an additional cost basis under this section for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of such statistical sampling, or other method as may be determined by the director. Payments on an additional cost basis, adjustments, etc

Upon making such determination, the director shall certify to the nonprofit organization the amount determined with respect to it. The contributions due from the nonprofit organization shall be paid to the Unemployment Fund by the nonprofit organization.

(e) After the termination of any election under this section, nonprofit organizations shall remain liable for their proportionate share of the additional cost of benefits paid, or of the cost of benefits paid and charged to their accounts in accordance with Section 1026, which are based on wages paid for services during the period of the election. Termination of election

(f) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this section.

SEC. 2. Section 712 is added to said code, to read:

712. No contributions shall be due from any nonprofit organization which has elected to become subject to Section 711 and which has made contributions required of employers pursuant to an elective coverage agreement within the five years prior to the effective date of Section 711, until the benefits chargeable to the nonprofit organization under Section 711 together with the benefits charged to the nonprofit organization during the preceding five years exceed the contributions made by the nonprofit organization during the preceding five years. Contributions due under Section 711 election

SEC. 3. Section 713 is added to said code, to read:

713. Notwithstanding the provisions of Sections 710 and 711, if benefits are based on wages paid by one or more nonprofit organizations electing coverage on an additional cost basis either on its own account or by inclusion in a joint account under Section 711 and by one or more governmental entities electing coverage under Section 710, the additional cost to the Unemployment Fund of the benefits paid pursuant to Sections 710 and 711 shall be borne solely by the appropriate nonprofit organization or organizations and appropriate governmental entity or entities in the proportion that the total wages paid to the individual in employment by each such nonprofit organization or governmental entity bears to the Additional cost to fund borne by appropriate nonprofit organization

total wages paid to the individual by all such nonprofit organizations and governmental entities during the base period. "Total wages paid" as used in this section include taxable wages as well as wages which would be taxable except for the limitation on taxable wages provided under Section 930.

SEC. 4. Section 714 is added to said code, to read:

Additional contributions

714. Each nonprofit organization that has elected coverage under Section 711 on the basis of sharing the cost of benefits paid with respect to employment and charged pursuant to Section 1026 either on its own account or by inclusion in a joint account shall pay into the Unemployment Fund the additional contributions required by Part 3 of this division, in addition to other contributions required by this article.

Operative dates

SEC. 5. The provisions of Sections 711, 712, 713, and 714 of the Unemployment Insurance Code added by this act shall be operative with respect to wages paid on and after October 1, 1961, or on or after the first day of the calendar quarter next succeeding the date of enactment by Congress of legislation exempting nonprofit organizations from the provisions of Section 3303 of the Federal Unemployment Tax Act, whichever is later. Notwithstanding the provisions of Section 705 of the Unemployment Insurance Code, any nonprofit organization as defined in Section 711 of said code added by this act that has elected coverage under the provisions of said code as in effect prior to this act may terminate such elective coverage as of September 30, 1961, or as of the last day of the calendar quarter in which the date of enactment by Congress of legislation exempting nonprofit organizations from Section 3303 of the Federal Unemployment Tax Act falls, whichever is later.

CHAPTER 2160

An act to amend Sections 906, 930, 930.5, 978, 979, 982, 983, 1275, and 1280 of, to add Sections 976.5 and 977 to Article 3 of Chapter 4 of Part 1 of Division 1 of, to add Section 1027 to Article 4 of Chapter 4 of Part 1 of Division 1 of, to add Chapter 3 (commencing with Section 3801) to Part 3 of Division 1 of, and to repeal Section 981 of, and to repeal Chapter 3 (commencing with Section 3801) of Part 3 of Division 1 of, the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 15, 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 906 of the Unemployment Insurance Code is amended to read:

"Contributions paid on his own behalf"

906. "Contributions paid on his own behalf" means:

(a) All contributions, excluding contributions paid pursuant to Section 976.5, paid under this part to the Unemployment Fund on behalf of an employer with respect to wages

paid by him on or before the computation date for any rating period, which have been paid on or before the end of the calendar month next succeeding such computation date.

(b) Any additional amount of contributions, excluding contributions paid pursuant to Section 976.5, paid under this part to the Unemployment Fund on behalf of an employer with respect to wages paid by him on or before the computation date for any rating period, which have been assessed pursuant to Section 1036 and have been paid before the delinquent date for the calendar quarter in which he is given notice of the assessment pursuant to Section 1036.

SEC. 2. Section 930 of said code is amended to read:

"Wages" 930. "Wages" does not include remuneration in excess of three thousand eight hundred dollars ($3,800) paid to an individual by an employer during any calendar year, with respect to employment.

SEC. 3. Section 930.5 of said code is amended to read:

Acquisition of employer's trade or business 930.5. If an employer during any calendar year acquires substantially all the property used in a trade or business of another employer, or used in a separate unit of a trade or business of such other employer, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of the employer from whom the property was acquired, then, for the purpose of determining whether the acquiring employer has paid remuneration with respect to employment in excess of the limitation prescribed by Section 930, or the limitation prescribed by Section 985, to such individual during such calendar year, any remuneration with respect to employment paid to such individual by the employer from whom the property was acquired during such calendar year and prior to such acquisition shall be considered as having been paid by the acquiring employer. As used in this section "remuneration" does not include the remuneration referred to in Sections 931, 932, 933, 934, 935, 936, 937, and 938.

SEC. 4. Section 976.5 is added to Article 3 of Chapter 4 of Part 1 of Division 1 of said code, to read:

Additional employer contributions 976.5. In addition to other contributions required by this division, every employer shall pay into the Unemployment Fund contributions for each calendar year with respect to wages paid for employment at the rate of five-tenths of 1 percent (0.5%).

SEC. 5. Section 977 is added to Article 3 of Chapter 4 of Part 1 of Division 1 of said code, to read:

Employer tax rate schedules 977. Whenever the balance in the Unemployment Fund on December 31st of any calendar year is less than 5 percent of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates.

If, as of the computation date, the employer's net balance of reserve equals or exceeds that percentage of his average base payroll which appears on any line in column 1 of the following table, but is less than that percentage of his average base payroll which appears on the same line in column 2 of that table, his contribution rate shall be the figure appearing on that same line in column 3 of that table.

	Reserve balance		Contribution rate
Line	Column 1	Column 2	Column 3
1	0%	7.0%	3.0%
2	7 0%	8.0%	2.8%
3	8 0%	9.0%	2.6%
4	9.0%	10.0%	2.5%
5	10.0%	11.0%	2.4%
6	11.0%	12.0%	2.3%
7	12.0%	13.0%	2.2%
8	13.0%	14.0%	2.1%
9	14.0%	15.0%	2.0%
10	15 0%	16.0%	1.9%
11	16.0%	17.0%	1.8%
12	17 0%	100% or more	1.7%

SEC. 6. Section 978 of said code is amended to read:

Same: Alternative

978. Whenever the balance in the Unemployment Fund on December 31st of any calendar year equals or exceeds 5.0 percent but is less than 7 5 percent of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates.

If, as of the computation date the employer's net balance of reserve equals or exceeds that percentage of his average base payroll which appears on any line in column 1 of the following table, but is less than that percentage of his average base payroll which appears on the same line in column 2 of that table, his contribution rate shall be the figure appearing on that same line in column 3 of that table.

	Reserve balance		Contribution rate
Line	Column 1	Column 2	Column 3
1	0%	7.0%	3.0%
2	7 0%	7.5%	2 7%
3	7.5%	8.0%	2.5%
4	8.0%	8.5%	2.5%
5	8.5%	9.0%	2.3%
6	9.0%	9.5%	2.0%
7	9 5%	10.0%	1.8%
8	10.0%	10.5%	1.5%
9	10 5%	11.0%	1.3%
10	11.0%	12 0%	1.0%
11	12.0%	13.0%	0.9%

Line	Reserve balance Column 1	Column 2	Contribution rate Column 3
12	13.0%	14.0%	0 8%
13	14.0%	15.0%	0.7%
14	15.0%	16.0%	0.6%
15	16.0%	17.0%	0.5%
16	17.0%	18.0%	0 4%
17	18.0%	100% or more	0.3%

SEC. 7. Section 979 of said code is amended to read:

Same· Alternative

979. Whenever the balance in the Unemployment Fund on December 31st of any calendar year equals or exceeds 7.5 percent of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates.

If, as of the computation date, the employer's net balance of reserve equals or exceeds that percentage of his average base payroll which appears on any line in column 1 of the following table, but is less than that percentage of his average base payroll which appears on the same line in column 2 of that table, his contribution rate shall be the figure appearing on that same line in column 3 of that table.

Line	Reserve balance Column 1	Column 2	Contribution rate Column 3
1	0%	5.5%	3.0%
2	5.5%	6.0%	2.7%
3	6.0%	6.5%	2.5%
4	6.5%	7.0%	2.3%
5	7.0%	7.5%	2.1%
6	7.5%	8.0%	1.9%
7	8.0%	8.5%	1.7%
8	8.5%	9.0%	1.5%
9	9.0%	9.5%	1.3%
10	9.5%	10.0%	1.1%
11	10 0%	10.5%	0.9%
12	10.5%	11.0%	0.7%
13	11.0%	11.5%	0.5%
14	11.5%	100% or more	0.3%

SEC. 8. Section 981 of said code is repealed. Repeal

SEC. 9. Section 982 of said code is amended to read:

2 7% minimum rate applicable

982. Notwithstanding the provisions of Sections 977, 978, and 979, every employer whose reserve account has not been subject to benefit charges during the period of 12 complete consecutive calendar quarters ending on the computation date for any rating period shall pay contributions into the Unem-

ployment Fund for that rating period upon all wages with respect to employment at the rate of 2.7 percent.

SEC. 10. Section 983 of said code is amended to read:

Contribution rates where delinquencies occur

983. (a) No employer's contribution rate shall be less than 3 percent for any rating period if he has failed:

(1) To file with the director on or before the date on which they become delinquent the contribution reports and worker earning reports required of employers under this part for periods ending on or before the computation date for such rating period.

(2) To pay within two months or within such further time as the director may fix after the computation date for such rating period all contributions, excluding interest and penalties, shown to be due on reports filed with the director for periods ending on or before such computation date.

(b) This section shall not apply in any case where the employer establishes to the satisfaction of the director that his failure to file or pay was not due to any intention to evade or avoid the provisions of this division.

SEC. 11. Section 1027 is added to Article 4 of Chapter 4 of Part 1 of Division 1 of said code, to read:

Balancing account

1027. The director shall maintain a balancing account to which contributions paid pursuant to Section 976.5 shall be credited and negative reserve balances shall be charged. The director shall also credit all income and charge all expense to the balancing account as will reflect those elements not included in active employers' reserve accounts.

SEC. 12. Section 1275 of said code is amended to read:

"Base period" wages

1275. Unemployment compensation benefit award computations shall be based on wages paid in the base period. "Base period" means: for benefit years beginning in November, December, or January, the four calendar quarters ended in the next preceding month of June; for benefit years beginning in February, March, or April, the four calendar quarters ended in the next preceding month of September; for benefit years beginning in May, June, or July, the four calendar quarters ended in the next preceding month of December; for benefit years beginning in August, September, or October, the four calendar quarters ended with the next preceding month of March. Wages used in the determination of benefits payable to an individual during any benefit year shall not be used in determining such individual's benefits in any subsequent benefit year.

SEC. 13. Section 1280 of said code is amended to read:

Weekly benefit amount

1280. An individual's weekly benefit amount is the amount appearing in Column B in the following table opposite that wage bracket in Column A which contains the amount of wages paid to the individual for employment by employers during the quarter of his base period in which his wages were the highest.

A Amount of wages in highest quarter		B Weekly benefit amount
$150-	$177.99	10
178.00-	205.99	11
206.00-	233.99	12
234.00-	261.99	13
262.00-	289.99	14
290.00-	317.99	15
318.00-	345.99	16
346.00-	373.99	17
374.00-	401.99	18
402.00-	429.99	19
430.00-	457.99	20
458.00-	485.99	21
486.00-	513.99	22
514.00-	541.99	23
542.00-	569 99	24
570.00-	597.99	25
598.00-	625.99	26
626.00-	653.99	27
654.00-	681.99	28
682.00-	709.99	29
710.00-	737.99	30
738.00-	765.99	31
766.00-	793.99	32
794.00-	821.99	33
822.00-	849.99	34
850.00-	877.99	35
878.00-	905.99	36
906.00-	933.99	37
934.00-	961.99	38
962.00-	989.99	39
990.00-	1,017.99	40
1,018.00-	1,045.99	41
1,046.00-	1,073.99	42
1,074.00-	1,101.99	43
1,102.00-	1,129.99	44
1,130.00-	1,157.99	45
1,158.00-	1,185.99	46
1,186.00-	1,213.99	47
1,214.00-	1,241.99	48
1,242.00-	1,269.99	49
1,270.00-	1,297.99	50
1,298.00-	1,325.99	51
1,326.00-	1,353.99	52
1,354.00-	1,381.99	53
1,382.00-	1,409.99	54
1,410.00 and over		55

Repeal

SEC. 14. Chapter 3 (commencing with Section 3801) of Part 3 of Division 1 of said code is repealed.

Repeal

SEC. 15. Chapter 3 (commencing with Section 3801) is added to Part 3 of Division 1 of said code, to read:

CHAPTER 3. ADDITIONAL CONTRIBUTIONS

Additional contributions accrual, etc

3801. Additional contributions to the Unemployment Fund shall accrue and become payable by every employer for the first and second calendar quarters of 1961 with respect to taxable wages for employer contributions paid for employment at the rate of two-tenths of 1 percent (0.2%). Additional contributions shall not be deducted in whole or in part from wages of employees. After June 30, 1961, the department shall assess the amount of additional contributions payable by each employer for the first and second calendar quarters of 1961. Additional contributions are due and payable on the date of mailing of the notice of assessment and shall become delinquent if not paid within 30 days of the due date. The provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to assessments provided by this section, except that interest shall not accrue until 30 days after notice of assessment.

Operative periods, dates, etc.

SEC. 16. The provisions of Sections 978 and 979 of the Unemployment Insurance Code as they existed prior to amendment by this act shall continue to remain applicable to contributions to be paid for the calendar year 1961. The provisions of sections of the Unemployment Insurance Code as they are amended and added by Sections 1 through 7 and by Sections 9, 10, and 11 of this act and the repeal of Section 981 of said code by Section 8 of this act shall take effect beginning with the rating period of the calendar year 1962 and shall not be applicable to any prior rating period. The provisions of Section 1275 of said code as amended by Section 12 of this act shall be applicable to benefit years with an effective date beginning on or after the effective date of this act.

SEC. 17. The provisions of Section 1280 of the Unemployment Insurance Code as amended by Section 13 of this act shall apply to new claims filed with an effective date beginning on or after the effective date of this act. The provisions of Section 1280 of said code as in effect prior to the amendments made by this act shall remain applicable to new claims filed with an effective date beginning prior to the effective date of this act.

Effect· Stats 1961, Ch 5

SEC. 18. Notwithstanding the provisions of Section 7 of Chapter 5, Statutes of 1961, the liability of employers for additional contributions for the year 1961 shall be determined solely as provided by Chapter 3 of Part 3 of Division 1 of the Unemployment Insurance Code as added by Section 15 of this act.

SEC. 19. No right or cause of action founded upon any provision of law amended or repealed by this act as the provision existed prior to such amendment or repeal shall be abolished or impaired by this act.

CHAPTER 2161

An act to amend Sections 982 and 1114 of, and to add Section 977 to, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 977 is added to the Unemployment Insurance Code, to read:

Employer tax rate schedule

977. Whenever the balance in the Unemployment Fund on December 31st of any calendar year is less than 5 percent of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates.

If, as of the computation date, the employer's net balance of reserve equals or exceeds that percentage of his average base payroll which appears on any line in column 1 of the following table, but is less than that percentage of his average base payroll which appears on the same line in column 2 of that table, his contribution rate shall be the figure appearing on that same line in column 3 of that table.

	Reserve balance		Contribution rate
Line	Column 1	Column 2	Column 3
1	0 %	7.0%	3.0%
2	7.0%	8.0%	2.7%
3	8.0%	9.0%	2.6%
4	9.0%	10.0%	2.5%
5	10.0%	11.0%	2.4%
6	11.0%	12.0%	2.3%
7	12.0%	13.0%	2.2%
8	13.0%	14.0%	2.1%
9	14.0%	15.0%	2.0%
10	15.0%	16.0%	1.9%
11	16.0%	17.0%	1.8%
12	17.0%	100 % or more	1.7%

SEC. 2. Section 982 of said code is amended to read:

2.7% minimum rate applicable

982. No employer shall be eligible for a contribution rate of more nor less than 2.7 percent for any rating period unless his reserve account has been subject to benefit charges during the period of 12 complete consecutive calendar quarters ending on the computation date for that rating period and he is qualified under Section 977, 978, or 979.

SEC. 3. Section 1114 of said code is amended to read:

Failure to file report of wages: Penalty

1114. Any employer who, without good cause, fails to file within 15 days after service of a specific written demand

therefor, a report of wages of each of his workers required by this division, shall pay in addition to other amounts required, for each unreported wage item a penalty of one dollar ($1) per month or fraction thereof, up to a maximum of three months. No penalty charged against an employer with respect to any calendar quarter under this section shall be less than four dollars ($4). The specific written demand required by this section may be served either personally or by mail, addressed to the employing unit at the same address that appears on the records of the department. Service is complete at the time of deposit in the United States mail.

Effect: Stats 1961, Ch 2160 Operative date

SEC. 4. Sections 1 and 2 of this act shall take effect only if Assembly Bill No. 1382 is enacted by the Legislature at the 1961 Regular Session and in such case shall become operative beginning with the rating period of the calendar year 1962 and shall not be applicable to any prior rating period.

SEC. 5. No right or cause of action founded upon any provision of law amended by this act as the provisions existed prior to such amendment shall be abolished or impaired by this act.

CHAPTER 2162

An act to amend Section 1089 of the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 15 1961

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 1089 of the Unemployment Insurance Code is amended to read:

1089. Each employer shall post and maintain in places readily accessible to individuals in his service such printed statements concerning benefit rights and other matters as may be prescribed by authorized regulations. Each employer shall, pursuant to authorized regulations, supply each individual at the time he becomes unemployed with copies of printed statements or materials relating to claims for benefits. Failure to comply with this section by an employer shall constitute a misdemeanor. Such printed statements shall be supplied by the director to each employer without cost to him.

CHAPTER 2163

An act to amend Sections 1085 and 1089 of the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 15, 1961

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 1085 of the Unemployment Insurance Code is amended to read:

1085. Every employing unit shall keep a true and accurate work record of: Work record

(a) All his workers and their status, i.e., employed, on lay-off or leave of absence.

(b) The wages paid by him to each worker.

(c) Such other information as the director deems necessary to proper administration of this division.

SEC. 2. Section 1089 of the Unemployment Insurance Code is amended to read:

1089. Each employer shall post and maintain in places readily accessible to individuals in his service such printed statements concerning benefit rights and other matters as may be prescribed by authorized regulations. Each employer shall, pursuant to authorized regulations, supply each individual at the time he becomes unemployed with copies of printed statements or materials relating to claims for benefits. Each employer shall immediately notify each employee of any change in his relationship with said employer. Such printed statements shall be supplied by the director to each employer without cost to him. Posting of printed statements

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CHAPTER 2164

An act to amend and renumber Section 145 of, to amend Sections 636, 652, 708, 940, 980, 1089, 1252.1, and 1260 of, and to add Section 976.5 to Article 3 of Chapter 4 of Part 1 of Division 1 of, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 145 of the Unemployment Insurance Code is amended and renumbered to read:

1252.2. With respect to individuals hired as commercial fishermen a "partially unemployed individual" means an individual who, during a particular week: Commercial fisherman as "partially unemployed individual"

(a) Earned less than his weekly benefit amount;

(b) Was employed by his regular employer in the act of catching or attempting to catch fish;

(c) Was during such week continuously attached to his employer from the standpoint that there did not occur any severance of the employer-employee relationship; and

(d)(1) Worked less than normal customary full-time hours or full number of days per week for such regular employer because of lack of full-time work, or

(2) If normal customary full-time hours or full number of days per week are not determinable, he worked less than four (4) days during a payroll week for such regular employer because of lack of full-time work.

SEC. 2. Section 636 of said code is amended to read:

"Employment" 636. "Employment" does not include services performed in the employ of either a candidate for public office or a committee as defined in Section 11502 of the Elections Code, where such services are performed in connection with an election campaign.

SEC. 3. Section 652 of said code is amended to read:

Same 652. "Employment" does not include service performed as an elected or appointed official in any calendar quarter in the employ of any nonprofit fraternal corporation or association which is not subject to the Federal Unemployment Tax Act if the remuneration for such service does not exceed one hundred dollars ($100) a month.

The provisions of this section shall be applicable with retrospective effect.

SEC. 4. Section 708 of said code is amended to read:

Employer's election to make services subject 708. (a) Any individual who is an employer under this division or any two or more individuals who have so qualified may file with the director a written election that their services shall be deemed to be services performed by individuals in employment. Upon the approval of the election by the director the services of such individuals shall be deemed to constitute employment Regardless of their actual earnings, for the purposes of computing benefit rights and contributions, they shall be deemed to have received remuneration for each calendar quarter in the highest of the maximum amounts stated in column A of Section 1280 or column A of Section 2655 or provided by Section 2655.5.

(b) Contributions required under this division are payable on and after the date stated in the approval of the director. The director may levy assessments under this division for any amount due under this section.

(c) No benefits shall be paid to any individual based upon remuneration deemed to have been received pursuant to this section unless all contributions due with respect to all remuneration deemed to have been received by such individual pursuant to this section have been paid to the department.

SEC. 5. Section 940 of said code is amended to read:

"Wages" 940. For the purposes of this section and Sections 1026, 1088, 1280, 1281, 1282, 2652, 2654, 2655, 2655.5, and 2657, "wages" means taxable wages as well as wages which would be taxable except for the limitations on taxable wages provided under Sections 930 and 985, except that if an employer so elects, for such purposes "wages" for particular employees, or for a class of employees, or for all of his employees, may exclude amounts for an individual worker in excess of six thousand dollars ($6,000) for any calendar quarter.

SEC. 6. Section 976.5 is added to Article 3 of Chapter 4 of Part 1 of Division 1 of said code, to read:

Contributions to be paid into Unemployment Fund 976.5. In addition to other contributions required by this division, every employer, except an employer as defined by Section 676, shall pay into the Unemployment Fund contri-

butions for each calendar year with respect to wages paid for employment at the rate of five-tenths of 1 percent (0.5%).

SEC. 7. Section 980 of said code is amended to read:

980. In determining the balance in the Unemployment Fund for the purpose of Section 977, 978, or 979 there shall be excluded:

(a) Any estimated or other contributions not legally due and payable with respect to the final calendar quarter of the calendar year, except any payment of contributions made under Section 1137 and except any payment of contributions by employers terminating business during any calendar quarter.

(b) Any amount credited to this State's account in the Unemployment Trust Fund pursuant to Section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration other than for capital assets, whether or not such amount has been withdrawn from such fund.

(c) Any unexpended advance from the federal unemployment account in the Unemployment Trust Fund received in accordance with Section 323 of this division and Title XII of the Social Security Act, as amended.

SEC. 8. Section 1089 of said code is amended to read:

Posting of benefit rights, etc., information

1089. Each employer shall post and maintain in places readily accessible to individuals in his service such printed statements concerning benefit rights and other matters as may be prescribed by authorized regulations Each employer shall, pursuant to authorized regulations, supply each individual at the time he becomes unemployed with copies of printed statements or materials relating to claims for benefits. Each employer shall immediately notify each employee of any change in his relationship with said employer. Failure to comply with this section by an employer shall constitute a misdemeanor. Such printed statements shall be supplied by the director to each employer without cost to him.

SEC. 9. Section 1252 1 of said code is amended to read:

Commercial fishermen

1252 1. With respect to individuals hired as commercial fishermen a "totally unemployed individual" means an individual who, during a particular week, while still attached to his employer from the standpoint that there did not occur any severance of the employer-employee relationship, earned no wages and performed no services because his employer's boat was tied up for one or more of the following reasons:

(a) Inclement weather

(b) Absence of fish in fishable waters.

(c) Lack of orders for fish from buyers.

(d) Boat is laid up for repairs.

SEC. 10. Section 1260 of said code is amended to read:

Periods of disqualification

1260. (a) An individual disqualified under Section 1256, under a determination transmitted to him by the department, is ineligible to receive unemployment compensation benefits for not less than two nor more than five consecutive weeks beginning with:

(1) The week in which the cause of his disqualification occurs, if he registers for work in that week.

(2) The week subsequent to the occurrence of the cause of his disqualification in which he first registers for work, if he does not register for work in the week in which the cause of his disqualification occurs.

(b) An individual disqualified under subdivision (b) of Section 1257, under a determination transmitted to him by the department, is ineligible to receive unemployment compensation benefits for not less than two nor more than 10 consecutive weeks beginning with:

(1) The week in which the cause of his disqualification occurs, if he registers for work in that week.

(2) The week subsequent to the occurrence of the cause of his disqualification in which he first registers for work, if he does not register for work in the week in which the cause of his disqualification occurs.

(c) An individual disqualified under Section 1256 or subdivision (b) of Section 1257 shall be required to report at a public employment office as provided in subdivision (b) of Section 1253 and an additional week of disqualification shall be imposed for each week during which he does not so report unless good cause for such failure is shown.

(d) An individual disqualified under subdivision (a) of Section 1257, under a determination transmitted to him by the department, is ineligible to receive unemployment compensation benefits for the week in which the determination is mailed to or personally served upon him, or any subsequent week, for which he is first otherwise in all respects eligible for unemployment compensation benefits and for not more than nine subsequent weeks for which he is otherwise in all respects eligible for unemployment compensation benefits. No disqualification under this subdivision shall be applied to any week if all or any portion of the week is beyond the three-year period next succeeding the date of the mailing or personal service of the determination. This subdivision shall not apply to an individual prosecuted under Section 2101.

(e) Notwithstanding the provisions of subdivision (d) of this section, an individual who is unemployed with respect to any week and is subject to a disqualification that is imposed under Section 1256 or subdivision (b) of Section 1257 may, if he has registered for work for that week as required by subdivision (b) of Section 1253, concurrently serve with respect to that week a disqualification imposed under subdivision (a) of Section 1257.

Effect Stats 1961, Ch. 2154

SEC. 11. Section 4 of this act shall become operative only if Assembly Bill No. 234 is enacted by the Legislature at its 1961 Regular Session and in such case shall become operative with respect to periods of disability commencing on and after January 1, 1962, and the provisions of Section 708 of the Unemployment Insurance Code in effect prior to the amendment made by this act shall continue to be applicable with

respect to periods of disability commencing prior to January 1, 1962, except that with respect to contributions liability Section 708 as amended by this act shall be operative on January 1, 1962.

SEC. 12. Section 5 of this act shall become operative only if both Assembly Bills Nos. 234 and 945 are enacted by the Legislature at its 1961 Regular Session. Effect Stats. 1961, Ch 2154 and Ch 2153

SEC. 13. Section 6 of this act shall become operative only if both Assembly Bills Nos. 1382 and 1663 are enacted by the Legislature at its 1961 Regular Session and in such case shall take effect beginning with the rating period of the calendar year 1962 and shall not be applicable to any prior rating period. Effect Stats 1961, Ch 2160 and Ch 2155

SEC. 14. Section 7 of this act shall become operative only if Assembly Bills Nos. 234, 962, and 1382 are all enacted by the Legislature at its 1961 Regular Session. Effect Stats 1961, Ch 2154, Ch 2158 and Ch 2160

SEC. 15. Section 8 of this act shall become operative only if both Assembly Bills Nos. 1098 and 1104 are enacted by the Legislature at its 1961 Regular Session. Effect Stats 1961, Ch 2162 and Ch 2163

SEC. 16. Section 10 of this act shall become operative only if both Assembly Bills Nos 1095 and 2662 are enacted by the Legislature at its 1961 Regular Session and in such case shall apply to any individual where the occurrence of the cause of disqualification is after the effective date of this act. The provisions of Section 1260 of the Unemployment Insurance Code as in effect prior to the amendments by Section 10 of this act shall remain applicable and are continued in effect with respect to any individual where the occurrence of the cause of disqualification is prior to the effective date of this act. Effect. Assembly Bill No 1095 and Stats 1961, Ch 1924

SEC. 17. No right or cause of action founded upon any provision of law amended by this act as the provision existed prior to such amendment shall be abolished or impaired by this act. Existing rights etc

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CHAPTER 2165

An act to amend Sections 1030, 1276, 1332 and 3652 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1030 of the Unemployment Insurance Code is amended to read:

1030. (a) Any employer who is entitled under Section 1327 to receive notice of the filing of a new or additional claim may, within 10 days after mailing of such notice, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and with- Notice of cause of claimant's leaving

out good cause or was discharged from such employment for misconduct connected with his work.

Base period employers

(b) Any base period employer who is not entitled under Section 1327 to receive notice of the filing of a new or additional claim and is entitled under Section 1329 to receive notice of computation may, within 15 days after mailing of such notice of computation, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work.

Determination as to cause

(c) The department shall consider such facts together with any information in its possession and promptly issue to the employer its ruling as to the cause of the termination of the claimant's employment. Any ruling issued by the department may for good cause be reconsidered within 15 days of the issuance of the ruling. An individual whose employment is terminated under the compulsory retirement provisions of a collective bargaining agreement to which the employer is a party shall not be deemed to have voluntarily left his employment without good cause. Appeals may be taken from said rulings in the same manner as appeals from determinations on benefit claims.

SEC. 2. Section 1276 of said code is amended to read:

"Benefit year"

1276. "Benefit year", with respect to any individual, means the 52-week period beginning with the first day of the week with respect to which the individual first files a valid claim for benefits and thereafter the 52-week period beginning with the week in which such individual again files a valid claim after the termination of his last preceding benefit year. As used in this section, "valid claim" means any claim for benefits made in accordance with the provisions of this division and authorized regulations if the individual filing the claim is unemployed and has been paid not less than the minimum amount of wages in employment for employers necessary to qualify for benefits. For the purpose of determining whether a claim is a "valid claim" within the meaning of this section, an individual otherwise unemployed shall be deemed unemployed even though wages, as defined in Section 1252, which are for a period subsequent to the termination of performance of services are payable with respect to the week for which he files the claim.

SEC. 3. Section 1332 of said code is amended to read:

Reconsideration of computation or determination

1332. Any computation or determination provided for in this article may for good cause be reconsidered by the department within 10 days from mailing or personal service of such notice of determination. Notice of any reconsidered determination shall be given promptly to the claimant and any employer or employing unit which received notice under Sections 1327 and 1329, and the claimant or employer may appeal therefrom in the manner provided in this article for appeals from other determinations.

SEC. 4. Section 3652 of said code is amended to read:

Valid primary claim

3652 An exhaustee who desires to claim extended duration benefits shall file a valid primary claim. A primary claim for extended duration benefits shall be valid only if its effective date is within an extended duration month and the individual filing it is an unemployed exhaustee. For the purpose of determining whether a primary claim is a "valid primary claim" within the meaning of this section, an individual otherwise unemployed shall be deemed unemployed even though wages, as defined in Section 1252, which are for a period subsequent to the termination of performance of services are payable with respect to the week for which he files the claim.

CHAPTER 2166

An act to amend Section 1030 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 19, 1961. Filed with Secretary of State July 20, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1030 of the Unemployment Insurance Code is amended to read:

1030. (a) Any employer who is entitled under Section 1327 to receive notice of the filing of a new or additional claim may, within 10 days after mailing of such notice, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work.

(b) Any base period employer who is not entitled under Section 1327 to receive notice of the filing of a new or additional claim and is entitled under Section 1329 to receive notice of computation may, within 15 days after mailing of such notice of computation, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work.

(c) The department shall consider such facts together with any information in its possession and promptly issue to the employer its ruling as to the cause of the termination of the claimant's employment. Any ruling issued by the department may for good cause be reconsidered within 15 days of the issuance of the ruling. For purposes of this section only, if the claimant voluntarily leaves such employer's employ without notification to the employer of the reasons therefor, and if the employer submits all of the facts within its possession concerning such leaving within the applicable time period referred to in this section, such leaving shall be presumed to be without

good cause. An individual whose employment is terminated under the compulsory retirement provisions of a collective bargaining agreement to which the employer is a party shall not be deemed to have voluntarily left his employment without good cause. Appeals may be taken from said rulings in the same manner as appeals from determinations on benefit claims.

CHAPTER 2167

An act to add Section 33050 to the Health and Safety Code, relating to restrictions on the basis of race, color, religion, ancestry, or national origin of the sale, lease, or rental of property redeveloped and urban renewal under the Community Redevelopment Law.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 33050 is added to the Health and Safety Code, to read:

33050. Agencies shall obligate lessees and purchasers of real property acquired in redevelopment or urban renewal projects and owners of property improved as a part of a redevelopment or urban renewal project to refrain from restricting the rental, sale, or lease of the property on the basis of the race, color, religion, ancestry, or national origin of any person.

Every final redevelopment plan or urban renewal plan, prior to its submission for approval to the legislative body having jurisdiction, shall contain a provision requiring for submission to the community redevelopment agency for approval, all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of any land in a redevelopment project or an urban renewal project and such deeds, leases, or contracts shall contain the nondiscrimination or nonsegregation clauses hereafter prescribed.

Express provisions shall be included in all deeds, leases and contracts which the agency proposes to enter into with respect to the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of any land in a redevelopment project or an urban renewal project in substantially the following form:

(a) In deeds the following language shall appear—"The grantee herein covenants by and for himself, his heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against, or segregation of, any person or group of persons on account of race, color, creed national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure,

or enjoyment of the premises herein conveyed, nor shall the grantee himself or any person claiming under or through him, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

(b) In leases the following language shall appear—"The lessee herein covenants by and for himself, his heirs, executors, administrators, and assigns, and all persons claiming under or through them, and this lease is made and accepted upon and subject to the following conditions:

That there shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, national origin, or ancestry, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased, nor shall the lessee himself, or any person claiming under or through him, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, sublessees, subtenants, or vendees in the premises herein leased."

(c) In contracts entered into by the agency relating to the sale, transfer, or leasing of land or any interest therein acquired by the agency within any redevelopment or urban renewal area or project the foregoing provisions in substantially the forms set forth shall be included and such contracts shall further provide that the foregoing provisions shall be binding upon and shall obligate the contracting party or parties and any subcontracting party or parties, or other transferees under the instrument.

CHAPTER 2168

An act to amend Sections 35115, 35116, 35122, 35123, 35126, 35133, 35134, and 35135 of the Government Code, relating to the submission of the question of annexation of territory to the electors of the municipality.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 35115 of the Government Code is amended to read:

35115. When a petition for the annexation of any new territory, containing a sufficient number of valid signatures, has been received by its legislative body, jurisdiction over the proceedings is acquired, and until annexation to such city has been defeated by the electors of the territory or the electors

Restrictions after petition received

of the city as provided in Section 35122, or until proceedings relating to the annexation become void or are otherwise terminated:

(a) No other petition provided for in this division asking for the annexation of any of the territory described in the filed petition shall be filed, presented to or acted upon by the legislative body of any other city.

(b) No other legislative body shall consent to the circulation of a petition or initiate any proceedings on its own motion under the provisions of this division for the annexation of any part of the territory described in the filed petition.

(c) No notice of intention to circulate a petition for incorporation of any part of the territory described in the filed petition shall be filed.

SEC. 2 Section 35116 of said code is amended to read:

Special annexation election

35116. Upon receiving a petition signed by not less than one-fourth of the qualified electors residing within the territory, as shown by the county registration of voters, containing a description of the new territory proposed to be annexed and asking that the territory be annexed, the city legislative body shall without delay pass a resolution of intention to call a special election and of its intention to submit the question of annexation to the electors residing in the territory and of its intention to submit the question to the electors of the city if such election is required pursuant to Section 35122. The city clerk and the county officer having charge of the registration of voters shall, within two weeks, check the petition and certify the sufficiency thereof. If the clerk's certificate shows the petition to be insufficient, a supplemental petition bearing additional signatures may be filed within 10 days of the date of the certificate of insufficiency. The clerk and the county officer having charge of the registration of voters shall, within 10 days after the supplemental petition is filed, examine it and certify the sufficiency thereof. If the petition is not signed by the requisite number of electors, the legislative body is without jurisdiction to proceed further, and all prior proceedings, including such petition, shall be null and void.

SEC 3. Section 35122 of said code is amended to read:

Calling of special annexation election

35122. If it finds by resolution adopted pursuant to Section 35121.1 that a majority protest is not made as prescribed in Section 35121, the city legislative body shall call a special election without delay and submit to the electors residing in the territory the question whether it shall be annexed to and incorporated within the city. Such election shall be held not sooner than 54 days and not later than 75 days after the termination of the hearing on protest or supplemental protests.

If it finds that the value of the territory proposed to be annexed equals one-half, or more, of that within the city, as shown by the last equalized assessment rolls, or that the number of qualified electors of the territory equals one-half, or more, of the number of qualified electors within the city, as shown by the county registration of voters, then the city legis-

lative body shall also call a special election and submit to the electors residing in the city the same question at the same time as that submitted to the electors residing within the territory proposed to be annexed.

The city legislative body, as an alternative to the foregoing, may by its resolution thereupon terminate the proceedings without the necessity of calling such election. If proceedings are terminated hereunder, no further proceedings shall be taken for the annexation pursuant to this article of any of such territory by the city for one year.

SEC. 4. Section 35123 of said code is amended to read:

Notice of election

35123. The city legislative body shall cause notice of the election to be published at least once a week for the four weeks prior to the election, in a newspaper of general circulation, printed and published outside the city, but in the county in which the territory is situated, or if there is none, by posting it at least four weeks next preceding the election in three public places within the territory.

If the question of the proposed annexation of the territory is required to be submitted to the electors of the city as set forth in Section 35122 of this code, then the city legislative body shall cause notice of this election to be published once a week for the four weeks prior to the election in a newspaper of general circulation, printed and published inside the city, or if there is none, by posting it at least four weeks next preceding the election in three public places within the territory.

SEC. 5. Section 35126 of said code is amended to read:

Voting precincts

35126. The legislative body shall establish and designate in the notice the voting precincts and the places at which polls will be open for the election. The places shall be those commonly used for voting, if there are any.

SEC. 6. Section 35133 of said code is amended to read:

Recording vote

35133. Immediately upon the completion of the canvass, the legislative body shall cause a record to be entered upon its minutes, stating the proposition submitted, the number of votes cast, and the number of votes cast for and against annexation in the election within the territory proposed to be annexed and in the election within the annexing city, separately, if the election within the city is required to be held as provided in Section 35122 of this code

SEC. 7. Section 35134 of said code is amended to read:

Against annexation

35134. If in any election required to be held by this article a majority of the votes cast is against annexation, a new petition embracing any of the same territory shall not be filed with the same city within 12 months after the result of the election has been canvassed and declared.

SEC. 8. Section 35135 of said code is amended to read:

For annexation

35135. If in each of the elections required to be held by this article a majority of the votes cast are for annexation, the legislative body may approve the annexation by ordinance.

CHAPTER 2169

An act to amend Section 21300 of the Government Code, relating to the State Employees' Retirement System.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 21300 of the Government Code is amended to read:

21300. If, prior to attaining the minimum age for voluntary retirement for service applicable to members of his class, a recipient of a disability retirement allowance other than one for industrial disability engages in a gainful occupation not in state service, the board shall reduce his monthly disability retirement pension to an amount which, when added to the compensation earned monthly by him, shall not exceed the amount of the maximum compensation earnable by a person holding the position which he held at the time of his retirement, or if that position has been abolished, the maximum compensation earnable by a person holding it immediately prior to its abolition.

If his earnings are further altered, the board may further alter his disability retirement pension to the lower of the following amounts:

(a) The amount of the disability retirement pension upon which he was originally retired.

(b) An amount which, when added to the compensation earned by him, shall equal the amount of the maximum compensation earnable by a person holding the position which he held at the time of his retirement, or, if that position has been abolished, the maximum compensation earnable by a person holding it immediately prior to its abolition.

When he reaches the minimum age for voluntary retirement for service applicable to members of his class his retirement allowance shall be made equal to the amount it would be if not reduced under this section, and shall not again be modified for any cause.

The amendments to this section enacted at the 1961 Regular Session of the Legislature shall apply to contracting agencies with respect to safety members but shall not apply to any contracting agency with respect to any other members unless and until the agency elects to be subject to such amendments with respect to other members by amendment to its contract made in the manner prescribed for approval of a contract or, in the case of contracts made after the date such amendments take effect, by express provision in such contract, making the contracting agency subject to such amendments with respect to other members.

CHAPTER 2170

An act to amend Section 3600 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 3600 of the Labor Code is amended to read:

3600. Liability for the compensation provided by this division, in lieu of any other liability whatsoever to any person except as provided in Section 3706, shall, without regard to negligence, exist against an employer for any injury sustained by his employees arising out of and in the course of the employment and for the death of any employee if the injury proximately causes death, in those cases where the following conditions of compensation concur:

(a) Where, at the time of the injury, both the employer and the employee are subject to the compensation provisions of this division.

(b) Where, at the time of the injury, the employee is performing service growing out of and incidental to his employment and is acting within the course of his employment.

(c) Where the injury is proximately caused by the employment, either with or without negligence.

(d) Where the injury is not caused by the intoxication of the injured employee.

(e) Where the injury is not intentionally self-inflicted.

(f) Where the employee has not willfully and deliberately caused his own death.

(g) Where the injury does not arise out of an altercation in which the injured employee is the initial physical aggressor.

CHAPTER 2171

An act to add Article 4 (commencing with Section 4380) to Chapter 4 of Division 5 of Title 1 of the Government Code, relating to specifications by brand or trade names in bids on public works.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 4380) is added to Chapter 4 of Division 5 of Title 1 of the Government Code, to read:

Article 4. Specifications by Brand or Trade Name

4380. No agency of the State nor any political subdivision, municipal corporation, or district, nor any public officer or

person charged with the letting of contracts for the construction, alteration, or repair of public works shall draft or cause to be drafted specifications for bids, in connection with the construction, alteration, or repair of public works, (1) in such a manner as to limit the bidding, directly or indirectly, to any one specific concern, or (2) except in those instances where the product is designated to match others in use on a particular public improvement either completed or in the course of completion, calling for a designated material, product, thing, or service by specific brand or trade name unless the specification is followed by the words "or equal" so that bidders may furnish any equal material, product, thing, or service. Specifications shall provide a period of time of at least 30 days after award of the contract for submission of data substantiating a request for a substitution of "an equal" item.

CHAPTER 2172

An act to amend Sections 7301, 7302, and 7303 of, and to add Section 7309.7 to, the Business and Professions Code, and to amend Sections 7301 and 7302 of the Business and Professions Code as proposed to be amended by Senate Bill No. 115, relating to the State Board of Cosmetology

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 7301 of the Business and Professions Code is amended to read:

Board of Cosmetology

7301. There is in the Department of Professional and Vocational Standards a State Board of Cosmetology, which consists of seven members appointed by the Governor.

Wherever in this chapter, "board" is used it refers to the State Board of Cosmetology.

SEC. 2. Section 7302 of said code is amended to read:

Members

7302. (a) Six members of the board shall be persons who at the time of their appointment are currently and validly licensed by the board, or are members of partnerships or officers of corporations which are so licensed, and who have been engaged in the actual practice of cosmetology or electrology in this State for at least five years immediately prior to their appointments. One of the six shall be a licensee who participates actively in the management of a school of cosmetology or electrology as the owner of, or as a member of a partnership or officer of a corporation which owns, such school.

(b) The seventh member shall be appointed from the public at large.

(c) Each member shall be at least 25 years of age at the time of his appointment.

(d) No person shall be eligible for appointment who is engaged, directly or indirectly, in the manufacture of wholesale rental, sale, or distribution of cosmetological appliances or supplies.

SEC. 3. Section 7303 of said code is amended to read:

Terms of members

7303. The terms of the members of the board in office when the amendment made to this section at the 1961 Regular Session of the Legislature takes effect shall expire as follows: two members, January 15, 1962, one member January 15, 1963, one member January 15, 1964, one member January 15, 1965. Such terms shall expire in the same relative order as to each member as the term for which he holds office at the time said amendment takes effect. The term of the additional licensee member and the public member provided for by the amendment made to Section 7301 of this code at the 1961 Regular Session of the Legislature shall expire on January 15, 1964, and January 15, 1965, respectively. Thereafter members of the board shall be appointed for a term of four years and shall hold office until the appointment and qualifications of their successors or until six months shall have elapsed since the expiration of the term for which they were appointed, whichever first occurs. No member shall serve as a member of the board for more than two consecutive terms.

Vacancies

Vacancies occurring shall be filled by appointment within 60 days, and vacancies occurring during a term shall be filled for the unexpired term

SEC. 4. Section 7309.7 is added to said code, to read:

Prohibitions

7309.7. Neither the public member of the board nor the member who participates in the management of a school shall directly assist in the preparation, approval, or review of examinations.

SEC. 5. Section 7301 of the Business and Professions Code as proposed to be amended by Senate Bill No. 115 is amended to read:

Board of Cosmetology

7301. There is in the Department of Professional and Vocational Standards a State Board of Cosmetology, which consists of seven members appointed by the Governor, one of whom shall be a public member.

Wherever in this chapter, "board" is used it refers to the State Board of Cosmetology.

SEC. 6. Section 7302 of the Business and Professions Code as proposed to be amended by Senate Bill No. 115 is amended to read:

7302. A person appointed as a member of the board:

Qualifications of board members

(a) With the exception of the public member, shall be registered as a cosmetologist under this chapter, or participate actively in the management of a school of cosmetology or elec-

trology as the owner of, or as a member of a partnership or officer of a corporation which owns, such school.

(b) With the exception of the public member, shall be, at the time of appointment, either actually engaged in conducting a cosmetological establishment, or actually engaged in the practice of cosmetology or electrology.

(c) Shall be of good moral character.

(d) Shall not be connected, directly or indirectly, in the wholesale business of the manufacture, rental, sale or distribution of cosmetological appliances or supplies.

(e) With the exception of the public member, shall have had at least five years experience in the actual practice of cosmetology, or electrology, in this State immediately prior to the appointment. A person shall be considered to be engaged in the actual practice of cosmetology or electrology within the meaning of this subdivision if he participates actively in the management of a school of cosmetology or electrology as the owner of, or as a member of a partnership or officer of a corporation which owns, such school.

(f) Shall be at least 25 years of age.

The public member shall not be a licentiate of the board.

Effect: Stats 1961, Ch 1821

SEC. 7. Sections 5 and 6 of this act shall become operative only if Senate Bill No. 115 is enacted by the Legislature at its 1961 Regular Session, and in such case at the same time as Senate Bill No. 115 takes effect; at which time Sections 7301 and 7302 of the Business and Professions Code as amended by Sections 1 and 2 of this act are repealed.

CHAPTER 2173

An act to add Section 104.4 to the Streets and Highways Code, relating to state highways.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 104.4 is added to the Streets and Highways Code, to read:

104.4. Whenever the right of occupancy of any person upon national forest or national park lands is terminated because of the proposed construction of a state highway across such lands, the department shall, in connection with the construction of the highway, acquire, by purchase or condemnation, any buildings or improvements constructed upon such lands by the person.

CHAPTER 2174

An act to add Sections 20303.5 and 20360.5 to the Government Code, and to amend Sections 215, 228, and 256 of the Military and Veterans Code, relating to the State Employees' Retirement System.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 20303.5 is added to the Government Code, to read:

Officers, etc., of Adjutant General

20303.5. All officers, warrant officers, and enlisted men who after October 1, 1961, are placed on full-time active duty with the office of the Adjutant General, pursuant to Sections 142, 167, 321, 340 and 551 of the Military and Veterans Code, shall become members in the manner and under the same conditions as under this article apply to other state employees. The retirement benefit provisions of the Military and Veterans Code shall not apply to any such persons. This section shall not apply to the Adjutant General or the Assistant Adjutant General.

SEC. 2. Section 20360.5 is added to said code, to read:

Election into State Employees' Retirement System

20360.5. In lieu of the retirement benefits provided by the Military and Veterans Code, the Adjutant General or Assistant Adjutant General in office on October 1, 1961, and all officers, warrant officers, and enlisted men on full-time active duty with the office of the Adjutant General pursuant to the provisions of Sections 142, 167, 321, 340 and 551 of the Military and Veterans Code on October 1, 1961, may irrevocably elect to become members of the State Employees' Retirement System and to contribute and receive credit for such full-time active duty prior to the date of election in the same manner and under the same conditions as provided by this article (commencing with Section 20360), except that such elections shall be made within 90 days after notice by the system of their right to make such elections. Persons appointed to the office of the Adjutant General or Assistant Adjutant General after October 1, 1961, shall have rights to membership as provided in this article for other persons appointed by the Governor and shall have no rights under the retirement benefit provisions of the Military and Veterans Code.

SEC. 3. Section 215 of the Military and Veterans Code is amended to read:

Credit for other service

215. For all purposes under this code, commissioned officers, warrant officers and enlisted men of the California National Guard, California Air National Guard and California National Guard Reserve who have heretofore or hereafter performed service in the United States Army, United States Air Force, United States Navy, or any reserve component thereof shall be entitled to credit for time so served as if such service had

been rendered in the state forces. Service in the state forces shall include all full-time active duty performed heretofore or hereafter either as an enlisted man, warrant officer or commissioned officer pursuant to any prior or present section or sections or provisions of this code. Federal law notwithstanding, in computing state service for retirement with pay under this authority, only full-time active service with the armed forces of the United States or any reserve component thereof shall be considered

SEC. 4. Section 228 of said code is amended to read.

Officer or warrant officer with 20 years service

228. Any commissioned officer or warrant officer who has served 20 years in the military or naval service of the State, or for 20 years partly in one and partly in the other, may upon his own application, in the discretion of the Governor, be retired and may, within one year of such retirement, be placed upon the retired list with an increase in rank of one grade above that held by him on the date of his application. Such advancement in grade on the retired list shall not increase the retirement pay, if any, received by the person so advanced. Service in the United States Army, United States Air Force, United States Navy, or any reserve component thereof shall be considered as state service in computing length of state service for the purposes of this section.

Ten years service

Officers and warrant officers on active duty with the office of the Adjutant General pursuant to the provisions of Sections 142, 167, 320 and 340 of this code who are not members of the State Employees' Retirement System and who have been on active duty with the office of the Adjutant General for a total period of 10 years shall upon their own application be retired in accordance with the federal law, statutes, rules and regulations which on the date of such application govern the retirement of commissioned officers and warrant officers of the reserve components of the Army of the United States on extended active duty; provided that inactive service in a reserve component of the armed forces of the United States shall not be considered in computing the total state service for retirement purposes. In such cases the length of service shall be computed as provided in this section and Section 215 of this code.

SEC. 5. Section 256 of said code is amended to read:

Enlisted man with 20 years service

256. Any enlisted man who has served 20 years in the military or naval service of the State, or for 20 years partly in one and partly in the other, may upon his own application, in the discretion of the Governor, be retired and placed on the retired list with an increase in rank of one grade above that held by him on the date of application. Such advancement in grade on the retired list shall not increase the retirement pay, if any, received by the person so advanced. Service in the United States Army, United States Air Force, United States Navy, or any reserve component thereof shall be considered as state service in computing length of state service for the purposes of this section. An enlisted man who has

attained the highest enlisted grade at the date of his said application may be retired in the discretion of the Governor and placed in the retired list in the lowest commissioned grade or rank in his branch of service.

Ten years service

An enlisted man on active duty with the office of the Adjutant General pursuant to the provisions of Sections 142, 167, 321 and 340 of this code, who is not a member of the State Employees' Retirement System and who has been on active duty with the office of the Adjutant General for a total period of 10 years shall upon his own application be retired in accordance with the federal law, statutes, rules and regulations which on the date of such application govern the retirement of enlisted men of the reserve components of the Army of the United States on extended active duty; provided that inactive service in a reserve component of the armed forces of the United States shall not be considered in computing the total state service for retirement purposes. In such cases the length of service shall be computed as provided in this section and Section 215 of this code.

Operative date

SEC. 6. This act shall become operative on October 1, 1961.

CHAPTER 2175

An act to add Section 222 to the Fish and Game Code, relating to fish and game.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 222 is added to Fish and Game Code, to read:

222. A copy of the booklet published pursuant to Section 217 may be given by the issuer of the license to every license purchaser at the time he purchases his license. It shall be the booklet containing the latest regulations so printed applicable to the activity authorized by the license being purchased.

Such booklet shall contain in the front portion the following:

COMMISSION

The Fish and Game Commission, composed of five members, appointed by the Governor, subject to confirmation by the Senate, for a six-year term has been a constitutional body since 1940. It possesses such powers as are delegated to it by the Legislature. In general, the Legislature has granted the commission the power to regulate the taking or possession of birds (both resident and migratory), mammals (including deer, bear, elk, antelope, rabbits and squirrels), fish, amphibians (frogs) and reptiles, except for commercial purposes.

These powers have been delegated for two-year intervals by each general session of the Legislature. Other regulatory powers pertaining to less significant fish and game matters have been granted on an unrestricted basis. One of the major responsibilities of the commission is to hold public meetings to hear and consider the recommendations of interested citizens and groups before setting fish and game regulations.

As stipulated by the Fish and Game Code, general policies for conduct of the department are formulated by the Fish and Game Commission and the Director of the Department of Fish and Game is responsible to the commission for administration of the department in accordance with the policies thus established. Moreover, both the Wildlife Conservation Board and the Marine Research Committee indirectly set policies for the department since both agencies are empowered by the code to request and direct the department to take certain actions. Notwithstanding that the department is subject by law to certain decisions of the commission, the Wildlife Conservation Board and the Marine Research Committee, the Director of the Department of Fish and Game is responsible to the Governor.

Wildlife Board

The Wildlife Conservation Board was established by the Wildlife Conservation Act of 1947. It consists of the President of the Fish and Game Commission, the Director of the Department of Fish and Game and the Director of Finance. Additionally, three Members of the Senate and three Members of the Assembly meet with the board and participate in its activities. The primary responsibilities of the board consist of selecting and authorizing the acquisition of land and property suitable for recreation purposes and the preservation, protection and restoration of wildlife. The board is empowered to authorize construction of facilities on property it has acquired, consistent with the purpose for which the property was purchased. The acquisition and construction program of the board is financed out of the Wildlife Restoration Fund for which, in 1955, the Legislature established a continuing annual appropriation of $750,000 from the State's share of parimutuel revenues derived from wagers on horseracing.

Marine Research Committee

The Marine Research Committee which was established by the Legislature in 1947, is made up of nine members, five representing commercial fish processors, at least one member representing organized sportsmen's groups and at least one representing organized labor. The membership is appointed by the Governor for two-year terms. The committee is empowered to employ personnel or contract for research in the development of commercial fisheries of the Pacific Ocean and financial support for the committee is derived from a special privilege tax on fish dealers and fish packers.

Department

The Department of Fish and Game is charged with the administration and enforcement of the Fish and Game Code. It is organized as a headquarters staff in Sacramento, five regional managers, each responsible for Fish and Game operations in his portion of the State, and the marine resources operations located at Terminal Island in Los Angeles County. General policies for the conduct of the department are formulated by the Fish and Game Commission and the director is responsible to the commission for administration of the department in accordance with such policies. The Director of the Department is the appointing power of all employees within the department and they are responsible to him for the proper carrying out of the duties and responsibilities of their respective positions.

Support of the Department of Fish and Game comes from the Fish and Game Preservation Fund, which derives its revenue from the sale of hunting and fishing licenses, court fines and commercial fishing taxes. Generally speaking, one-half of the fines and forfeitures collected as a result of violations of the Fish and Game Code are deposited in the Fish and Game Preservation Fund and the other one-half goes to the county in which the offense was committed. The moneys going to the county must be deposited in the County Fish and Game Propagation Fund and expended for the propagation and conservation of fish or game within the county under the direction of the board of supervisors.

There are also grants of federal funds for fisheries projects under the so-called Dingell-Johnson Act and for wildlife projects under the so-called Pittman-Robinson Act, allocated to the states from taxes on sporting articles, in ratio to the number of licensed hunters and fishermen and the area involved.

Legislative Interim Committees on Fish and Game

The Assembly Interim Committee on Fish and Game, which is established for a two-year period by resolution of the Assembly each general session, and the Senate Factfinding Committee on Natural Resources are empowered to investigate fish and game problems, hold hearings so that interested citizens may publicly express their views, make recommendations and introduce bills pertaining to fish and game for consideration by the Legislature as a whole.

These committees have no administrative powers, no power to establish regulations and no authority to require any state agency to perform any service or function. More specifically, they cannot direct the Fish and Game Commission to establish any regulations or set any season dates. Nor can they require the State Department of Fish and Game to perform any service other than to furnish the committees with data or information required in their deliberations.

CHAPTER 2176

An act to repeal Part 2 (commencing with Section 18000) of, and to add Part 2 (commencing with Section 18000) to, Division 13 of the Health and Safety Code, relating to mobilehomes and mobilehome parks.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code is repealed.

SEC. 2. Part 2 (commencing with Section 18000) is added to Division 13 of said code, to read:

PART 2. MOBILEHOMES AND MOBILEHOME PARKS

CHAPTER 1. DEFINITIONS AND SCOPE

Construction

18000. The provisions of this part insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.

"Mobilehome"

18001. "Mobilehome," as used in this part, means a vehicle, other than a motor vehicle, used as semipermanent housing, designed for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle and shall include a trailer coach.

Dependent mobilehome

18001.2. (a) A dependent mobilehome or travel trailer is one not equipped with a toilet for sewage disposal.

Independent mobilehome

(b) An independent mobilehome or travel trailer is one equipped with a toilet for sewage disposal.

"Camp car"

18002. "Camp car," as used in this part, is a vehicle with or without motive power, which is designed for human habitation and which contains plumbing, heating, or electrical equipment, and is subject to the provisions of this part applicable to a mobilehome.

"Mobilehome park"

18003. "Mobilehome park," as used in this part, means any area or tract of land where one or more mobilehome lots are rented or held out for rent, and shall include a trailer park.

"Travel trailer park"

18004. "Travel trailer park," as used in this part, means any area or tract of land or a separate designated section within a mobilehome park where lots are rented or held out for rent to one or more owners or users of trailer coaches used for travel or recreational purposes.

"Recreational trailer park"

18004.1. "Recreational trailer park," as used in this part, means any area or tract of land, within a designated recreational area, where one or more travel trailer, camp car or tent camping lots are rented or held out for rent, and which is occupied for not more than six months in any calendar year.

18004.2. "Temporary trailer park," as used in this part, means any area or tract of land where space is rented or held out for rent to one or more travel trailers or camp cars, and which is established for one operation not to exceed 11 days, and is then removed. "Temporary trailer park"

18005. "Lot," as used in this part, means any area or tract of land or portion of a mobilehome park, travel trailer park, recreational trailer park, temporary trailer park, or tent camp designated or used for the occupancy of one mobilehome, travel trailer, or camping party, and shall include a site "Lot"

18005.5. "Division of Housing" or "division" means the Division of Housing of the Department of Industrial Relations. "Division"

18005.7. "Enforcement agency" means the Division of Housing or any city, county, or city and county which has assumed responsibility for the enforcement of this part pursuant to Section 18010. "Enforcement agency"

18006. "Approved" when used in connection with any material, appliance or construction, means meeting the requirements and approval of the Division of Housing of the Department of Industrial Relations of the State of California. "Approved"

18007. "Building," as used in this part, means any permanent structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. "Building"

18008. "Liquefied petroleum gas" means petroleum hydrocarbons or mixtures thereof, in liquid or gaseous state, having a vapor pressure in excess of 26 psi at a temperature of 100 degrees F. Whenever the symbol "LPG" is used it shall mean liquefied petroleum gas. "Liquefied petroleum gas"

18009. In a mobilehome park, "nuisance" includes any of the following: "Nuisance"

(a) Any public nuisance known at common law or in equity jurisprudence.

(b) Whatever is dangerous to human life or is detrimental to health.

(c) The overcrowding of any room with occupants.

(d) Insufficient ventilation or illumination of any room.

(e) Inadequate or insanitary sewage or plumbing facilities.

(f) Whatever renders air, food, or drink unwholesome, or detrimental to the health of human beings.

Chapter 2. Application and Scope

18010. The provisions of this part apply to all parts of the State and supersede any ordinance enacted by any city, county, or city and county applicable to the provisions of this part. The Division of Housing may promulgate rules and regulations to interpret and make specific the provisions of this part and when adopted such rules and regulations shall apply to all parts of the State. Upon written notice to the Division of Housing, any city, county, or city and county may assume the responsibility for the enforcement of this part. Supersession of city or county ordinances

In the event of nonenforcement of this part or the rules and regulations promulgated pursuant thereto, the provisions

of this part and the rules and regulations promulgated thereunder shall be enforced by the division in any such city, county, or city and county after the division has given written notice to the governing body of such city, county, or city and county of a violation of this part or the rules or regulations promulgated thereunder and the city, county, or city and county has failed to initiate proceedings to secure correction of the violation within 30 days of the date of such notice.

The provisions of this part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of their police power, from prohibiting mobilehomes or mobilehome parks, travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps within all or certain zones within such city, county, or city and county, or from adopting rules and regulations by ordinance or resolution prescribing standards of lot, yard, or park area, landscaping, walls or enclosures, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps.

Scope of application

18011. The provisions of this part applicable to a mobilehome and mobilehome park shall apply equally to camp cars, travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, and tent camps except where specifically exempted. The Division of Housing shall specify by rule and regulation reasonable requirements for travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, and tent camps which shall allow reasonable variations from the requirements of this part for mobilehomes and mobilehome parks in the following respects, if the division determines such variations will not endanger public health, welfare, or safety and such variations do not conflict with a valid local regulation adopted pursuant to this part:

(a) Size of yards and lots.
(b) Distance separating trailers.
(c) Construction and width of driveways.
(d) Sanitary facilities.
(e) Electrical installations.
(f) Water supply.
(g) Submission of plans and issuance of permits.
(h) Occupancy of trailer lots.

Exclusion of public areas

18012. This part does not apply to any supervised public park, public campground, or picnic ground owned, operated, or maintained by any of the following:

(a) The federal government.
(b) The State.
(c) Any agency or political subdivision of the State.

Exclusion of certain establishments

18013. (a) This part does not apply to any hotel which is subject to the provisions of Part 1 of this division. A "motel" as defined in Section 18502 of this code shall not be considered subject to Part 1.

(b) This part does not apply to any apartment house which is over one story in height and which is subject to the provisions of Part 1 of this division.

(c) This part does not apply to any charitable or recreational organization, incorporated under the laws of the State of California as a nonprofit corporation, which owns acreage in fee or leases acreage in a zoned recreation area or which has sites in a state or federal forest, and the use thereof is limited to the members of such organization, and where such organization complies with rules and regulations for recreational trailer parks established by the Division of Housing for such installations to protect the health and safety of the occupants and the general public. Such rules and regulations shall be adopted, amended, repealed and enforced in accordance with the provisions of Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2, of the Government Code and shall include a schedule of fees to pay the cost of administration and enforcement of this section

(d) Any charitable or recreational organization intending to operate under this section shall file a notice of intention with the Division of Housing, on forms provided by the division, submitting pertinent data therewith.

CHAPTER 3. ENFORCEMENT, ACTIONS AND PROCEEDINGS

Enforcement agency. Powers

18100. The California Highway Patrol shall enforce the provisions of Section 18255. The enforcement agency shall enforce every other provision of this part, except as provided in Section 18010.

The officers or agents of the enforcement agency may:

(a) Enter public or private property to determine whether there exists any mobilehome park to which this part applies.

(b) Enter and inspect all mobilehome parks, wherever situated, and inspect all accommodations, equipment or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of the provisions of this part

Annual inspection

18101. The enforcement agency shall inspect each mobilehome park at least once annually to determine compliance with this part.

Abatement of nuisance

18102. The owner or operator of a mobilehome park shall abate any nuisance in the mobilehome park within five days, or within such longer period of time as may be allowed by the enforcement agency, after he has been given written notice to remove the nuisance. If he fails to do so within that time, the district attorney of the county in which the mobilehome park, or the greater portion of the mobilehome park, is situated shall bring a civil action to abate the nuisance in the superior court of the county in the name of the people of the State of California.

Same: Proof

18103. In any action or proceeding to abate a nuisance in a mobilehome park, proof of the following facts is sufficient

for a judgment or order for the abatement of the operation of the mobilehome park:

(a) Previous conviction of the owner or operator of a violation of this part which constitutes a nuisance.

(b) Failure on the part of the owner or operator to correct the violation after the conviction

(c) The violation is the basis for the proceeding.

18104. For the purpose of securing the enforcement of this part the officers or agents of the enforcement agency shall have the authority to secure enforcement of this part.

18105. The owner or operator of a mobilehome park shall not be responsible for the plumbing, electrical or heating installations in a mobilehome as specified in the requirements of Section 18371.

CHAPTER 4. PERMITS AND FEES

Acts unlawful without permit

18200. It is unlawful for any person to do any of the following unless he has a valid permit issued by the enforcement agency:

(a) Construct a mobilehome park.

(b) Construct additional buildings or lots, alter buildings, lots or other installations, in an existing mobilehome park.

(c) Operate, occupy, rent, lease, sublease, let out or hire out for occupancy any lot in a mobilehome park that has been constructed, reconstructed or altered without having obtained a permit as required herein.

(d) Operate a mobilehome park or any portion thereof.

Application-Requirements

18201. Applications for a permit to construct or reconstruct shall be accompanied by:

(a) A description of the grounds.

(b) Plans and specifications of the proposed construction.

(c) A description of the water supply, ground drainage and method of sewage disposal.

(d) Appropriate fees.

(e) Evidence of compliance with all valid local planning, health, utility and fire requirements.

18202. Fees as applicable shall be submitted for permits:

Fees

(a) Plan checking fees equal to one-half of the construction, mechanical and electrical permits, provided, however, the minimum fee shall be five dollars ($5).

(b) Operating permit fee of twenty dollars ($20) for the first 35 lots and fifty cents ($0.50) for each additional lot in excess of the first 35 lots.

(c) Change in name, transfer of ownership, or possession fee ten dollars ($10).

(d) Duplicate permit fee ten dollars ($10).

Schedule of fees

18203. The Division of Housing by administrative rule and regulation shall establish a schedule of fees relating to construction permits for construction, mechanical and electrical installations. The fees shall apply to and be paid to the enforcement agency Fees established for construction, mechanical and electrical installations shall be reasonably consistent

with the current edition of the Uniform Building Code as published by the International Conference of Building Officials, the Uniform Plumbing Code as published by the Western Plumbing Officials Association and the Uniform Electrical Code as published by the Pacific Coast Electrical Bureau.

Penalty

18203.5. Any person violating the provisions of this chapter shall pay double the fees prescribed in this chapter.

Inspection

18204. Within ten (10) days after the application and fees are received, a representative of the enforcement agency shall inspect the grounds upon which the applicant proposes to do the work for which he seeks a permit. The enforcement agency shall issue a written permit to the applicant if:

(a) The grounds are satisfactory for the work proposed.

(b) The descriptions and plans and specifications filed indicate that the work proposed will meet the requirements of this part.

Issuance of permit

18205. A permit to operate shall be issued by the enforcement agency following notice by the owner or operator of completion of construction and receipt of application and appropriate fees, if upon inspection the construction is found to be in compliance with the provisions of this part.

Annual issuance

18206. Permits to operate shall be issued annually and shall remain in effect no longer than one year. No mobilehome park in existence on the effective date of this part shall be denied a permit to operate if such mobilehome park complied with the law which this part supersedes.

Change of ownership or possession

18207. The division and enforcement agency shall be notified by the new owner or operator of any mobilehome park of any change in the name or the ownership or possession thereof. The notice shall be in written form and shall be furnished within 30 days from and after any such change in name or transfer of ownership or possession. The notice shall be accompanied by the appropriate fees to the enforcement agency.

Posting of permits

18208. Permits for construction and operation shall be posted in a conspicuous place.

Automatic expiration date

18209. All permits as required in this chapter for construction or reconstruction shall automatically expire within six months from the date of the issuance thereof in those cases where the construction or reconstruction has not been completed within said period; provided, however, that the enforcement agency may extend expiration date of said permit for a reasonable time.

Violations Suspension of permit

18210. In the event that any person holding an annual permit issued by the enforcement agency under this chapter violates any of the provisions of the permit or of the chapter, the permit may be subject to suspension as provided in this chapter. This section shall not be construed to authorize the suspension of a permit of any mobilehome park existing on the effective date of this part for any violation of this chapter which was not a violation of the law which this part supersedes.

Notice of violation

18211. The enforcement agency shall issue and serve upon the permittee a notice setting forth in what respect the provisions of the permit or this code have been violated, and shall notify him that unless these provisions have been complied with within 30 days after the date of notice, the permit shall be subject to suspension.

Service

18212. The notice shall be served by posting at least one copy in a conspicuous place on the premises described in the said permit, and by sending another copy by registered mail, postage prepaid, return receipt requested, to the person to whom the permit was issued at the address therein given.

Suspension

18213. If the requirements of the said notice have not been complied with on or before the expiration of 30 days after the mailing and posting of the notice, the enforcement agency may suspend the permit.

Reinstatement

18214. Upon compliance by the permittee with the provisions of this code and of the notice, and submission of proof thereof to the enforcement agency, the enforcement agency shall reinstate the permit.

CHAPTER 5. REGULATIONS

Article 1. General Provisions

Unlawful acts

18250. It shall be unlawful for any person in a mobilehome or mobilehome park to use or cause, or permit to be used for occupancy:

(a) Any mobilehome from which any tire or wheel has been removed therefrom except for the purpose of making temporary repairs or placing it in dead storage.

(b) Any mobilehome supplied with fuel gas unless such service connections used and installations conform to rules and regulations of the Division of Housing.

(c) Any mobilehome which is permanently attached with underpinning or foundation to the ground.

(d) Any mobilehome which does not conform to the requirements of the Vehicle Code. A mobilehome which may be moved under special permit as provided for in the Vehicle Code shall be deemed to conform to the requirements of such code within the meaning of this section.

(e) Any mobilehome in an insanitary condition

(f) Any mobilehome which is structurally unsound and does not protect its habitants against the elements.

(g) Any mobilehome to which there is attached or established less than six feet adjacent thereto any awning, portable, demountable, or permanent ramada, cabana, building or windbreak unless constructed in conformity with the rules and regulations of the Division of Housing as set forth in rules and regulations of the division for such use, and the division is hereby empowered to draft and enforce such rules and regulations. Such rules and regulations shall provide for the construction of awnings, ramadas, cabanas, buildings and windbreaks in a substantial and workmanlike manner and in

accordance with recognized standards for such types of structures within mobilehome parks which are consistent with the health and safety of the occupants therein and reasonably consistent with the construction standards contained in this part. The provisions of Section 18276 of this code shall not apply to any awning, ramada, cabana, building or windbreak regulated by this subdivision.

Register

18251. Every person who owns or operates a mobilehome park shall keep a register in which shall be entered:

(a) The name and address of each guest who is the owner of a mobilehome or the operator of a motor vehicle, and the name and address of each member of his party, for each occupied lot.

(b) The make, type and license number of the mobilehome and motor vehicle, if any, and the state in which such vehicle or vehicles is or are registered and the year of registration.

Animals

18252. Dogs and other animals shall not be permitted to run at large in any mobilehome park.

Rental

18253. It shall be unlawful for any person to rent or hold out for rent any mobilehome in a mobilehome park which is owned by or in the possession or control of the owner or operator of the mobilehome park or his agent. The rental paid for any such mobilehome shall also be deemed to be rental for the space it occupies.

Unlawful use of land

18254. It is unlawful for any person to use for human habitation any mobilehome upon any area or tract of land in an incorporated area for a period of more than seven days, or in an unincorporated area for more than 30 days, during any three-month period of time without the written permission of the owner or person legally in charge of the land, and unless:

(a) He obtains a permit from the agency which has authority to enforce the provisions of this part where the area or tract of land is located.

(b) He maintains a current license from the Department of of Motor Vehicles for the mobilehome.

(c) He complies with all valid local planning, health, and safety requirements.

(d) The mobilehome contains, or there is provided, such minimum requirements for health and safety as the Division of Housing by regulation determines are reasonably necessary to carry out the purpose of this part.

Parking upon public highway

18255. It is unlawful to park a mobilehome upon any public highway, including the right-of-way, during the hours one-half hour after sunset to one-half hour before sunrise. The provisions of this part shall not apply where a mobilehome is parked for purpose of making emergency repairs.

Illumination

18256. In every mobilehome park there shall be installed and kept burning from sunset to sunrise sufficient artificial light to adequately illuminate every building containing public toilets and public showers, and the area or tract of land containing the mobilehome park.

Article 2. Mobilehome Lots

Occupied area of mobilehome

18276. The occupied area of a mobilehome lot shall not exceed 75 percent of the lot area and no mobilehome shall be located closer than 10 feet from any other mobilehome or building except as provided in Section 18277; provided, however, that this does not apply to a compartment containing solely a private toilet or bath, or both, constructed for the exclusive use of the occupants of a mobilehome lot.

Minimum separation requirements

18277. The minimum distance required for the separation of mobilehomes or buildings shall be: 10 feet from side to side, eight feet from side to rear, and six feet from rear to rear; provided, however, that each mobilehome and each building shall not be located closer than three feet from the rear or side of property or lot line

Driveway access

18278. Each mobilehome lot shall have access upon a driveway of not less than 25 feet in clear width. All driveways shall have clear and unobstructed access to a public thoroughfare.

Restriction

18279. A mobilehome park shall not accommodate any mobilehomes for which there are no lots conforming to the provisions of this article.

Article 3. Building Construction

Rules and regulations

18300. The Division of Housing shall promulgate such rules and regulations, in addition to the rules and regulations adopted pursuant to Section 18250, regarding the construction of buildings in mobilehome parks as the division shall determine are reasonably necessary for the protection of life and property and to carry out the purposes of this part The rules and regulations shall be applicable to the construction of all permanent buildings in a mobilehome park, except in a mobilehome park in a city, county, or city and county which has adopted and is enforcing a building code imposing restrictions equal to or greater than the restrictions imposed by such rules and regulations.

Article 4. Plumbing

Rules and regulations

18325. The Division of Housing shall promulgate such rules and regulations regarding plumbing in mobilehome parks as the division determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to all plumbing in mobilehome parks, except in structures within a mobilehome park in a city, county, or city and county, which has adopted and is enforcing the Uniform Plumbing Code, as published by the Western Plumbing Officials Association, 1958 edition.

Article 5. Toilet Facilities

Public toilets, showers, and lavatories

18350. Public toilets, showers and lavatories shall be provided as follows:

(a) In mobilehome parks constructed and operated exclusively for dependent mobilehomes: one toilet, one shower, and

one lavatory for each sex for each 10 dependent mobilehome lots.

(b) In mobilehome parks constructed and operated for dependent and independent mobilehomes, the following ratio of toilets, showers, and lavatories for each sex:

Lots	Toilets	Showers	Lavatories
1–25	1	1	1
26–70	2	2	2

One additional toilet shall be provided for each sex for each 100 additional lots or fractional part thereof in excess of 70 lots.

(c) All toilet facilities for dependent mobilehomes shall not be farther than 400 feet from any dependent mobilehome lot.

(d) Each toilet shall be for the exclusive use of the occupants of the mobilehome lots in the mobilehome park.

Parks with 10 lots or less

18351. In mobilehome parks constructed and operated exclusively for independent mobilehomes which do not have more than 10 lots, one toilet shall be provided. In such mobilehome parks which have more than 10 lots, one toilet, one shower, and one lavatory shall be provided for each sex for each 100 lots or fractional part thereof.

Toilet compartment size

18352. Every toilet compartment in any building shall be at least 30 inches in clear width.

Markings

18353. Toilet facilities for men shall be distinctly marked "Men" and toilet facilities for women shall be distinctly marked "Women."

Maintenance of floor

18354. The floor of every toilet facility shall be constructed and shall be maintained in a waterproof condition by the use of cement, concrete, or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the toilet facility compartment, to a height of not less than 12 inches above the floor.

Plumbing

18355. It is unlawful for any person to use, or permit the use of, any toilet in any mobilehome located within a mobilehome park unless the plumbing in such mobilehome park meets the requirements of the Division of Housing as set forth in the rules and regulations of the division for such use, and the division is hereby empowered to draft and enforce such rules and regulations as it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part.

Shower baths

18356. Shower baths or other bathing facilities with hot and cold running water shall be installed in separate compartments. Every compartment shall be provided with a self-closing door or otherwise equipped with a waterproof draw curtain.

Floor of shower baths

18357. The floor of every shower bath compartment shall be constructed and shall be maintained in a waterproof condition by the use of cement, concrete, or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the compartment to a height of not less than six feet above the floor.

Toilet compartments

18358. Every toilet compartment or compartments containing bathing facilities shall be:

(a) Kept clean.

(b) Kept free from obnoxious odors, flies, mosquitoes, or other insects.

(c) Provided with one or more windows having an aggregate area of not less than six square feet. However, if the room contains more than one toilet, bath, or urinal, the total window area shall be equivalent to three square feet for each toilet, bath, or urinal, but need not exceed one-fourth of the superficial floor area of the room.

(d) Windows shall be screened with not less than 16-mesh metal screen or equivalent. One-half the window area shall be openable.

(e) In lieu of windows for bath and toilet compartments, an approved exhaust fan system of ventilation may be used

Laundry compartments

18359. There shall be constructed in every mobilehome park a laundry compartment with not less than two laundry trays.

Floors

18360. The floors and at least 12 inches upward on the walls shall be constructed of approved waterproof masonry composition.

Window area

18361. Each laundry room shall have window area equal to at least one-eighth of the floor area, one-half of which shall be openable, and in no case shall the total window area be less than nine square feet.

Hot and cold water

18362. The laundry trays shall be supplied with hot and cold water.

18363. There shall be set aside a space convenient to the laundry facilities for the occupants of the mobilehome lots to dry clothes.

Lavatory

18364. There shall be not less than one lavatory for each sex installed in every building in a mobilehome park containing public toilets.

Potable water supply

18365. There shall be an adequate supply of potable water for all the requirements of the park. The water shall be obtainable from faucets installed within 100 feet of each part of the park.

18366. No dipping vessels or cups for common use are permissible.

Article 6. Electrical

Rules and regulations

18370. The Division of Housing shall promulgate such rules and regulations regarding electrical wiring, fixtures, and equipment installed in mobilehome parks as the division determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to all electrical wiring, fixtures, and equipment installed in a mobilehome park, except in permanent structures within a mobilehome park in a city, county, or city and county which has adopted and is enforcing the National Electrical Code, as published by the National Fire Protection Association, 1959 edition.

Article 7. Mobilehomes

Plumbing, heating, and electrical equipment requirements

18371. It is unlawful for any person to sell, or offer for sale, within this State, any mobilehome manufactured after September 1, 1958, containing plumbing, heating or electrical equipment unless such equipment meets the requirements of the Division of Housing for such installations. Such rules and regulations shall be reasonably consistent with recognized and accepted principles for plumbing, heating and electrical installations, respectively, in order to protect the health and safety of the people of this State from dangers inherent in the use of substandard and unsafe plumbing, heating and electrical equipment. The division by rule and regulation may establish a schedule of fees to pay the costs of work related to work and enforcement of this chapter. The fees collected shall be deposited to the credit of any appropriation for support of the division current at the time of collection.

If the Division of Housing determines that the standards for the plumbing, heating and electrical equipment installed in mobilehomes which have been prescribed by the statutes or rules and regulations of other states are at least equal to the standards prescribed by the division, it may so provide by regulation. Any mobilehome which a state listed in such regulations has approved as meeting its standards for plumbing, heating and electrical equipment installed in mobilehomes shall be deemed to meet the standards of the Division of Housing, if the division determines that the standards of such other state are actually being enforced.

The Division of Housing may adopt, amend, repeal, and enforce, in accordance with the provisions of Chapter 4 (commencing at Section 11370), Part 1, Division 3, Title 2 of the Government Code, such rules and regulations as are reasonably necessary to effectuate the purposes of this section.

All mobilehomes manufactured after September 1, 1958, which are sold or offered for sale within this State, shall bear an insignia of approval by the Division of Housing for plumbing, heating and electrical equipment therein.

The Division of Housing may issue insignia for mobilehomes manufactured prior to September 1, 1958, which meet the standards established by the Division of Housing as provided in this section.

Local ordinances

18372. Any mobilehome which meets the standards prescribed by the Division of Housing, Department of Industrial Relations, pursuant to Section 18371, shall not be required to comply with any local ordinances prescribing requirements for plumbing, heating and electrical equipment installed in mobilehomes.

Article 8. Maintenance and Sanitation

Waste containers

18375. Waste containers approved by the enforcement agency shall be provided in every mobilehome park, and all garbage, waste and rubbish shall be removed from the premises and disposed of without creating a nuisance.

Disposal of garbage or refuse

18376. Any person who uses, occupies, operates or maintains any mobilehome shall dispose of any garbage, rubbish or refuse by burning or burying it at a distance more than 50 feet from any public highway or road and more than 200 feet from any spring, well, stream, lake, reservoir or other source of water supply, or other manner required by the enforcement agency.

Waste water or material

18377. It shall be unlawful to permit any waste water or material from sinks or other plumbing fixtures in a mobilehome to be deposited upon the surface of the ground, and all such fixtures, when in use, must be connected to a sewer system or covered cesspool or septic tank.

Cleanliness requirements

18378. The area or tract of land upon which a mobilehome park is maintained shall be:

(a) Well-drained and graded.

(b) Kept free from dust.

(c) Kept clean and free from the accumulation of refuse, garbage, rubbish or debris.

18379. The space directly beneath each mobilehome shall be kept clean and free from refuse, rubbish or other impedimenta

CHAPTER 6. LIQUEFIED PETROLEUM GASES

Rules and regulations

18425. The Division of Housing shall promulgate such rules and regulations regarding liquefied petroleum gas equipment and installations in mobilehome parks as the division determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to all liquefied petroleum gas equipment and installations in a mobilehome park, except in permanent structures within a mobilehome park in a city, county, or city and county which has adopted and is enforcing the Uniform Plumbing Code, as published by the Western Plumbing Officials Association, 1958 edition.

CHAPTER 7. PENALTIES

Misdemeanor

18475. Any person who violates any of the provisions of this part is guilty of a misdemeanor, punishable by a fine not exceeding two hundred dollars ($200) or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

CHAPTER 2177

An act to add Section 206.6 to the Civil Code, relating to proceedings to free an adult child from the duty to support his parents.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 206.6 is added to the Civil Code, to read:

206.6. In any proceeding commenced pursuant to Section 206.5 of this code, the court shall not have jurisdiction to render a judgment until 30 days after the county counsel, or the district attorney in any county not having a county counsel of the county in which the parent resides, if he is a resident of the State, shall have been served with notice of the pendency of the proceeding.

CHAPTER 2178

An act to amend Section 1157.3 of the Government Code, relating to deductions from wages of public employees.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1157.3 of the Government Code is amended to read:

1157.3. Employees, including retired employees, of a public agency on approval of the governing body of such public agency in addition to any other purposes authorized in this article may also authorize deductions to be made from their salaries, wages, or retirement allowances for the payment of dues in any bona fide organization whose membership is comprised, in whole or in part, of employees of such agency and employees of such organization and which has as one of its objectives improvements in the terms or conditions of employment for the advancement of the welfare of such employees, such deductions to be made in accordance with the provisions made by the governing body of the public agency.

CHAPTER 2179

An act to amend the title of Chapter 26 (commencing with Section 5820), Part 3, Division 7 of, and to amend Section 5820 of, the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. The title of Chapter 26 (commencing with Section 5820), Part 3, Division 7 of the Streets and Highways Code is amended to read:

CHAPTER 26. MAINTENANCE DISTRICTS

SEC. 2. Section 5820 of the Streets and Highways Code is amended to read:

5820. As used in this chapter, "maintenance district" means an assessment district which a county board of supervisors or the legislative body of a city has created pursuant to the provisions of this chapter.

The provisions of this chapter except Sections 5850 to 5853, inclusive, shall be applicable to the creation of maintenance districts by, and maintenance districts created by, the legislative body of a city. For such purpose, the references in the provisions of this chapter to a county or a county officer shall be deemed to refer, respectively, to a city or a city officer performing the same duties.

CHAPTER 2180

An act to amend Section 1 of Chapter 347 of the Statutes of 1913, relating to a conveyance of tide and submerged lands to the City of Berkeley.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 347 of the Statutes of 1913 is amended to read:

Section 1. There is hereby granted to the City of Berkeley, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said State by virtue of its sovereignty in and to all salt marsh, tide and submerged lands, whether filled or unfilled, which are included within the present boundaries of the City of Berkeley, to be forever held by said city and by its successors in trust for the use and purposes, and upon the express conditions following, to wit:

(a) That said lands shall be used by said city and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(3) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this Section 1.

(4) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(5) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snack bars, cafes, restaurants, motels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(b) Said city, or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods, not exceeding 50 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 50 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937 or said city's charter, and any such franchise shall be effective with respect to said lands.

(c) Said lands shall be improved without expense to the State; provided, however, that nothing contained in this act shall preclude expenditures for the development of said lands

for any public purpose not inconsistent with commerce, navigation and fishery, by the State, or any board, agency or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the State or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on said lands with the right of convenient access to said water over said lands for said purpose.

(g) There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(h) Said lands are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Alameda County.

(j) If the lands, or any part thereof, granted to the city by this act are not used for the additional purposes authorized by the amendment of this section made at the 1961 Regular Session of the Legislature within 10 years from the effective date of said amendment, or if such use is discontinued thereafter, the authorization to use said lands for such additional purposes shall automatically terminate and lapse.

CHAPTER 2181

An act to amend Section 1463 of the Penal Code, relating to disposition of fines and forfeitures.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1463 of the Penal Code is amended to read:

1463. Except as otherwise specifically provided by law:

(1) All fines and forfeitures including Vehicle Code fines and forfeitures collected upon conviction or upon the forfeiture of bail, together with moneys deposited as bail, in any municipal court or justice court, shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated. The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the proper funds of the county an amount equal to the fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by the State or by the county in which such court is situated, exclusive of fines or forfeitures or forfeitures of bail collected from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within the limits of a city within the county.

(b) Once a month there shall be transferred into the traffic safety fund of each city in the county an amount equal to 50 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within that city, and an amount equal to the remaining 50 percent shall be transferred to the special road fund of the county.

(c) Once a month there shall be transferred into the general fund of the county an amount equal to that percentage of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by each city in the county which is set forth in the following schedule:

County and City	Percentage
Alameda	
Alameda	18
Albany	29
Berkeley	19
Emeryville	13
Hayward	10
Livermore	7
Oakland	22
Piedmont	44
Pleasanton	17
San Leandro	9
County percentage	21

County and City	Percentage
Amador	
Amador	75
Ione	29
Jackson	22
Plymouth	75
Sutter Creek	75
County percentage	29
Butte	
Biggs	75
Chico	22
Gridley	49
Oroville	9
County percentage	20
Calaveras	
Angels	62
County percentage	62
Colusa	
Colusa	13
Williams	17
County percentage	16
Contra Costa	
Antioch	11
Brentwood	24
Concord	18
El Cerrito	19
Hercules	14
Martinez	22
Pinole	22
Pittsburg	5
Richmond	14
San Pablo	12
Walnut Creek	24
County percentage	14
Del Norte	
Crescent City	19
County percentage	19
El Dorado	
Placerville	14
County percentage	14
Fresno	
Clovis	23
Coalinga	21
Firebaugh	16
Fowler	34
Fresno	26
Huron	24
Kerman	14
Kingsburg	34
Mendota	11
Orange Cove	24
Parlier	21

County and City	Percentage
Fresno—Continued	
Reedley	30
Sanger	29
San Joaquin	15
Selma	14
County percentage	24
Glenn	
Orland	27
Willows	36
County percentage	32
Humboldt	
Arcata	9
Blue Lake	26
Eureka	11
Ferndale	30
Fortuna	17
Trinidad	11
County percentage	11
Imperial	
Brawley	8
Calexico	10
Calipatria	30
El Centro	5
Holtville	16
Imperial	6
Westmorland	12
County percentage	8
Inyo	
Bishop	25
County percentage	25
Kern	
Bakersfield	10
Delano	13
Maricopa	36
Shafter	15
Taft	19
Tehachapi	12
Wasco	28
County percentage	12
Kings	
Corcoran	31
Hanford	21
Lemoore	25
County percentage	25
Lake	
Lakeport	33
County percentage	33
Lassen	
Susanville	21
County percentage	21

County and City	Percentage
Los Angeles	
Alhambra	13
Arcadia	11
Avalon	54
Azusa	11
Bell	11
Beverly Hills	14
Burbank	14
Claremont	5
Compton	16
Covina	11
Culver City	10
El Monte	11
El Segundo	11
Gardena	22
Glendale	16
Glendora	12
Hawthorne	7
Hermosa Beach	14
Huntington Park	12
Inglewood	16
La Verne	14
Long Beach	14
Los Angeles	8
Lynwood	9
Manhattan Beach	13
Maywood	15
Monrovia	11
Montebello	11
Monterey Park	21
Palos Verdes Estates	10
Pasadena	9
Pomona	12
Redondo Beach	15
San Fernando	17
San Gabriel	16
San Marino	5
Santa Monica	11
Sierra Madre	11
Signal Hill	24
South Gate	13
South Pasadena	9
Torrance	16
Vernon	25
West Covina	11
Whittier	11
County percentage	11
Madera	
Chowchilla	17
Madera	16
County percentage	17
Marin	
Belvedere	16
Corte Madera	12
Fairfax	30
Larkspur	30
Mill Valley	13
Ross	18
San Anselmo	11
San Rafael	13
Sausalito	21
County percentage	16
Mendocino	
Fort Bragg	19
Point Arena	40
Ukiah	10
Willits	24
County percentage	17
Merced	
Atwater	23
Dos Palos	21
Gustine	23
Livingston	14
Los Banos	13
Merced	18
County percentage	18
Modoc	
Alturas	42
County percentage	42
Monterey	
Carmel	17
Gonzales	10
Greenfield	13
King City	36
Monterey	13
Pacific Grove	22
Salinas	36
Soledad	16
County percentage	23
Napa	
Calistoga	37
Napa	11
St. Helena	12
County percentage	14
Nevada	
Grass Valley	7
Nevada City	17
County percentage	9
Orange	
County percentage	15
Placer	
Auburn	18

County and City	Percentage
Placer—Continued	
Colfax	8
Lincoln	26
Rocklin	16
Roseville	10
County percentage	14
Plumas	
Portola	19
County percentage	19
Riverside	
Banning	35
Beaumont	15
Blythe	9
Coachella	12
Corona	12
Elsinore	10
Hemet	35
Indio	16
Palm Springs	35
Perris	14
Riverside	16
San Jacinto	41
County percentage	17
Sacramento	
Folsom	31
Galt	25
Isleton	13
North Sacramento	10
Sacramento	21
County percentage	26
San Benito	
Hollister	9
San Juan Bautista	28
County percentage	11
San Bernardino	
Barstow	23
Chino	14
Colton	21
Fontana	15
Needles	33
Ontario	20
Redlands	28
Rialto	15
San Bernardino	20
Upland	14
County percentage	20
San Diego	
Carlsbad	8
Chula Vista	23
Coronado	25
El Cajon	17
Escondido	16
La Mesa	23
National City	14
Oceanside	15
San Diego	6
County percentage	8
San Joaquin	
Lodi	18
Manteca	8
Ripon	11
Stockton	14
Tracy	15
County percentage	14
San Luis Obispo	
Arroyo Grande	9
Paso Robles	26
Pismo Beach	8
San Luis Obispo	21
County percentage	16
San Mateo	
Atherton	27
Belmont	7
Burlingame	38
Colma	40
Daly City	24
Hillsborough	75
Menlo Park	12
Millbrae	16
Redwood City	27
San Bruno	13
San Carlos	8
San Mateo	42
South San Francisco	12
County percentage	21
Santa Barbara	
Guadalupe	28
Lompoc	16
Santa Barbara	11
Santa Maria	12
County percentage	13
Santa Clara	
Alviso	75
Campbell	16
Gilroy	28
Los Altos	16
Los Gatos	30
Morgan Hill	11
Mountain View	13
Palo Alto	21
San Jose	13

County and City	Percentage
Santa Clara—Continued	
Santa Clara	16
Sunnyvale	26
County percentage	16
Santa Cruz	
Capitola	21
Santa Cruz	23
Watsonville	21
County percentage	22
Shasta	
Redding	22
County percentage	22
Sierra	
Loyalton	75
County percentage	75
Siskiyou	
Dorris	18
Dunsmuir	29
Etna	18
Fort Jones	46
Montague	75
Mount Shasta	37
Tulelake	33
Yreka	30
County percentage	29
Solano	
Benicia	17
Dixon	28
Fairfield	31
Rio Vista	19
Suisun	7
Vacaville	15
Vallejo	18
County percentage	19
Sonoma	
Cloverdale	37
Healdsburg	33
Petaluma	24
Santa Rosa	14
Sebastopol	28
Sonoma	28
County percentage	19
Stanislaus	
Ceres	14
Modesto	15
Newman	10
Oakdale	15
Patterson	20
Riverbank	18
Turlock	19
County percentage	15
Sutter	
Live Oak	17
Yuba City	17
County percentage	17
Tehama	
Corning	26
Red Bluff	39
Tehama	10
County percentage	31
Tulare	
Dinuba	21
Exeter	23
Lindsay	24
Porterville	26
Tulare	20
Visalia	17
Woodlake	15
County percentage	21
Tuolumne	
Sonora	23
County percentage	23
Ventura	
Fillmore	16
Ojai	16
Oxnard	16
Port Hueneme	16
Santa Paula	16
Ventura	16
County percentage	16
Yolo	
Davis	22
Winters	19
Woodland	20
County percentage	20
Yuba	
Marysville	15
Wheatland	38
County percentage	15

In any county for which a county percentage is set forth in the above schedule and which contains a city which is not listed or which is hereafter created, there shall be transferred to the county general fund the county percentage. In any county for which no county percentage is set forth, and in

which a city is hereafter created, there shall be transferred to the county general fund 15 percent.

(d) Once a month there shall be transferred to each city in the county an amount equal to the total sum remaining after the transfers provided for in subparagraph (c) above have been made of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by such city.

(2) Any money deposited with such court or with the clerk thereof which, by order of the court or for any other reason, should be returned in whole or in part to any person, or which is by law payable to the State or to any other public agency, shall be paid to such person or to the State or to such other public agency by warrant of the county auditor, which shall be drawn upon the requisition of the clerk of such court.

All money deposited as bail which has not been claimed within one year after the final disposition of the case in which such money was deposited, or within one year after an order made by the court for the return or delivery of such money to any person, shall be apportioned between the city and the county and paid or transferred in the manner hereinabove provided for the apportionment and payment of fines and forfeitures. This paragraph shall control over any conflicting provisions of law.

CHAPTER 2182

An act to amend Sections 431 and 432 of the Military and Veterans Code, relating to the control of armories.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 431 of the Military and Veterans Code is amended to read:

Armories: Powers of Adjutant General

431. The Adjutant General shall have the power to, either directly or through armory boards, lease or otherwise authorize the use of, by any person for any lawful purpose, manage, supervise all activities in, perform all necessary military duties with respect to and control all armories that are built or acquired by the State, that come into possession or control of the State, or that are erected, purchased, leased, or provided or contributed to in whole or in part by any city or county, or other political subdivision of the State or public corporation or district or by anyone for armory purposes. All revenues or income from any armory shall be paid to the Adjutant General. The Adjutant General shall account for such revenues or income to the Controller at the close of each month in such form as the Controller prescribes, and on order of the Controller shall pay such revenues and income into the Treasury

to the credit of the General Fund. Post, welfare or similar unit or organizational funds may be established and deposited pursuant to rules and regulations adopted by the Adjutant General. The Adjutant General, on May first of each year, shall submit to the Department of Finance and obtain approval of a schedule of rental, license or lease fees for each state-owned or leased armory by location. This schedule, when approved by the Department of Finance, shall be used by the Adjutant General during the next succeeding fiscal year to determine the minimum rental, license, or lease fees to be charged the renter, licensee, or lessor.

SEC. 2. Section 432 of said code is amended to read:

Armory boards

432. For the control and management of the armories, the Adjutant General may cause to be established from the personnel of the organized militia armory boards, the personnel of which shall serve without pay. Such boards, subject to the direction of the Adjutant General, shall control, manage, and supervise all activities in armories and may rent to or otherwise authorize the use of such armories by persons and organizations including those not connected with the National Guard and Naval Militia. Such boards shall remit all revenues therefrom at least once each month to the Adjutant General who shall account for and deposit such revenues pursuant to Section 431.

Transfer of funds

SEC. 3. Any unencumbered balance in the Consolidated Armory Board Fund on the operative date of this section shall be transferred by the Adjutant General to the General Fund within 60 days of the operative date of this section.

Limit on expenditures

SEC. 4. Expenditures from the Consolidated Armory Board Fund during the 1961-1962 fiscal year shall not exceed a sum of fifty thousand dollars ($50,000).

Operative date

SEC. 5. Sections 1 to 3, inclusive, of this act shall become operative on July 1, 1962.

CHAPTER 2183

An act to amend Section 17773 of the Business and Professions Code, relating to trading stamp companies.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 17773 of the Business and Professions Code is amended to read:

17773. The principal sum of the bond required by this chapter shall be as follows:

If the company has not previously done business as a trading stamp company in this State, or if the company's gross income from such business in this State during its last fiscal

year was not in excess of one hundred thousand dollars ($100,000), the principal sum shall be ten thousand dollars ($10,000); for each additional one hundred thousand dollars ($100,000), or fraction thereof, of gross income from such business in this State, an additional ten thousand dollars ($10,000); but such bond shall not exceed one hundred thousand dollars ($100,000).

CHAPTER 2184

An act to amend Sections 61207 and 61208 of the Government Code, relating to community services districts.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 61207 of the Government Code is amended to read:

Compensation

61207. The board may authorize each director to receive compensation not exceeding twenty-five dollars ($25) for each meeting of the board attended by him, not exceeding two meetings in any calendar month.

SEC. 2. Section 61208 of said code is amended to read:

Expenses

61208. The board may authorize a director to receive for performing duties for the district other than attending board meetings:

(a) Not to exceed twenty-five dollars ($25) for each day, but payment is limited to five days in any calendar month.

(b) Traveling and other expenses actually incurred by him in performing such duties.

CHAPTER 2185

An act to add Section 847.5 to the Penal Code, relating to arrests.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 847.5 is added to the Penal Code, to read:

847.5. If a person has been admitted to bail in another state, escapes bail, and is present in this State, the bail bondsman or other person who is bail for such fugitive, may file with a magistrate in the county where the fugitive is present an affidavit stating the name and whereabouts of the fugitive, the offense with which the alleged fugitive was charged or of which

he was convicted, the time and place of same, and the particulars in which the fugitive has violated the terms of his bail, and may request the issuance of a warrant for arrest of the fugitive, and the issuance, after hearing, of an order authorizing the affiant to return the fugitive to the jurisdiction from which he escaped bail. The magistrate may require such additional evidence under oath as he deems necessary to decide the issue. If he concludes that there is probable cause for believing that the person alleged to be a fugitive is such, he may issue a warrant for his arrest. The magistrate shall notify the district attorney of such action and shall direct him to investigate the case and determine the facts of the matter. When the fugitive is brought before him pursuant to the warrant, the magistrate shall set a time and place for hearing, and shall advise the fugitive of his right to counsel and to produce evidence at the hearing. He may admit the fugitive to bail pending the hearing. The district attorney shall appear at the hearing. If, after hearing, the magistrate is satisfied from the evidence that the person is a fugitive he may issue an order authorizing affiant to return the fugitive to the jurisdiction from which he escaped bail.

A bondsman or other person who is bail for a fugitive admitted to bail in another state who takes the fugitive into custody, except pursuant to an order issued under this section, is guilty of a misdemeanor.

CHAPTER 2186

An act to amend Section 13011 of the Water Code, relating to the State Water Pollution Control Board.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 13011 of the Water Code is amended to read:

13011. The state board consists of nine members appointed by the Governor and the following officers of the State or their nominees:

(a) The Director of Public Health;
(b) The Director of Water Resources;
(c) The Director of Natural Resources;
(d) The Director of Agriculture;
(e) The Director of Fish and Game.

Of the nine members appointed by the Governor, at least one shall be selected from qualified persons engaged in each of the following fields:

(a) Production and supply of domestic water;
(b) Irrigated agriculture;

(c) Industrial water use;
(d) Production of industrial waste;
(e) Public sewage disposal;
(f) City government;
(g) County government.

Of the two members appointed by the Governor who are not selected from qualified persons engaged in a field specified in this section, one member shall be a person, not employed by any governmental agency, from a responsible organization associated with both recreation and wildlife, and one member shall be a person not specifically associated with any of the foregoing interests representing the public at large.

Insofar as reasonably practicable the Governor shall appoint a member from each of the nine regions defined in Section 13040.

Of the members originally appointed to the state board, three members shall be appointed for a term of two years commencing on the effective date of this act; three members shall be appointed for a term of three years commencing on the effective date of this act; and three members shall be appointed for a term of four years commencing on the effective date of this act. Thereafter, all members shall be appointed for a term of four years. Vacancies shall be immediately filled by the Governor for the unexpired portion of the terms in which they occur.

CHAPTER 2187

An act to add Section 13409 to the Government Code, relating to the Department of Finance.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15 1961

The people of the State of California do enact as follows:

SECTION 1. Section 13409 is added to the Government Code, to read:

13409. The director may make the services of the department under this article available, upon such terms and conditions as he may deem satisfactory, to any tax-supported public agency in the State, including a school district, for assisting the agency in the purchase or lease of television communications equipment.

CHAPTER 2188

An act to add Section 8617.1 and 12649.1 to, and to amend Section 12657 of, the Water Code, relating to the Sacramento River Flood Control Project.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 8617.1 is added to the Water Code, to read:

Co-operation with federal government.

8617.1. Notwithstanding any of the provisions of Chapters 1 and 3 (commencing with Sections 12570 and 12800, respectively) of Part 6 of Division 6, the board may take any action and expend any available funds for the purpose of co-operating with the United States in carrying out the project for flood protection on the Sacramento River, as provided for and required under the provision of the act of Congress, Public Law 86-645, 86th Congress, approved July 14, 1960. Any reallocation of funds by the department for purposes described in this section shall be subject to the provisions of Section 12828. Prior to any appropriation of funds for the purposes described in this section, the board shall investigate and report to the Governor and Legislature on methods of feasible recovery from the beneficiaries of the work to be accomplished of that portion of the total nonfederal contribution in excess of costs of lands, easements, and rights-of-way and the liabilities which may be incurred due to the construction, operation, and maintenance of the project.

SEC. 2. Section 12649.1 is added to said code, to read:

Project for flood protection

12649.1. The project for flood protection on the Sacramento River is further adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 103, 86th Congress, and as modified by the act of Congress, Public Law 86-645, 86th Congress, approved July 14, 1960, for co-operation by the Reclamation Board as provided in Section 8617.1 at a cost to the State over a 10-year period of not more than seven million one hundred twenty thousand dollars ($7,120,000).

SEC. 3. Section 12657 of said code is amended to read:

Assurances of local co-operation

12657. Except as otherwise provided in Chapters 1 and 2 of this part, the Reclamation Board shall give assurances satisfactory to the Secretary of the Army that the local co-operation, required by Section 3 of the act of Congress approved December 22, 1944 (Public Law 534, 78th Congress, Second Session), and Section 2 of the act of Congress approved August 18, 1941 (Public Law 228, 78th Congress, First Session), will be furnished by the State in connection with the flood control projects authorized and adopted in Sections 12648,

12648.1, 12648.2, 12649.1, 12650, 12651, 12652, 12654, and 12656.5 and on any flood control projects on any stream flowing into or in the Sacramento Valley or the San Joaquin Valley heretofore or hereafter approved and authorized by Congress.

CHAPTER 2189

An act to amend Sections 13405, 13551, 13552, 13554, 13801, 15206, 15303, and 15421, and to repeal Section 13553, of the Revenue and Taxation Code, relating to inheritance and gift taxes.

In effect September 15, 1961

[Approved by Governor July 20, 1961 Filed with Secretary of State July 21, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 13551 of the Revenue and Taxation Code is amended to read:

13551. Upon the death of a spouse:

Death of spouse

(a) None of the community property transferred to a spouse is subject to this part. If, however, on the death of the husband the wife is given by will either (1) a life estate in the one-half of the community property subject to the testamentary disposition of the husband or (2) a general or special power of appointment in conjunction with such one-half, all of such one-half is subject to this part.

(b) All of the community property passing to anyone other than the surviving spouse is subject to this part.

SEC. 2. Section 13552 of said code is amended to read:

Spouse's election

13552. When a husband or wife by a will making a testamentary disposition of the community property forces the surviving spouse to elect whether to share in the estate under the will or to take one-half of the community pursuant to Section 201 of the Probate Code, and the surviving spouse elects to take under the will, the property not exceeding the clear market value of the community estate is not subject to this part. If, however, pursuant to the election under the will, the wife either (a) is given a life estate in the one-half of the community property subject to the testamentary disposition of the husband or (b) is given a general or special power of appointment in conjunction with such one-half, all of such one-half is subject to this part.

SEC. 2.5. Section 13553 of said code is repealed.

SEC. 3. Section 13554 of said code is amended to read:

Transfer other than by will or succession

13554. Where community property is transferred within the provisions of Chapter 4 of this part other than by will or the laws of succession from one spouse to the other the, property transferred up to a value not exceeding the clear market

value of the community is not subject to this part. If, however, the wife either (a) is given a life estate in the community property which is transferred to her or (b) is given a general or special power of appointment in conjunction with the community property so transferred, only that amount of the property transferred not exceeding one-half of its clear market value is not subject to this part.

SEC. 4. Section 13801 of said code is amended to read:

Tax exemption

13801. Property of the clear market value of five thousand dollars ($5,000) transferred to the spouse of the decedent, of twelve thousand dollars ($12,000) transferred to a minor child of the decedent, and of five thousand dollars ($5,000) transferred to any other class A transferee is exempt from the tax imposed by this part.

SEC. 5. Section 15303 of said code is amended to read:

Transfer of separate property into community property

15303. If the separate property of either spouse is transferred by agreement into the community property of both spouses:

(a) One-half of the property transferred is subject to this part as a gift from the spouse whose property it was to the other spouse, and the other one-half is not subject to this part.

(b) The one-half which is subject to this part is the one-half of the community property which is not subject to Part 8 of this division on the death of the spouse whose separate property is transferred.

(c) If upon the death of a spouse and survival by the other spouse the entire community property passing to the surviving spouse is not subject to Part 8 of this division, the one-half of the separate property not subject to this part under subdivision (a) is subject to this part upon the death of the spouse as a gift from the spouse to the surviving spouse at the time of the death.

SEC. 6. Section 15421 of said code is amended to read:

Tax exemption

15421. Property of the clear market value of five thousand dollars ($5,000) transferred to the spouse of the donor, of twelve thousand dollars ($12,000) transferred to a minor child of the donor, and of five thousand dollars ($5,000) transferred to any other class A donee is exempt from the tax imposed by this part.

SEC 7. Section 13405 of said code is amended to read:

Tax rates Class B transferee

13405. In the case of a transfer to a class B transferee the rates of tax are as follows:

(a) 6 percent of the clear market value of the property transferred up to twenty-five thousand dollars ($25,000).

(b) 10 percent of the excess value over twenty-five thousand dollars ($25,000) and up to fifty thousand dollars ($50,000).

(c) 13 percent of the excess value over fifty thousand dollars ($50,000) and up to one hundred thousand dollars ($100,000).

(d) 15 percent of the excess value over one hundred thousand dollars ($100,000) and up to three hundred thousand dollars ($300,000).

(e) 17 percent of the excess value over three hundred thousand dollars ($300,000) and up to five hundred thousand dollars ($500,000).

(f) 18 percent of the excess value over five hundred thousand dollars ($500,000).

SEC. 8. Section 15206 of said code is amended to read:

Same: Class B donee

15206. In the case of a transfer to a class B donee, the rates of tax are as follows:

(a) 6 percent of the market value of the property transferred up to twenty-five thousand dollars ($25,000).

(b) 10 percent of the excess value over twenty-five thousand dollars ($25,000) and up to fifty thousand dollars ($50,000).

(c) 13 percent of the excess value over fifty thousand dollars ($50,000) and up to one hundred thousand dollars ($100,000).

(d) 15 percent of the excess value over one hundred thousand dollars ($100,000) and up to three hundred thousand dollars ($300,000).

(e) 17 percent of the excess value over three hundred thousand dollars ($300,000) and up to five hundred thousand dollars ($500,000).

(f) 18 percent of the excess value over five hundred thousand dollars ($500,000).

CHAPTER 2190

An act to repeal Section 31461.1 of the Government Code, and to add Section 31461.3 to the Government Code, relating to the County Employees Retirement Law of 1937.

In effect, September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 31461.1 of the Government Code is repealed.

SEC. 2. Section 31461.3 is added to said code, to read:

Service as member of other systems

31461.3. The average compensation during any period of service as a member of the State Employees' Retirement System or a member of a retirement system established under this chapter in another county shall be considered compensation earnable by a member for purposes of computing final compensation for such member provided:

(1) The period intervening between active memberships in the respective systems does not exceed 90 days.

(2) He retires concurrently under both systems and is credited with such period of service under such other system at the time of retirement.

This section shall be applied retroactively under this chapter and under Part 3 of Division 5 of Title 2 of this code, notwithstanding anything to the contrary contained in Section 20023.1, in favor of any member whose membership in the State Employees' Retirement System or in a retirement system established under this chapter in any county terminated prior to October 1, 1957, provided that he was eligible to and elected deferred retirement therein within 180 days after such termination, the period intervening between active memberships in the respective systems did not exceed 90 days, and he retires concurrently under both systems and is credited with such period of service under such other system at the time of retirement.

CHAPTER 2191

An act to add Section 767 to the Education Code, relating to salaries of county superintendents of schools.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 767 is added to the Education Code, to read:

767. The salaries prescribed by Sections 759 to 766, inclusive, shall be adjusted on the effective date of this section, or as soon thereafter as practicable in accordance with this section.

For each of the eight classes of counties the amount which is the statewide average of teachers' salaries shall be multiplied by the amount which is the adjustment factor for the particular class of county, as prescribed by this section. The product so obtained shall be the salary of the county superintendent of schools for a county within that class.

The adjustment factor for each of the eight classes of counties is set forth below opposite the class of county:

(a) Class one	3.561
(b) Class two	3.092
(c) Class three	2.717
(d) Class four	2.249
(e) Class five	1.780
(f) Class six	1.499
(g) Class seven	1.124
(h) Class eight	.750

For the purposes of making the adjustment under this section the statewide average of teachers' salaries shall be deemed to be six thousand six hundred twenty-two dollars ($6,622).

Any increase or decrease in a salary required by this section shall result in an equal increase or decrease in the amount

which the State is required to pay toward the total salary of a county superintendent of schools. Any change in salary required by this section shall be paid to incumbent county superintendents of schools.

CHAPTER 2192

An act to add Section 12396 to the Insurance Code, relating to title insurance companies.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 12396 is added to the Insurance Code, to read:

12396. An underwritten title company, as defined in Section 12402, may engage in the escrow business, provided that:

(a) It shall create a department to act as an escrow agent and to provide escrow services, the department to be conducted separate and apart from the other activities of the company, although its officers and employees may also serve the underwritten title company. The salaries of any such officers and employees need not be segregated so as to allocate any portion thereof to the escrow department and the fees and charges received by the underwritten company need not be segregated so as to allocate any portion thereof to the department.

(b) It shall maintain a record of all receipts and disbursements of escrow funds.

(c) It shall segregate its capital and surplus so as to apportion seven thousand five hundred dollars ($7,500) to the escrow department, which sum shall be maintained in cash or in securities approved by the Insurance Commissioner. The seven thousand five hundred dollars ($7,500) apportioned to the escrow department shall be maintained until two years after the company ceases to engage in the escrow business.

(d) It shall obtain and maintain a fidelity bond in the form and for the amount required by the Insurance Commissioner for each officer or employee of the company that performs any escrow service.

(e) It shall furnish an audit of the escrow department to the Insurance Commissioner on the forms provided by the commissioner, the first audit to be furnished within 30 days after the effective date of this section and quarterly thereafter. The audits shall be made by an auditor approved by the commissioner. The fee for approving an auditor shall be ten dollars ($10), and the fee for approving the submitted audit shall be ten dollars ($10). The commissioner may, at any time he considers it necessary, cause an audit to be made

by examiners from the Department of Insurance. All audits shall be at the expense of the company.

All funds deposited with the company in connection with any escrow shall be deposited in a bank in a separate trust account, and such funds shall be the property of the person or persons entitled thereto under the provisions of the escrow and shall not be subject to any debts of the company.

At any time that the commissioner determines that an underwritten title company that is engaged in the escrow business has failed to comply with the provisions of this section, the commissioner shall, after a hearing, notify the underwritten title company of its failure to comply with the provisions of this section, and that the company may no longer conduct an escrow business. The hearing shall be conducted in accordance with the Administrative Procedure Act, Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code

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CHAPTER 2193

An act to amend Sections 6011, and 6012 of, and to add Sections 17204.5 and 30016 to, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 6011 of the Revenue and Taxation Code is amended to read:

6011. "Sales Price." "Sales price" means the total amount for which tangible personal property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following: "Sales price"

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property prior to its purchase.

The total amount for which the property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

(c) The amount of any tax imposed by this State that is conclusively presumed to be a direct tax on the retail consumer precollected by the seller for the purpose of convenience and facility only.

"Sales price" does not include any of the following: Exclusions

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by cus-

tomers when that entire amount is refunded either in cash or credit, but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned. For the purpose of this section refund or credit of the entire amount shall be deemed to be given when the purchase price less rehandling and restocking costs are refunded or credited to the customer.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

(e) On and after February 1, 1947, the amount of any tax imposed by any city, county or city and county within the State of California upon or with respect to retail sales of tangible personal property, measured by a stated percentage of sales price or gross receipts, whether imposed upon the retailer or the consumer.

(f) On and after February 1, 1947, the amount of any tax imposed by any city, county or city and county within the State of California with respect to the storage, use or other consumption in such city, county or city and county of tangible personal property measured by a stated percentage of sales price or purchase price, whether such tax is imposed upon the retailer or the consumer.

(g) Transportation charges separately stated, if the transportation occurs after the purchase of the property is made.

(h) The amount of any motor vehicle fee or tax imposed by and paid to the State of California that has been added to or is measured by a stated percentage of the sales or purchase price of a motor vehicle.

SEC. 2. Section 6012 of said code is amended to read:

"Gross receipts"

6012. "Gross Receipts." "Gross receipts" mean the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the board may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his vendor for tax which the vendor is required to pay to the State or has paid the use tax with respect to the property, and has resold the property prior to making any use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses, or any other expense.

(c) The cost of transportation of the property prior to its sale to the purchaser.

The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

(d) The amount of any tax imposed by this State that is conclusively presumed to be a direct tax on the retail consumer precollected by the seller for the purpose of convenience and facility only.

Exclusions

"Gross receipts" do not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) Sale price of property returned by customers when the full sale price is refunded either in cash or credit, but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned. For the purpose of this section refund or credit of the entire amount shall be deemed to be given when the purchase price less rehandling and restocking costs are refunded or credited to the customer.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

(e) On and after February 1, 1947, the amount of any tax imposed by any city, county or city and county within the State of California upon or with respect to retail sales of tangible personal property measured by a stated percentage of sales price or gross receipts whether imposed upon the retailer or consumer.

(f) On and after February 1, 1947, the amount of any tax imposed by any city, county or city and county within the State of California with respect to the storage, use or other consumption in such city, county or city and county of tangible personal property measured by a stated percentage of sales price or purchase price, whether such tax is imposed upon the retailer or the consumer.

(g) Transportation charges separately stated, if the transportation occurs after the sale of the property is made to the purchaser.

(h) The amount of any motor vehicle fee or tax imposed by and paid to the State of California that has been added to or is measured by a stated percentage of the sales or purchase price of a motor vehicle.

For purposes of the sale tax, if the retailers establish to the satisfaction of the board that the sales tax has been added to the total amount of the sale price and has not been ab-

sorbed by them, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

SEC. 3. Section 17204.5 is added to said code, to read:

Direct tax on retail consumer

17204.5. Notwithstanding Section 17204, no deduction shall be allowed for the paid or accrued amount of any tax imposed by this State that is conclusively presumed to be a direct tax on the retail consumer precollected by the seller for the purpose of convenience and facility only.

SEC. 4. Section 30016 is added to said code, to read:

Conclusive presumption of direct tax on consumer

30016. All taxes paid pursuant to the provisions of this part shall be conclusively presumed to be direct taxes on the retail consumer precollected for the purpose of convenience and facility only. When the tax is paid by any other person, such payment shall be considered as an advance payment and shall be added to the price of the cigarettes and recovered from the ultimate consumer or user. Any person selling cigarettes at retail shall state or separately display in the licensed premises a notice of the amount of the tax included in the selling price and charged or payable pursuant to this part. The provisions of this section shall in no way affect the method of collection of such tax as provided by this part.

Legislative intent

SEC. 5. The Legislature hereby declares that its intent in enacting Section 4 of this chapter is to enable those who are subject to the taxes imposed by the federal tax laws to avail themselves of the deductions respecting state and local taxes specified in Section 164 of the Federal Internal Revenue Code of 1954 in computing their taxable income.

CHAPTER 2194

An act to repeal Section 17503 of, and to add Section 17503 to, the Education Code, relating to public school district expenditures, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

Repeal

SECTION 1. Section 17503 of the Education Code is repealed.

SEC. 2. Section 17503 is added to said code, to read:

17503. For purposes of this section:

Definitions

(a) "Salaries of classroom teachers" and "teacher" shall have the same meanings as prescribed by Section 17200 of this code.

(b) "Current expense of education" means the gross total expended (not reduced by estimated income or estimated federal and state apportionments) for the purposes classified in the final budget of a school district submitted to and approved

by the county superintendent of schools pursuant to Section 20651 of this code for administration, instruction (including salaries and other expense), auxiliary services, school plant (including operation and maintenance), and fixed charges. "Current expense of education" shall not include those purposes classified as transportation of pupils, food service, community service, capital outlay, and state school building loan repayment.

(c) "Elementary school district," "high school district," "junior college district," and "unified school district" shall have the same meanings as prescribed by Section 17601.

There shall be expended during each fiscal year for payment of salaries of classroom teachers:

(a) By an elementary school district, sixty percent (60%) of the district's current expense of education.

(b) By a high school district, fifty percent (50%) of the district's current expense of education.

(c) By a junior college district, fifty percent (50%) of the district's current expense of education.

(d) By a unified school district, fifty-five percent (55%) of the district's current expense of education.

Percentage expended for classroom teachers' salaries Deficiency

If the Superintendent of Public Instruction determines that a school district has not expended the applicable percentage of current expense of education for the payment of salaries of classroom teachers during the preceding fiscal year, he shall, in apportionments made to the school district from the State School Fund after April 15 of the current fiscal year, designate an amount of such apportionment or apportionments equal to the apparent deficiency in district expenditures. Any amount so designated by the Superintendent of Public Instruction shall be deposited in the county treasury to the credit of the school district, but shall be unavailable for expenditure by the district pending the determination to be made by the Superintendent of Public Instruction on any application for exemption which may be submitted to the Superintendent of Public Instruction. In the event it appears to the governing board of a school district that the application of the preceding paragraphs of this section during a fiscal year results in serious hardship to the district, or in the payment of salaries of classroom teachers in excess of the salaries of classroom teachers paid by other districts of comparable type and functioning under comparable conditions, the board may, with the written approval of the county superintendent of schools having jurisdiction over the district apply to the Superintendent of Public Instruction in writing not later than July 15th of the succeeding fiscal year for exemption from the requirements of the preceding paragraphs of this section for the fiscal year on account of which the application is made. Upon receipt of such application, duly approved, the Superintendent of Public Instruction may grant the district exemption, to the extent deemed necessary by him, from such requirements for the fiscal year on account of which the application is made. If such exemp-

tion is granted the designated moneys shall be immediately available for expenditure by the school district governing board. If no application for exemption is made or exemption is denied, the Superintendent of Public Instruction shall either order the designated amount or amount not exempted to be added to the amounts to be expended for salaries of classroom teachers during the next fiscal year; or order not less than fifty percent (50%) of the designated amount or amount not exempted to be transferred to the county school service fund, in which case the amount not ordered transferred to county school service fund shall be immediately available for expenditure by the district.

Enforcement, etc.

The Superintendent of Public Instruction shall enforce the requirements prescribed by this section, and may adopt necessary rules and regulations to that end. He may require the submission to him, during the school year, by school district governing boards and county superintendents of schools, of such reports and information as may be necessary to carry out the provisions of this section.

Operative date

SEC. 2. This act shall become operative on July 1, 1961.

Urgency

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to ensure that the necessary percentages of school district expenditures are devoted to salaries for classroom teachers which are so sorely needed during this critical period of our nation's history and are so important to insuring an adequate education for the children of this State, and to enable the program to effect this end which is embodied in this measure to become operative at the commencement of the fiscal year and control the financial operations of the school district to that end, thereafter, it is necessary that this act take effect immediately.

CHAPTER 2195

An act to add Section 4351.6 to the Agricultural Code, relating to milk.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 4351.6 is added to the Agricultural Code, to read:

4351.6. (a) The director, pursuant to this section, may suspend the minimum wholesale prices or the minimum retail prices or both in effect in any marketing area or zone at any time that he shall determine that such minimum prices do not

conform to and effectuate the legislative declarations, purposes and intent set forth in this chapter. The director shall give prompt notice by mail of any such suspension in the manner prescribed for such notices in Section 4354, and no such suspension shall become effective before the fifth calendar day following the day on which the director gives such notice of suspension.

(b) The director shall thereupon, and within 15 days following the day on which the director gives such notice of suspension, hold one or more public hearings in the marketing area affected, in the manner prescribed in Section 4354. Following such hearings, and any other investigation, surveys, or examinations conducted by the director in connection with such hearings, the director may reinstate in such marketing area the minimum prices theretofore suspended, or, if no such action is taken, shall establish different minimum prices, pursuant to the requirements of this chapter.

(c) This section does not apply to stabilization and marketing plans. Any such plan may be amended or terminated only as provided in Section 4248.

CHAPTER 2196

An act to add Section 526.2 to the Streets and Highways Code, relating to state highways.

[Approved by Governor July 20, 1961 Filed with Secretary of State July 21, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 526.2 is added to the Streets and Highways Code, to read:

526 2. Because of the statewide interest in navigation, the State will hold and save the United States of America free and harmless from liability for damages to the parallel tubes between the cities of Oakland and Alameda included in the description of Route 226 due to the initial dredging work and subsequent maintenance dredging in an area within 50 feet of said tubes in connection with the deepening of the Oakland Estuary by the Corps of Engineers of the United States Army and the Director of Finance shall execute an agreement so to do with the proper representatives of the United States of America.

CHAPTER 2197

An act to amend Sections 21364 and 21364.5 of, and to add Sections 31787.5 and 31795 to, the Government Code, relating to retirement systems.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 21364 of the Government Code is amended to read:

Special death benefit

21364. The special death benefit consists of:

(a) An amount equal to and derived from the same source as the basic death benefit; and

(b) An amount sufficient, when added to the amount equal to the basic death benefit, exclusive of the annuity provided by the deceased's accumulated additional contributions, to provide when applied according to tables adopted by the board, a monthly death allowance, equal to one-half of his final compensation in the membership category applicable to him at the time of the injury or the onset of the disease causing death, payable to the surviving wife to whom he was married prior to sustaining the injury or disease resulting in death, as long as she lives or until her remarriage; or if there is no widow, or if the widow dies or remarries before all children of the deceased member attain age 18, to his children under 18 collectively until every child dies or attains 18. During the lifetime of the widow or until she remarries, an additional amount shall be paid to the widow of a member who is killed in the performance of his duty or who dies as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his duty, for each of his children during the lifetime of the child, or until the child marries or reaches the age of 18, as follows: for one child, twenty-five percent (25%) of the death benefit allowed by this section; for two children, forty percent (40%) of the death benefit; and for three or more children, fifty percent (50%) of the death benefit.

In the event the widow does not have custody of the member's children, the additional amount payable pursuant to this section shall be payable to the person having custody of the children for each child during the lifetime of the child, or until the child marries or reaches the age of 18.

The computation for time prior to entering the membership category applicable to the deceased at the time of the injury or the onset of the disease causing death shall be based on the compensation earnable by him in the position first held by him in that category.

(c) An annuity which is the actuarial equivalent, assuming monthly payments for life to the surviving wife, of the deceased's accumulated additional contributions at the date of

his death, plus his accumulated contributions at that date based on compensation earned in any membership category other than the category applicable to him at the time of the injury or the onset of the disease causing death.

(d) The amendments to this section enacted at the 1961 Regular Session shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the amendments to this section by amendment to its contract or by an express provision in the contract making the contracting agency subject to the amendments in the case of a contract made after the effective date of the amendments.

SEC. 2. Section 21364.5 of said code is amended to read:

Increase of special death benefits

21364.5. Every special death benefit payable for time commencing on the effective date of this section as amended at the 1961 Regular Session is hereby increased to the amount it would be if the provisions of Section 21364, as they exist on the said effective date, had been in effect on the date of the death of the member; but this section does not authorize any decrease in any such special death benefit, nor does this section give any recipient of a special death benefit, or his successors in interest, any claim against the State for any increase in any special death benefit paid or payable for time prior to its effective date Calculations of benefits payable under this section shall be made on the basis of current interest rate and mortality tables.

SEC. 3 Section 31787 5 is added to said code, to read:

Additional amount for each child

31787.5. Any widow of a member who is killed in the performance of his duty or who dies as the result of an accident or an injury caused by external violence or physical force, incurred in the performance of his duty, now or hereafter entitled to receive a death allowance under Section 31787 shall, during her lifetime or until she remarries, be paid an additional amount for each of his children during the lifetime of the child, or until the child marries or reaches the age of 18 years, as follows:

(a) For one child, twenty-five percent (25%) of the allowance provided in Section 31787.

(b) For two children, forty percent (40%) of the allowance provided in Section 31787.

(c) Three or more children, fifty percent (50%) of the allowance provided in Section 31787.

In the event the widow does not have custody of the member's children, the allowance provided by this section shall be payable to the person having custody of the children for each child during the lifetime of the child, or until the child marries or reaches the age of 18.

The allowance provided by this section shall be payable to the widows of members whose duties consist of active law enforcement or active fire suppression or such other class or group of members as the retirement board shall fix.

Operative conditions

This section shall become operative in any county on the first day of the calendar month after the board of supervisors adopts by four-fifths vote a resolution making it operative in the county.

SEC. 4. Section 31795 is added to said code, to read:

Additional amount for each child

31795. Any widow of a county peace officer who is killed in the performance of his duty or who dies as the result of an accident or an injury caused by external violence or physical force, incurred in the performance of his duty, now or hereafter entitled to receive a pension under Section 31794 shall, during her lifetime or until she remarries, be paid an additional amount for each of his children during the lifetime of the child, or until the child marries or reaches the age of 18 years, as follows:

(a) For one child, twenty-five percent (25%) of the pension allowed in Section 31794.

(b) For two or more children, forty percent (40%) of the pension allowed in Section 31794.

(c) Three or more children, fifty percent (50%) of the pension allowed in Section 31794.

In the event the widow does not have custody of the member's children, the benefit provided by this section shall be payable to the person having custody of the children for each child during the lifetime of the child, or until the child marries or reaches the age of 18.

Operative conditions

This section shall become operative in any county on the first day of the calendar month after the board of supervisors adopts by four-fifths vote a resolution making it operative in the county.

CHAPTER 2198

An act to amend Section 1284 of the Penal Code, relating to bail.

In effect September 15, 1961

[Approved by Governor July 20, 1961 Filed with Secretary of State July 21, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 1284 of the Penal Code is amended to read:

1284. When the offense charged is not punishable with death, the officer serving the bench warrant must, if required, take the defendant before a magistrate in the county in which it is issued, or in which he is arrested, for the purpose of giving bail. If the defendant appears before such magistrate without the bench warrant having been served upon him, the

magistrate shall deliver him into the custody of the sheriff for the purpose of immediate booking and the recording of identification data, whereupon the sheriff shall deliver the defendant back before the magistrate for the purpose of giving bail.

CHAPTER 2199

An act to add Section 11804 to the Education Code, relating to pupils.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 11804 is added to the Education Code, to read:

11804. Notwithstanding the provisions of any law authorizing or requiring an officer or employee with duties connected with the public schools to provide for or arrange for, or otherwise engage in any activity directed to providing for, the psychological or psychiatric treatment, or both, of a pupil enrolled in a public school, no officer or employee of a school district, nor any county superintendent of schools nor any of his employees, nor any member of a county board of education nor any of its employees shall place, or participate in placing, a pupil enrolled in a public school in any public or private agency, institution, or place, outside of the pupil's school of attendance, for psychological treatment or psychiatric treatment, or both, unless the prior written consent of the parent or guardian to such placement and treatment is first obtained.

This section does not authorize any officer or employee to administer psychological or psychiatric treatment to a pupil either within the school of the pupil's attendance or at a place outside of such school without the written consent of the parent or guardian.

CHAPTER 2200

An act to add Section 731c to the Code of Civil Procedure, relating to injunctions.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 731c is added to the Code of Civil Procedure, to read:

731c. Injury to formations bearing oil or gas or to oil or gas wells caused by the subsurface migration of any substance as a result of secondary recovery operations for oil or gas con-

ducted in accordance with good oilfield practices shall not be grounds for enjoining such secondary recovery operations if adequate security, to be approved by the court, is given for the payment of any compensable damages to which the owners of interests in such formations or wells may be entitled resulting from such injury. Any benefit to the injured property from such secondary recovery operation shall be considered in mitigation of damages for such injury.

CHAPTER 2201

An act to amend Section 2949 of the Business and Professions Code, relating to the practice of psychology.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 2949 of the Business and Professions Code is amended to read:

2949. The committee shall waive the examination and the board shall grant a certificate to any applicant who complies with the following:

(a) Who has applied in writing to the committee under this section not later than November 1, 1961;

(b) Who is a resident of this State or who has been employed principally in this State for at least two years,

(c) Meets the requirements of subdivisions (1), (2), (3), (6), and (7) of Section 2941;

(d) Who has any one of the following:

(1) Received a doctorate degree in psychology or in educational psychology or has had training in psychology deemed equivalent by the committee from the University of California, Stanford University, the University of Southern California, or an institution approved by the committee as offering a comparable program and who in addition has had three years of professional experience of a type considered qualifying by the committee.

(2) Received a master's degree in psychology or in educational psychology or has had training in psychology deemed equivalent by the committee from the University of California, Stanford University, the University of Southern California, or an institution approved by the committee as offering a comparable program and in addition has had five years of professional experience of a type considered qualifying by the committee.

(3) Received a bachelor's degree from the University of California, Stanford University, the University of Southern California, or an institution approved by the committee as offering a comparable program or training deemed equivalent

by the committee and in addition has had 15 years of professional experience of a type considered qualifying by the committee.

(4) Any person who has met the requirements, passed an examination for, and has been duly appointed to and is employed as a psychologist under a federal, state, county, city and county, or municipal civil service system prior to July 1, 1959, or holds a valid school psychologist credential issued by the State Board of Education prior to July 1, 1959, shall be granted a certificate without examination.

All professional experience of a type considered qualifying by the committee under the provisions of this section shall have been accumulated no later than July 1, 1959.

CHAPTER 2202

An act to amend Section 74661 of the Government Code, relating to the Santa Clara-Cupertino Judicial District.

[Approved by Governor July 20, 1961 Filed with Secretary of State July 21, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 74661 of the Government Code is amended to read:

74661. There shall be two judges.

CHAPTER 2203

An act to amend Section 7901 of the Education Code, relating to courses of study in schools.

[Approved by Governor July 20, 1961 Filed with Secretary of State July 21, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 7901 of the Education Code is amended to read:

7901. In all public and private schools located within the State, there shall be given regular courses of instruction in the Constitution of the United States, and in American history, including the study of American institutions and ideals. In all public and private schools located within the State, there shall be given instruction in the Constitution of the State of California, and in California history and civics.

CHAPTER 2204

An act to amend Section 14260 of the Education Code, relating to teachers' retirement.

In effect September 15, 1961

[Approved by Governor July 20, 1961 Filed with Secretary of State July 21, 1961]

The people of the State of California do enact as follows:

SECTION 1. Section 14260 of the Education Code is amended to read:

14260. Any person whose retirement was effective prior to October 1, 1959, and who did not elect Option 2 or Option 3 as provided in Section 14363, shall have the right, to be exercised within six (6) months after the date upon which notice of such right is mailed by this system to his latest address on file in the office of this system, to elect to receive the actuarial equivalent of his retirement allowance in the amount then being paid, in a reduced allowance payable during his life, and an allowance to a beneficiary as provided in said Option 2 or Option 3; provided, that only a surviving spouse who was married to the retired person at least one year prior to retirement, or such person's child who is under age 18 and who, if adopted, was adopted at least one year prior to retirement, or such person's dependent parent might be designated as such a beneficiary. Such actuarial equivalent and allowances shall be calculated on the basis of ages and current mortality tables and interest rate as of the effective date of the election, which shall be the first day of the second month after receipt of the election in the system's office No adjustment shall be made in the computation on account of retirement allowance payments made prior to the effective date of the election.

If such a person makes an election in accordance with this section and dies within 24 hours prior to the effective date of such election, such person shall, for the purposes of determining the allowance of the beneficiary, be deemed to have died on the day following the effective date of such election. This paragraph shall apply to persons who died after October 1, 1959 and prior to the effective date of this paragraph and to persons who die after the effective date of this paragraph. If a person entitled under this section to make an election, did so, and died within 24 hours prior to the effective date of such election and prior to the effective date of this paragraph, his beneficiary shall, on and after the first day of the second month after the effective date of this paragraph, receive the allowance in accordance with the option elected. In addition, such beneficiary shall, on the first day of the second month after the effective date of this paragraph, receive, in a lump sum, the amount which he would have received in the period between the effective date of the election and the time when

the lump sum payment is made had this paragraph been effective when the person making the election died.

The amendment to this section made at the 1961 Regular Session of the Legislature shall be effective until October 1, 1963.

SEC. 2. The Legislature hereby finds and declares that the payment of allowances to the surviving spouse of a member pursuant to Section 14260 of the Education Code, as amended at the 1961 Regular Session of the Legislature, serves a public purpose in that it promotes the public welfare by encouraging experienced and competent members to continue their service to the youth of this State in the expectation that the Legislature will fairly provide for their surviving spouses under changing circumstances, as the Legislature is now doing for the spouses of members who hereafter or who have heretofore died. Continued service by, and the increased efficiency of, members secure in this knowledge will more than compensate the State for any increased expense for allowances to surviving spouses provided by the amendment to Section 14260 of the Education Code enacted at the 1961 Session of the Legislature

In addition, the Legislature finds and declares that the purpose of the amendment to Section 14260 of the Education Code enacted at the 1961 Regular Session was merely to implement the intention of the Legislature when it originally enacted Section 14260.

CHAPTER 2205

An act to add Section 350.3 to the Agricultural Code, relating to inspection of cattle.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 350.3 is added to the Agricultural Code, to read:

350.3. The director may authorize the inspection of cattle upon their release from a stockyard, salesyard or cattle sales market.

The director may contract with individual yards or markets for the performing of such inspection on the basis of a return to the department of all costs involved in performing the inspection.

CHAPTER 2206

An act to add Section 25351.35 to the Government Code, relating to powers of boards of supervisors.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 25351.35 is added to the Government Code, to read:

25351.35. In the case of any contract or lease described in subdivision (b) of Section 25351.3, obligating the county to make payments or incur obligations of one million dollars ($1,000,000) or more, the board shall not enter into such contract or lease unless and until the board has submitted such contract or lease to the qualified electors of the county at the next general election or at a special election to be called by the board for the purpose. Any special election held for this purpose shall conform as nearly as practicable with the general election law of the State. A summary of the provisions of such contract or lease shall be placed on the ballot and space provided for marking by voters to indicate their respective approval or disapproval of the contract or lease. Only if a majority of the electors voting at such election vote to approve the lease or contract as presented, shall the board enter into such lease or contract.

For the purposes of this section, all contracts or leases pertaining to one project shall be considered as one contract or lease.

This section shall not apply to any project for which the architectural contract has been executed prior to June 1, 1961.

CHAPTER 2207

An act to amend Sections 7604, 7701, 7702, 7751, 7752, and 7754 of, and to amend the article heading of Article 3 (commencing with Section 7701), Chapter 2, Division 7 of, to add Section 7700 to, and to repeal the article heading of Article 4 (commencing with Section 7751) of Chapter 2, Division 7 of, the Education Code, relating to courses of study in the public schools.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 7604 of the Education Code is amended to read:

Course of study. Elementary schools

7604. The course of study in the elementary schools shall include instruction in the following prescribed branches in

the several grades in which each is required pursuant to this article (commencing at Section 7601):

(a) Beginning in grade 1, and continuing through grade 6 or 8, as the case may be, instruction shall be given in all of the following:

(1) Reading.

(2) Writing.

(3) Spelling.

(4) Arithmetic, with emphasis on basic principles and techniques.

(b) Beginning not later than grade 4 and continuing through grade 6 or 8, as the case may be, instruction shall be given in all of the following:

(1) English as a separate subject with emphasis on thoroughness, and as a discipline separate from the subject of social studies.

(2) Geography.

(3) History, including the early history of California and the history of the United States.

(c) Beginning not later than grade 6, and continuing through grade 6 or 8, as the case may be, instruction shall be given in all of the following:

(1) Civics.

(2) A foreign language or languages.

(3) Natural science.

(4) Health.

(d) The course of study in the elementary schools shall include instruction, in the grade or grades prescribed by the county board of education of the city, county, or city and county, in all of the following:

(1) Art.

(2) Music.

(e) Such other studies, not to exceed three, as may be prescribed by the board of education of the city, county, or city and county.

Notwithstanding other provisions of this section to the contrary, a foreign language or languages may but is not required to be included in the course of study in the elementary schools until June 30, 1965, and on and after July 1, 1965, such course of study shall include a foreign language or languages beginning not later than grade 6 and continuing through grade 6 or 8, as the case may be. Foreign language

The Legislature here declares that it is the policy of the State to foster and encourage foreign language programs in the elementary and secondary schools by which the children of this State learn to speak and write foreign languages with the same facility with which children educated in schools of other countries speak and read foreign languages, in order that the children of this State be adequately prepared to undertake their duties as American citizens in a world in which the ability to communicate with peoples of other countries in their own tongue is of ever-increasing importance. State policy

SEC. 1.5. The article heading of Article 3 (commencing with Section 7701), Chapter 2, Division 7 of said code is amended to read:

Article 3. Junior High School and High School Courses

SEC. 2. Section 7700 is added to said code immediately following the article heading of Article 3 (commencing with Section 7701), Chapter 2, Division 7 of said code:

Course of study: Grades 7 and 8, junior high, high school and grades 11 and 12 of four-year junior college

7700. The course of study for grades 7 and 8 of each elementary school, and for each junior high school, high school, or grades 11 and 12 of a four-year junior college shall be prepared under the direction of the governing board having control thereof and shall be subject to the approval of the State Board of Education. The course of study shall meet the requirements of this section. In addition to courses otherwise required by law, the course of study shall require of all pupils in grades 7 to 12, inclusive:

(a) Five years of instruction in the use of English, designed to teach the student to read rapidly and perceptively, to write clearly and correctly, and to present ideas orally. Such instruction shall include the principles of grammar and punctuation as instruments of reading and writing. Also a core of reading designed to familiarize the student with the variety of literary forms and to improve his reading ability shall be taught

(b) Five years of history commencing with grade 7, to include all of the following:

(1) Twenty semester periods of American history emphasizing American institutions and ideals, and California history.

(2) Twenty semester periods of world history, the history of Western civilization, and world geography.

(3) Ten semester periods of American government emphasizing principles of the Constitution and the Declaration of Independence, and the principles of state and local government under the Constitution of this State.

For purposes of the history requirements prescribed by subdivision (b), in the case of schools which are not operated on the basis of semester periods, the time devoted to the respective courses shall be, as nearly as practicable, the equivalent of the required time as measured in terms of semester periods, and the State Board of Education shall, by regulation, prescribe the manner in which time during the school year shall be allocated for such purposes in those schools.

SEC. 3. Section 7701 of said code is amended to read:

Same

7701. The course of study for grades 7 and 8 of an elementary school and for junior high school shall be designed to fit the needs of pupils of the 7th and 8th, or of the 7th, 8th, and 9th, or of the 7th, 8th, 9th, and 10th grades and shall be designed to meet the requirements of Section 7700 so that upon completion of grade 12 any pupil will have completed the courses required by Section 7700.

SEC. 4. Section 7702 of said code is amended to read:

7702. The course of study for grades 7 and 8 of an elementary school and for junior high school comprising the 7th and 8th grades only shall be designed to fit the needs of pupils of the 7th and 8th grades but shall be designed to meet the requirements of Section 7700 so that upon completion of grade 12 any pupil will have completed the courses required by Section 7700. Same

SEC. 5. The article heading of Article 4 (commencing with Section 7751) of Chapter 2, Division 7 of said code is repealed.

SEC. 6. Section 7751 of said code is amended to read:

7751 The course of study for grades 11 and 12 of a four-year junior college shall be designed to meet the needs of pupils of the 11th and 12th grades of the public schools and shall be designed to meet the requirements of Section 7700 so that upon completion of grade 12 any pupil will have completed the courses required by Section 7700. Same

SEC. 7. Section 7752 of said code is amended to read:

7752. The course of study for four-year high schools shall be designed to fit the needs of pupils of the 9th, 10th, 11th, and 12th grades of the public schools and shall be designed to meet the requirements of Section 7700 so that upon completion of grade 12 any pupil will have completed the courses required by Section 7700. Course of study Four-year high schools

SEC. 8. Section 7754 of said code is amended to read:

7754. The course of study for senior high schools shall be designed to fit the needs of pupils of the 10th, 11th, and 12th, or of the 11th and 12th grades and shall be designed to meet the requirements of Section 7700 so that upon completion of grade 12 any pupil will have completed the courses required by Sections 7604 and 7700. Course of study Senior high schools

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CHAPTER 2208

An act to amend Section 1253 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 1253 of the Unemployment Insurance Code is amended to read:

1253. An unemployed individual is eligible to receive unemployment compensation benefits with respect to any week only if the director finds that:

(a) A claim for benefits with respect to that week has been made in accordance with authorized regulations

(b) He has registered for work, and thereafter continued to report, at a public employment office or such other place as

the director may approve. Either or both of the requirements of this subdivision may be waived or altered by authorized regulation as to partially employed individuals attached to regular jobs.

(c) He was able to work and available for work for that week.

(d) He has been unemployed for a waiting period of one week as defined in Section 1254.

(e) He conducted a search for suitable work in accordance with specific and reasonable instructions of a public employment office.

CHAPTER 2209

An act to amend Section 825 of the Penal Code, relating to arrest.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 825 of the Penal Code is amended to read:

825 The defendant must in all cases be taken before the magistrate without unnecessary delay, and, in any event, within two days after his arrest, excluding Sundays and holidays; provided, however, that when the two days prescribed herein expire at a time when the court in which the magistrate is sitting is not in session, such time shall be extended to include the duration of the next regular court session on the judicial day immediately following.

After such arrest, any attorney at law entitled to practice in the courts of record of California, may, at the request of the prisoner or any relative of such prisoner, visit the person so arrested. Any officer having charge of the prisoner so arrested who willfully refuses or neglects to allow such attorney to visit a prisoner is guilty of a misdemeanor. Any officer having a prisoner in charge, who refuses to allow any attorney to visit the prisoner when proper application is made therefor, shall forfeit and pay to the party aggrieved the sum of five hundred dollars ($500), to be recovered by action in any court of competent jurisdiction

CHAPTER 2210

An act to amend Sections 12001, 12150, 12151, and 12152 of, and to add Sections 12150.5, 12150.6, 12150.7, and 12150.8 to, the Fish and Game Code, relating to taking of birds and mammals.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 12001 of the Fish and Game Code is amended to read:

12001. Any person who takes any bird or mammal in violation of an order issued pursuant to Section 12150 of this code, is guilty of a felony. Felony

SEC. 2. Section 12150 of said code is amended to read:

12150. Whenever any person, while taking a bird or mammal, kills or wounds any human being and that fact is ascertained by the department, the department shall notify the district attorney of the county in which the act occurred. The district attorney may thereupon bring an action in the municipal or justice court of the judicial district in which the act occurred for the purpose of determining the cause of the killing or the wounding. Such proceedings shall be conducted in the same manner as an action to try a misdemeanor and the defendant may request that all findings of fact shall be made by a jury. The court shall inform the defendant of the nature of the proceedings and of his right to have a jury. Killing or wounding a human being

If it is found that such person did the killing or wounding but that it was not intentional or negligent, the court shall dismiss the proceeding. Otherwise, if it is found that such person did the killing or wounding intentionally, by an act of gross negligence, or while under the influence of alcohol, the court shall issue an order permanently prohibiting him from taking any bird or mammal

If it is found that such person was negligent, but not grossly negligent, the court shall issue an order prohibiting him from taking any bird or mammal for a period specified at the discretion of the court but not less than five years.

SEC. 3. Section 12151 of said code is amended to read:

12151. Whenever any person, while taking a bird or mammal, kills or wounds any domestic animal belonging to another and that fact is ascertained by the department, the department shall notify the district attorney of the county in which the act occurred The district attorney may thereupon bring an action in the municipal or justice court of the judicial district in which the act occurred for the purpose of determining the cause of the killing or wounding. Such proceedings shall be conducted in the same manner as an action to try a misdemeanor and the defendant may request that all findings of fact shall be made by a jury. The court shall inform the Killing or wounding a domestic animal

defendant of the nature of the proceedings and of his right to have a jury.

If it is found that such person did the killing or wounding but that it was not intentional or negligent, the court shall dismiss the proceeding. Otherwise, if it is found that such person did the killing or wounding intentionally or negligently, the court shall issue an order prohibiting him from taking any bird or mammal for a period of five years.

SEC. 4. Section 12152 of said code is amended to read:

Report

12152. Whenever a person has been prohibited from taking any bird or mammal pursuant to Section 12150 or Section 12151, the court in which the proceeding for such action was had shall report the facts to the department at its Sacramento headquarters office. The report shall show the date and place of the occurrence, the name and address of the person who did the killing or wounding, the name and address of the person who was killed or wounded or the name and address of the owner of the animal, as the case may be, and such other information as the department may require.

Record

The department shall maintain a record of all orders issued under Section 12150 and Section 12151. The record shall show the name and address of the person involved, the date of such action, and the date of expiration of such order. The department shall periodically transmit copies of such records to each person authorized to issue a hunting license and to each district attorney in the State.

SEC. 5. Section 12150 5 is added to said code, to read:

New trial

12150 5. Any person whose license has heretofore been revoked pursuant to Section 12150 may, upon petition, obtain a new trial in the court which originally revoked his license. Such trial shall be with a jury if requested as provided in Section 12150, and shall be to determine if the revocation was based on an intentional or grossly negligent act or an act committed while under the influence of alcohol, in which case the petition shall be denied. If however, it was based on a negligent act not amounting to gross negligence the court may review and redetermine the length of time for which no license should be issued such person. The court may authorize the issuance of a license to the person after such time as the court shall determine to be proper in light of the circumstances.

SEC. 6. Section 12150.6 is added to said code, to read:

Proof of ability to respond in damages

12150.6. Any person who has been prohibited from taking any bird or mammal pursuant to Section 12150 or Section 12151 shall not apply for a hunting license or take any bird or mammal unless he has filed with the department proof of his ability to respond in damages in an amount of at least ten thousand dollars ($10,000) for personal injury or death of any person, subject to a maximum of twenty thousand dollars ($20,000) for such injury or the death of two or more persons in any one accident and at least five thousand dollars ($5,000) for property damage resulting from any one accident.

Proof of ability to respond in damages may be given by the written certificate of any insurance carrier duly authorized to do business within the State that it has issued to or for the benefit of the person named a public liability insurance policy which is, at the date of the certificate, in full force and effect. Such certificate shall certify that the policy therein cited shall not be canceled except upon 10 days' prior written notice to the department.

Proof of ability to respond in damages may also be given by the bond of a surety company duly authorized to do business within the State, or a bond of individual sureties each on an unencumbered real estate, approved by a judge of a court of record. The bond shall be conditioned for the payment of the amounts specified in this section and shall provide for the entry of judgment on motion of the State in favor of any holder of any final judgment on account of damages to property or injury to any person caused while the licensee is taking any bird or mammal.

Proof of ability to respond in damages may also be given by the deposit with the department of twenty-five thousand dollars ($25,000) which amount shall be deposited in a special deposit account with the State Controller for the purpose of this section.

SEC. 7. Section 12150.7 is added to said code, to read:

12150.7. The department shall, upon request, cancel any bond or shall direct the return to the person entitled thereto of any money or securities deposited pursuant to this code as proof of ability to respond in damages: Cancellation of bond

(a) On the filing of an affidavit with the department that the person will not thereafter engage in the taking of any bird or mammal.

(b) In the event of the permanent incapacity of such person to engage in the taking of any bird or mammal.

(c) Upon the death of the person on whose behalf such proof was filed.

SEC. 8. Section 12150.8 is added to said code, to read:

12150.8. Whenever any claim is made against any such person or judgment is rendered against any such person required to file proof of ability to respond in damages, such person shall not apply for a hunting license or take any bird or mammal until additional proof of ability to respond in damages has been filed with the department in an amount sufficient to provide proof of ability to respond in damages in the amount specified in Section 12150.6 over and above all claims made against previously filed proof of ability to respond in damages. Claim or judgment

CHAPTER 2211

An act to add Section 1265 to the Code of Civil Procedure, relating to acquisition of property by public agencies.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 1265 is added to the Code of Civil Procedure, to read:

1265. Whenever any public agency acquires real property by eminent domain, purchase, or exchange, the purchase price or other consideration paid by such agency shall be public information made available upon request from the agency concerned.

CHAPTER 2212

An act to add Section 12525 to the Government Code, relating to reports to Attorney General.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows.

SECTION 1. Section 12525 is added to the Government Code, to read:

12525. In any case in which a person dies while in the custody of any law enforcement agency or while in custody in a local or state correctional facility in this State, such law enforcement agency or the agency in charge of such correctional facility shall report in writing to the Attorney General, within 10 days after the death, all facts in the possession of the law enforcement agency or agency in charge of the correctional facility concerning the death. Such writing shall be available for inspection by interested parties, except as to matters deemed privileged by the Attorney General.

CHAPTER 2213

An act to add Section 3.2 to the Tehama County Flood Control and Water Conservation District Act (Chapter 1280, Statutes of 1957), relating to the Tehama County Flood Control and Water Conservation District.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 3.2 is added to the Tehama County Flood Control and Water Conservation District Act (Chapter 1280, Statutes of 1957), to read:

Sec. 3.2. In addition to its other powers, the district has the power to do any of the following:

(a) To borrow money from, and repay the same with interest to, the State in accordance with Chapter 5 (commencing with Section 12880) of Part 6 of Division 6 of the Water Code on behalf of the entire district or of any portion or portions thereof for which the district may incur an indebtedness or liability, including any improvement district or zone within the district.

(b) To enter into a contract with the Department of Water Resources, on behalf of the entire district, or of any portion or portions thereof referred to in subdivision (a), for a loan or grant under Chapter 5 (commencing with Section 12880) of Part 6 of Division 6 of the Water Code or for participation by the State in a local project and to use the loan or grant contracted for as an additional or alternative means of financing the project proposed by the district.

(c) To comply with the provisions of any such contract entered into with the Department of Water Resources, including any provision which obligates the district, or any specified portion or portions thereof, to meet all commitments, financial or otherwise, undertaken by the district in such contract notwithstanding any individual default by its constituents or others in the payment to the district of taxes, assessments, tolls, or other charges levied by the district.

(d) To include recreation and enhancement of fish and wildlife, or either of them, as functions incidental to the primary functions of a project which the district is empowered by law to construct and operate, and to construct and operate the project for such incidental recreation and enhancement of fish and wildlife functions, or either of them, in accordance with the provisions of a grant contract entered into with the Department of Water Resources, including provisions for public use of the project facilities for fishing and other recreational activities.

(e) To construct and operate such onshore recreational facilities, fish and wildlife enhancement facilities or other facilities as the Department of Water Resources or the Legislature

may require in connection with a grant to the district, and to construct and operate such facilities in accordance with the provisions of a grant contract entered into with the Department of Water Resources, including provisions for public use of such facilities for fishing and other recreational activities.

(f) To make charges for the furnishing of services from the project for which the district receives financial assistance under the Chapter 5 (commencing with Section 12880) of Part 6 of Division 6 of the Water Code and to pledge and use any or all revenues received from the collection of such charges for the purpose of meeting the commitments, financial or otherwise, of the district that are set forth in any contract which the district enters into with the Department of Water Resources.

(g) To perform all acts and do all things that are necessary or convenient to carry out the above powers.

CHAPTER 2214

An act to amend Sections 3118.5, 3119, 3120, 3121, 3124, 3125, 3128, 3129, 3130, 3132, and 3133 of the Education Code, relating to school district reorganization.

In effect September 15, 1961

[Approved by Governor July 20, 1961 Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 3118.5 of the Education Code is amended to read:

Proposal Formation of unified district

3118.5. The plans and recommendations formulated by the augmented county committee may propose the formation of a unified school district to include all the territory of an existing high school district, irrespective of whether the territory included in the high school district is separated into two or more noncontiguous parts. This section shall apply when the territory of the high school district is situated entirely in one county and consists of four or fewer elementary districts, at least two of which are not contiguous.

SEC. 2. Section 3119 of said code is amended to read:

Assumption of indebtedness

3119. The plans and recommendations formulated by the augmented county committee pursuant to Section 3108 may include recommendations for the assumption by any new school district the formation of which is recommended by the augmented county committee of all or any part of the bonded indebtedness of any existing school district included in whole or in part in the new school district.

SEC. 3. Section 3120 of said code is amended to read:

Location of school buildings

3120 The plans and recommendations formulated by the augmented county committee may include recommendations with reference to the location of school building or buildings after reorganization is accomplished.

SEC. 4. Section 3121 of said code is amended to read:

Plans re school property

3121. The augmented county committee may propose plans and recommendations which include either one or both of the following provisions: (a) Plans for the use of the school property of the component districts as provided in Sections 3122, 3354, 3355, 3356, and 3357; (b) plans for dividing the property, other than real property, of any school district proposed to be divided between two or more unified school districts or between one or more unified school districts and any other type of district, or proposed to be partially included in one or more unified school districts or one or more unified school districts and any other type of district.

SEC. 5. Section 3124 of said code is amended to read:

Integral and separate proposals

3124. When the augmented county committee includes in its plans and recommendations proposals for the division of the school property of an existing district under Sections 3121 and 3123, such proposal shall be deemed to be an integral part of the plans and recommendations and a favorable vote by a majority of the voters on the question of reorganization, as provided in Sections 3151 to 3169, inclusive, shall be deemed to be a favorable vote upon the plans and recommendations as a whole; provided, however, that if the plans and recommendations require the incurring of a bonded indebtedness in any district or portion of a district remaining upon the unification or other reorganization in order to provide funds to equalize the division of the school property among the newly organized districts, then the proposition for the incurring of such bonded indebtedness shall be submitted as a separate proposition to the electors of the district or portion thereof which is to incur such indebtedness at the same election at which the proposition of approving the plans and recommendations is submitted to vote of the electors of the proposed unified or otherwise reorganized districts. The plans and recommendations shall not be deemed to have been approved unless the proposition of incurring such indebtedness is approved by two-thirds ($\frac{2}{3}$) vote of the voters of the district or portion thereof which is to incur such indebtedness voting on such proposition at said election. The proceedings for the issuance and sale of said bonds shall be taken in substantial conformity with the provisions of Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive, of this code except that said bond election shall be called and canvassed by the county superintendent of schools and the proposition submitted thereat shall be

Two-third vote approval

Form of ballot

"Shall _____ district incur a bonded indebtedness in the aggregate principal amount of $_____ for the purpose of paying its share of the equitable adjustment resulting from the reorganization of said school district?"

The county superintendent of schools shall certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises and said board of supervisors shall cause said bonds to be issued and sold as provided in Sections 21701 to 21801,

Certification of proceedings

inclusive, and Sections 21803 to 22152, inclusive, of this code except that the proceeds of sale of said bonds shall be deposited to the credit of the reorganized district entitled to such proceeds pursuant to said plans and recommendations.

SEC. 6. Section 3125 of said code is amended to read:

Total amount of bonds

3125. When the augmented county committee includes in its plans and recommendations proposals for the division of the school property of an existing district under Sections 3121, 3123, and 3124, the total amount of bonds required may be in excess of the limitation provided in Sections 21801 and 21803.

SEC. 7. Section 3128 of said code is amended to read:

Provision for governing board

3128. In any proposal for unification recommended by an augmented county committee, the committee may include a provision for a governing board of either five (5) or seven (7) members and may include a provision for trustee areas. In establishing trustee areas each augmented county committee shall provide for representation in accordance with population and geographic factors of the entire area of the unified school

Trustee areas

district. As many trustee areas as needed, not to exceed seven (7), may be established. The augmented county committee shall designate the number of members of the governing board to be elected from among the registered voters of each trustee area so that a governing board of either five (5) or seven (7) members is provided. If the committee includes a provision for trustee areas, it shall also include a provision for the election of members of the governing board by the registered voters of the entire school district or for the election of the member or members residing in each trustee area by the registered voters of that particular trustee area.

Provisions regarding the number of trustees or trustee areas and the election of trustees by the district at large or by the registered voters of each particular trustee area shall be considered as an inherent part of the proposal and not to be construed as a separate proposition; provided that such provisions shall indicate the boundaries of the proposed trustee areas.

SEC. 8. Section 3129 of said code is amended to read:

Trustee areas

3129 In any proposal for unification recommended by an augmented county committee such committee may include a provision for trustee areas and such provision shall be considered as an inherent part of the proposal and not be construed as a separate proposition; provided, that such provision shall indicate the boundaries of the proposed trustee areas.

SEC. 9. Section 3130 of said code is amended to read:

Maximum tax rate

3130. In any proposal for unification recommended by an augmented county committee, the committee may include a provision for the authorization of a maximum tax rate for the proposed unified district, and such provision shall be considered an inherent part of the proposal, and not be construed as a separate proposition. If the unification is approved by

the registered voters of the area, such tax rate shall be the maximum tax rate for the unified district in lieu of any rate specified in Section 20751 until changed by the registered voters of the district in the manner prescribed in Section 20803. Such tax rate established by the augmented county committee shall not be less than the tax rates for a unified district provided in Section 20751 nor more than a rate which would produce revenue for the proposed unified district equal to the sum of the revenue of each of the component districts had the maximum allowable tax rate been in effect in each component district during the school year immediately preceding the date upon which the unification would be effective for all purposes.

SEC. 10. Section 3132 of said code is amended to read:

3132. The augmented county committee shall have power to establish trustee areas, rearrange the boundaries of any trustee areas and abolish trustee areas in any unified school district formed under the provisions of this chapter (commencing at Section 3001) at any time the committee deems such action advisable. Any such proposal may also be made by a petition signed by at least five (5) qualified electors residing in the school district concerned. The petition shall be presented to the committee which shall hold at least one (1) public hearing thereon. The hearing shall be called and conducted in the manner prescribed herein for calling and conducting other public hearings except that notice thereof shall be posted at some public place in each trustee area of the school district concerned, on a prominent place in each schoolhouse, and at the place of holding the hearing.

Powers

Petition

Hearing

SEC 11. Section 3133 of said code is amended to read:

3133 (a) Any such proposal resulting from committee action or from a petition acted upon favorably by the augmented county committee, pursuant to Section 3132, shall be presented to the electors of the district at the next succeeding election for members of the governing board. The election provided for in this section shall be called by the governing board of the district and shall be held and conducted in as nearly the same manner as may be practical as are elections for members of boards of school trustees. The words to appear on the ballot shall be:

Calling of election

Form of ballot

"For the establishment of trustee areas in _____ (Insert name) Unified School District—Yes" and "For the establishment of trustee areas in _____ (Insert name) Unified School District—No."

(b) In the event the election is called for the purpose of rearranging the boundaries of trustee areas, then there shall appear upon the ballot the words "rearranging the boundaries" in lieu of the word "establishment."

(c) In the event the election is called for the purpose of abolishing trustee areas, then there shall appear upon the ballot the word "abolishment" in lieu of the word "establishment."

CHAPTER 2215

An act to amend Section 4101 of, to add Article 2.5 (commencing with Section 4147) to Chapter 16, Division 6 of, and to repeal Section 4362 of, the Agricultural Code, relating to dairy products.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 4101 of the Agricultural Code is amended to read:

Definitions

4101. "Milk," "cream," "market milk" and "market cream" have the meaning of those terms defined in Division 4 of this code. "Dairy products" means buttermilk; flavored milk drinks; bottled milk drinks sold under a trade name; modified milk; acidophilus milk; skim milk for human consumption; milk and cream in combination which does not come within the statutory definitions of milk or cream; ice cream, ice milk, and sherbet, separately, or in combination; ice cream mix; ice milk mix; cottage cheese; butter; American or cheddar cheese; Monterey jack cheese; and pasteurized process cheese; eggnog; sour cream dressing; and yogurts.

SEC. 2. Article 2.5 (commencing with Section 4147) is added to Chapter 16, Division 6 of said code, to read:

Article 2.5. Price Filing

Filing of price schedules

4147. Every distributor in any marketing area shall file with the director schedules and any amendments thereto setting forth the prices at which each such distributor is selling or offering or agreeing to sell market milk; market cream; buttermilk; flavored milk drinks; bottled milk drinks sold under a trade name; modified milk; acidophilus milk; skim milk for human consumption; milk and cream in combination which does not come within the statutory definitions of milk or cream; cottage cheese; eggnog; sour cream dressing, and yogurts in such marketing area. Price filing shall not be required for any other dairy products.

Effective date of prices

4148. Prices filed pursuant to Section 4147 shall be made in such office of the director as he shall designate. Such prices shall not become effective until the fifth day after filing. Evidence of any sale of, or offer or agreement to sell such market milk, market cream or dairy products by a distributor at less than the prices theretofore filed with the director by such distributor pursuant to the provisions of this article shall constitute prima facie proof of a violation of this article. Offers and agreements to sell, as used herein, shall include offers and agreements which are conditional, or which shall become effective, upon the filing thereafter of amended prices by the distributor making such offer. Upon receipt of such

filings or amendments, the director shall forthwith date, file and index the same in such manner that the information therein contained shall at all times be kept current and be readily available to any interested person desiring to inspect the same. Any other distributor in the marketing area may meet any such prices so filed; provided, that such distributor shall file with the director a schedule of prices not exceeding the prices so met by him within 24 hours after meeting the same.

SEC. 3. Section 4362 of said code is repealed. Repeal

CHAPTER 2216

An act to amend Section 31765.1 of the Government Code, relating to the retirement of county employees

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 31765.1 of the Government Code is amended to read:

31765.1. Upon the death of any member of a retirement system established in a county subject to the provisions of Section 31676.1 or Section 31695.1, eligible for retirement pursuant to Article 7.5, 8, or 8.7 who leaves a spouse designated as beneficiary, such surviving spouse may, in lieu of the death benefit provided for in Article 12, elect to receive a retirement allowance equal to 60 percent of the amount to which the member would have been entitled had the member retired on the date of his death with a retirement allowance not modified in accordance with one of the optional settlements specified in Article 11; provided, however, that the minimum amount of such monthly allowance shall be one hundred twenty dollars ($120). Such surviving spouse may elect in writing, before the first payment of any allowance is made, to receive in a lump sum payment all or any part of the member's accumulated additional contributions. The sum so paid shall not be included in the calculations of the annuity of the surviving spouse.

If, at the death of such spouse, she or he is survived by one or more unmarried children of such member, under the age of 18, such retirement allowance shall continue to such child or children, collectively, until every child dies, marries, or attains age 18. If such spouse dies, either before or after the death of such member without either making such election or receiving any portion of the death benefit, and no part of the death benefit has been paid to any person, prior to the payment of any benefits, the legally appointed guardian of such children shall make the election herein provided for on behalf of such surviving children as in his judgment may appear to be in their

interest and advantage and the election so made shall be binding and conclusive upon all parties in interest.

In cases where any qualified surviving spouse or children of such deceased member has been receiving an allowance under this section of less than the minimum now provided herein, such monthly allowance shall be increased to an amount equal to such minimum, effective as of October 1, 1961.

CHAPTER 2217

An act to amend Section 5307 of the Labor Code, relating to workmen's compensation.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 5307 of the Labor Code is amended to read:

5307. The commission may by an order signed by four members:

(a) Adopt reasonable and proper rules of practice and procedure.

(b) Regulate and provide the manner in which, and by whom, minors and incompetent persons are to appear and be represented before it.

(c) Regulate and prescribe the kind and character of notices, where not specifically prescribed by Division 4, and the service thereof.

(d) Regulate and prescribe the nature and extent of the proofs and evidence.

No rule or regulation of the commission pursuant to this section shall be adopted, amended, or rescinded without public hearing at which an opportunity is afforded for interested persons to be heard or to present statements with respect to the proposed rule or regulation, or amendment or rescission thereof. Notice of the rule or regulation proposed to be adopted, amended, or rescinded, of the time and place of the public hearing, and of any action thereon by the commission must be given to such business and labor organizations and firms or individuals who have requested notice thereof. Any written request hereafter filed with the commission seeking a change in its rules or regulations shall be deemed to be denied if not set by the commission for public hearing to be held within six months of the date on which such request is received by the commission.

CHAPTER 2218

An act to amend Section 2924b of the Civil Code, relating to deeds of trust and mortgages.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 2924b of the Civil Code is amended to read:

2924b. Any person desiring a copy of any notice of default and of any notice of sale under any deed of trust or mortgage with power of sale upon real property, as to which deed of trust or mortgage the power of sale cannot be exercised until such notices are given for the time and in the manner provided in Section 2924 may, at any time subsequent to recordation of such deed of trust or mortgage and prior to recordation of notice of default thereunder, cause to be filed for record in the office of the recorder of any county in which any part or parcel of the real property is situated, a duly acknowledged request for a copy of any such notice of default and of sale. This request shall be signed and acknowledged by the person making the request, specifying the name and address of the person to whom the notice is to be mailed, shall identify the deed of trust or mortgage by stating the names of the parties thereto, the date of recordation thereof and the book and page where the same is recorded or the recorder's number and shall be in substantially the following form:

"In accordance with Section 2924b, Civil Code, request is hereby made that a copy of any notice of default and a copy of any notice of sale under the deed of trust (or mortgage) recorded _____, 19 ___, in Book _____ page _____ records of _____ County, (or filed for record with recorder's serial number _____, _____ County) California, executed by _____ as trustor (or mortgagor) in which _____, is named as beneficiary (or mortgagee) and _____ as trustee be mailed to _____ at _____.
Name Address

Signature_____"

Upon the filing for record of such request, the recorder shall index in the general index of grantors the names of the trustors (or mortgagor) recited therein and the names of persons requesting copies.

The mortgagee, trustee or other person authorized to record the notice of default, shall within 10 days following recordation of such notice of default deposit or cause to be deposited in the United States mail an envelope, registered and with postage prepaid, containing a copy of such notice with the recording date shown thereon, addressed to each person whose name and address are set forth in a duly recorded request

therefor, directed to the address designated in said request, and at least 20 days before date of sale the mortgagee, trustee or other person authorized to make the sale shall deposit or cause to be deposited in the United States mail an envelope, registered and with postage prepaid, containing a copy of the notice of the time and place of sale, addressed to each person whose name and address are set forth in a request therefor recorded, within the time herein provided.

Any deed of trust or mortgage with power of sale hereafter executed upon real property may contain a request that a copy of any notice of default and a copy of any notice of sale thereunder shall be mailed to any person a party thereto at the address of such person given therein, and a copy of any notice of default and of any notice of sale shall be mailed to each such person at the same time and in the same manner required as though a separate request therefor had been filed by each of such persons as herein authorized. If any deed of trust or mortgage with power of sale executed after September 19, 1939, except a deed of trust or mortgage of any of the classes excepted from the provisions of Section 2924 does not contain a request of the trustor or mortgagor for special notice at the address of such person given therein or does contain such request but no address of such person is given therein and if no request for special notice by such trustor or mortgagor in substantially the form set forth in this section has subsequently been recorded, a copy of the notice of default shall be published once a week for at least four weeks in a newspaper of general circulation in the county in which the property is situated, such publication to commence within 10 days after the filing of the notice of default. In lieu of such publication a copy of the notice of default may be delivered personally to the trustor or mortgagor within such 10 days or at any time before publication is completed.

No request for copy of any notice filed for record pursuant to this section nor any statement or allegation in any such request nor any record thereof shall affect the title to real property or be deemed notice to any person that any person requesting copies of notice has or claims any right, title or interest in, or lien or charge upon the property described in the deed of trust or mortgage referred to therein.

CHAPTER 2219

An act to amend the heading of Chapter 7 (comencing with Section 12700) of Division 5, and Sections 12700, 12700.1, 12700.5, 12701, 12701.5, 12702, 12704, 12705, 12706, 12707, 12708, and 12710 of, to add Sections 12700.2, 12706.5, 12707.7, 12708.5, 12713, 12713.1, 12714, 12715, and 12716 to,

and to repeal Section 12703 of, the Business and Professions Code, relating to public and private weighmasters.

[Approved by Governor July 20, 1961 Filed with Secretary of State July 21, 1961]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 7 (commencing with Section 12700) of Division 5 of the Business and Professions Code is amended to read:

CHAPTER 7. WEIGHMASTERS

SEC. 2. Section 12700 of said code is amended to read:

12700. (a) A public weighmaster is either of the following: Public weighmaster

(1) Any person who weighs, measures or counts any commodity and issues therefor a signed or initialed statement or memorandum of the weight, measure, or count accepted as the accurate weight or measure or count upon which the purchase or sale of the commodity is based.

(2) Any person engaged in the business of public weighing for hire.

(b) A public weighmaster at large is any person who shall, other than at an established and definite place of business, engage in the business of weighing, measuring or counting for hire or weigh, measure or count any commodity or service and issue therefor a signed or initialed statement or memorandum upon which the purchase or sale of the commodity or service is based. Public weighmaster at large

A public weighmaster at large is subject to the provisions of this chapter, except as specified under Section 12701.

(c) A private weighmaster is any person who weighs, measures or counts any commodity or service in which he is interested as the seller and issues therefor a signed or initialed statement or memorandum of the weight, measure or count upon which the sale of such commodity or service is based. Private weighmaster

A private weighmaster shall not engage in the business of weighing for hire, nor shall he at any time issue a private weighmaster certificate for any commodity or service in which he is not interested as the seller.

SEC. 3. Section 12700.1 of said code is amended to read:

12700.1. The following shall not be construed to be private or public weighmasters: Not private or public weighmaster

(a) Retailers weighing or measuring commodities for sale by them in retail stores directly to consumers;

(b) Producers of agricultural commodities or livestock weighing commodities produced or purchased by them or by their producer neighbors, when no charge is made for such weighing, and no signed or initialed statement or memorandum is issued of the weight upon which a purchase or sale of the commodity is based;

(c) Common carriers issuing waybills or bills of lading on which are recorded, for the purpose of computing transportation charges, the weights of commodities offered for transportation;

(d) Weighers licensed under the provisions of Section 681 of the Agricultural Code when performing the duties for which they are licensed;

(e) Employees of the department authorized to weigh agricultural products under the provisions of Chapter 8 (commencing with Section 12801) of Division 5 of this code, when performing the duties authorized thereby.

(f) Persons who measure the amount of oil, gas, or other fuels for purposes of royalty computation and payment, or other operations of fuel and oil companies and their retail outlets.

SEC. 4. Section 12700.2 is added to said code, to read:

License

12700.2. No person shall engage in the business of weighing for hire, nor perform any acts as described and set forth in Section 12700 without having first obtained a weighmaster license of the particular classification which is applicable and appropriate to his occupation, business activities or commercial enterprise.

SEC. 5. Section 12700.5 of said code is amended to read:

Receipt showing weight of fish, mollusks or crustaceans

12700.5. The issuance of a receipt showing the weight of fish, mollusks, or crustaceans pursuant to Sections 8011-8015 of the Fish and Game Code constitutes the issuance of a weight or measure certificate under this chapter when issued by persons who are required to be public weighmasters pursuant to Section 12700(a)(1) of this code.

SEC. 6. Section 12701 of said code is amended to read:

License fee Public weighmaster

12701. Each public weighmaster shall pay a license fee of twenty-five dollars ($25) for each fiscal year, or any part thereof, to the department for the location of the principal place of business and an additional license fee of five dollars ($5) for each additional location where service as a public weighmaster is rendered.

Private weighmaster

Each private weighmaster shall pay a license fee of twenty-five dollars ($25) for the 1962-63 fiscal year, and each fiscal year thereafter, or any part thereof, to the department for the location of the principal place of business and an additional fee of ten dollars ($10) for each additional location where service as a private weighmaster is rendered.

Public weighmaster at large

Each public weighmaster at large shall pay a license fee of one hundred dollars ($100) for the fiscal year of 1962-63, and each fiscal year thereafter, or any part thereof, to the department. Such fee of one hundred dollars ($100) shall entitle the public weighmaster at large to render service as a public weighmaster at a principal location and at any temporary and indefinite locations as may be required by him in the pursuit of his business as a public weighmaster.

"Location," for the purposes of this section, means all weighing, measuring, or counting devices installed or located in one yard, building, or group of adjoining buildings, and which is operated as a single business unit in the rendering of services by a public weighmaster or private weighmaster. "Location"

Public weighmasters and public weighmasters at large shall pay an additional license fee of two dollars ($2) for each fiscal year or part thereof for each deputy public weighmaster and for each additional license fee the department shall issue a deputy public weighmaster's license. Additional license fees

Private weighmasters shall pay an additional license fee of two dollars ($2) for each fiscal year or part thereof for each deputy weighmaster and for each additional license fee the department shall issue a deputy private weighmaster's license.

Persons previously licensed to be weighmasters shall, between May 1st and July 1st of each year, pay each required license fee for the fiscal year commencing with July 1st of such year, which shall be for all or any part of such year. Failure of a person previously licensed to renew his license on or before July 1st of any one year shall ipso facto forfeit his right to serve as a weighmaster. No license shall be issued to a person who has so failed to renew his license and forfeited his right to serve as a weighmaster until written application shall have been made by him to the department and accompanied by a restoration fee in an amount twice that required as the regular license fee or fees. Previously licensed weighmaster

Before any license is issued to any public weighmaster, public weighmaster at large or private weighmaster, the applicant shall execute and deliver to the director a surety bond in the sum of two thousand dollars ($2,000) executed by the applicant as principal and by a corporate surety company qualified and authorized to do business in this State as a surety. Said bond shall be conditioned upon the faithful and honest compliance with the provisions of this chapter. Said bond shall be to the State in favor of every person availing himself of the services and certifications issued by the weighmaster. Surety bond

The department, after a hearing, may refuse to issue or may revoke a weighmaster license issued to any person who cannot capably or reliably perform the duties of a weighmaster, or who has not capably or reliably performed the duties of a weighmaster, and it may, after a hearing, refuse to renew a weighmaster license to any person who has not capably or reliably performed the duties of a weighmaster. Denial or revocation of license

The department, after a hearing, may refuse to issue or may revoke, or may refuse to renew a deputy weighmaster license issued to any person who cannot capably or reliably perform the duties of a deputy weighmaster, or who has not capably or reliably performed the duties of a deputy weighmaster.

Administrative proceedings

The proceedings of the hearings referred to in this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

SEC. 7. Section 12701.5 of said code is amended to read:

Cancellation or lapse of bond

12701.5. Whenever the bond required by this chapter lapses or is canceled, the license of the person thereby bonded as a weighmaster shall expire and the license of any deputy weighmaster appointed by him shall likewise expire.

SEC. 8. Section 12702 of said code is amended to read:

Deputy weighmasters

12702. Public weighmasters, public weighmasters at large and private weighmasters may employ or designate any person to act for them as deputy weighmaster and shall be responsible for all acts performed by such person. The weighmaster shall forward to the department the name and address of persons so appointed.

SEC. 9. Section 12703 of said code is repealed.

SEC. 10. Section 12704 of said code is amended to read:

Form of weight and measure certificates

12704. (a) The department shall prescribe a form of weight and measure certificates to be used by public weighmasters. The certificate used by a public weighmaster shall be known as the "state certificate of weights and measures" and no other form of certificate shall be used by public weighmasters.

The certificate shall state thereon:

(1) The kind of product or article.

(2) The number of units of the product or article.

(3) The date on which the product or article was weighed, measured or counted.

(4) The owner, agent or consignee.

(5) Either the gross weight of the product and the vehicle or container thereof, or the tare weight of the unladen vehicle or container, or both such gross and tare weights; or the true net weight, measure, or count of the product. The provisions of this section shall apply in all respects to the transportation of part loads of products, except that the gross weight of a vehicle containing one or more part loads may be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. Such weight certificate on part loads shall show, in addition to the net weight, both of the gross weights used in the computation of the net weight of each part load.

(6) The vessel, railroad or other means by which the product was received. If motor vehicle carrier is used, the license number of any vehicle or trailer shall be stated on the certificate.

(7) Any trade or other mark thereon.

(8) The name of the city or town where such product or article was weighed, measured or counted.

(9) The complete signature of the weighmaster or deputy weighmaster who weighed, measured or counted the product or article.

(10) The consecutive number thereof and such other information as may be necessary to identify the product or distinguish it from a like kind.

Form of delivery ticket, invoice, etc

(b) Private weighmasters may use a delivery ticket, invoice, bill of lading or purchase ticket of a form approved by the department which shall be known as a private weighmasters certificate and shall state thereon:

(1) Date of issue.

(2) Consecutive number thereof.

(3) Commodity.

(4) Owner, agent or consignee.

(5) Either the gross weight of the product and vehicle and container thereof, or the tare weight of the unladen vehicle or both such gross and tare weights, or the true net weight, measure or count of the product.

(6) The vessel, railroad or other means by which the product is received or delivered. If a motor vehicle is used vehicle and trailer must be correctly identified. The license number shall be shown if required by the purchaser.

(7) Place where commodity was weighed.

(8) Signature of weighmaster or deputy weighmaster who weighed, measured or counted the product.

(9) Such other information as may be required to identify the product or distinguish it from a like kind.

Approval of form

It shall be unlawful for a public weighmaster to use a public weighmaster certificate form purchased by him for use in connection with his service as a public weighmaster until a sample of such form has been inspected and approved in writing by the department. Such approval shall not be required of a public weighmaster when using public weighmaster certificate forms for which approval has been previously received by the printer, stationer or other supplier whose business includes the supplying of such approved forms.

Same

It shall be unlawful for a private weighmaster to use a private weighmaster certificate form purchased by him for use in connection with his service as a private weighmaster until a sample of such form has been inspected and approved in writing by the department. Such approval shall not be required of a private weighmaster when using a private weighmaster certificate form for which approval has been previously received by the printer, stationer or other supplier whose business includes supplying such approved forms.

Certificate forms designated state property

Public weighmaster certificate forms and private weighmaster certificate forms shall be the property of the State and all unused weighmaster certificate forms shall be forfeited and returned to the department by any person who has served as a public weighmaster or a private weighmaster upon termination of the performance of his duties as a weighmaster. Certificates of weight or measure which have been returned to the department shall be kept in a safe place for a period of four years after which time they shall be destroyed or otherwise disposed of by the department.

SEC. 11. Section 12705 of said code is amended to read:

Preservation of certificates

12705. All public weighmasters shall keep and preserve, as records, for a period of four years, true copies of all certificates issued upon public weighings, measurings or counts. These records shall at all times be open for inspection by the director or by a sealer or his deputy.

Records open for inspection

All private weighmasters shall keep and preserve, as records, for a period of four years, true copies of all certificates issued upon certified weighings, measurings or accounts. These records shall at all times be open for inspection by the director or by a sealer or his deputy.

SEC. 12. Section 12706 of said code is amended to read:

Certificates of weights and measures

12706. State certificates of weights and measures issued by public weighmasters and private weighmaster certificates issued by private weighmasters shall contain the accurate and correct weight or measure or count of any and all commodities or products weighed or measured or counted.

Misdemeanors

Any public weighmaster who issues a state certificate of weights and measures without first weighing, measuring, or counting the article or commodity, or who knowingly issues a state certificate of weights and measures giving thereon a false weight or measure or count of the article or commodity weighed or measured or counted by him, or any person who alters a state certificate of weights and measures, is guilty of a misdemeanor.

Any private weighmaster who issues a private weighmasters certificate without first weighing, measuring or counting the article or commodity, or who knowingly issues a private weighmasters certificate giving thereon a false weight or measure or count of the commodity weighed or measured or counted by him, or any person who alters a private weighmaster certificate, is guilty of a misdemeanor.

Forfeiture of bond

The department may declare the bond of any licensed weighmaster forfeited where such weighmaster has been guilty of a violation of this section.

SEC. 13. Section 12706.5 is added to said code, to read:

Approval, testing and sealing of devices used

12706.5. Any weighing, measuring or counting instrument or device used by a licensed weighmaster in determining the weight, measure or count of any article or commodity upon which the purchase or sale of the commodity is based shall be approved, tested and sealed as provided by Chapter 5 (commencing with Section 12500), Division 5 of the California Business and Professions Code.

SEC. 14. Section 12707 of said code is amended to read:

Misdemeanors

12707. Any person is guilty of a misdemeanor who does any of the following acts:

(a) Requests a public weighmaster or a private weighmaster, public weighmaster at large, or any person employed by him to weigh, measure or count any commodity falsely or incorrectly.

(b) Requests a false or incorrect state certificate of weights and measures or private weighmaster certificate.

(c) Issues a state certificate of weights and measures when he is not a public weighmaster, public weighmaster at large or deputy public weighmaster, or issues a private weighmaster certificate when he is not a private weighmaster.

(d) Possesses unfilled or unused certificates of weights and measures forms if he is not a public weighmaster. This subdivision does not apply to a person engaged in the business of printing state certificate of weights and measures forms nor to his representative.

SEC. 15. Section 12707.7 is added to said code, to read:

12707.7. When the tare weight of a vehicle is recorded on a private weighmaster certificate by a private weighmaster the actual tare weight of such vehicle shall at no time exceed the recorded tare weight. Tare weight

SEC. 16. Section 12708 of said code is amended to read:

12708. When doubt or differences arise as to the correctness of the net or gross weight or measure of any amount or part of any commodity for which a certificate of weights and measures has been issued by a licensed weighmaster, the owner, agent, or consignee may, upon complaint to the department have the amount or part thereof reweighed by the department or a public weighmaster designated by it, upon depositing a sufficient sum of money to defray the actual cost of reweighing with the department. Doubt or differences as to correctness

If, on reweighing, a difference from the original certified weight is discovered as the result of fraud, carelessness, or faulty apparatus, the cost of reweighing shall be borne by the weighmaster responsible for the issuance of the erroneous certificate. Cost of reweighing

SEC. 17. Section 12708.5 is added to said code, to read:

12708.5. Duly authorized representatives of the department, sealers and deputy state sealers may at any time require a laden or unladen vehicle to proceed to the nearest vehicle scale for the purpose of verifying the gross or tare weight of such vehicle. Verifying vehicle weight

SEC. 18. Section 12710 of said code is amended to read:

12710. When any commodity is sold subject to public weighmaster weights, such weights shall be the true net weight. True net weight

Net weight is the correct or actual weight of the commodity excluding the weight of the container or conveyance. Net weight

Actual weight shall mean the weight obtained from one draft of vehicle loads. In determining the net weight of any commodity, the entire weight of the vehicle and load must rest on the scale at one time. Actual weight

SEC. 19. Section 12713 is added to said code, to read:

12713. In all cases where farm products are sold to and purchased by agents, brokers, commission merchants, dealers, factors or processors on the basis of weight, such products shall be weighed by a public weighmaster, licensed under the laws of this State, and the original certificate as to such weight issued by him shall be delivered to the seller by the weighmaster, agent, broker, commission merchant, dealer, factor or Farm products

processor, and settlement for such product shall be made on the weight shown thereon.

The term "farm products" as used in this chapter includes all agricultural, horticultural and viticultural and vegetable products of the soil, flaxseed and cottonseed, but shall not include timber and timber products, milk and milk products.

SEC. 20. Section 12713.1 is added to said code, to read:

Livestock

12713.1. Where livestock is sold on the basis of weight at a public sales yard or by or at any livestock market, market agency or dealer which is subject to the Federal Packers and Stockyards Act, such livestock shall be weighed by a public weighmaster licensed under the laws of this State.

The term "livestock," when used in this chapter, shall be construed to include cattle, sheep, swine, horses, mules or goats.

SEC. 21. Section 12714 is added to said code, to read:

Scrap metal and salvage materials

12714. In all cases where scrap metal and salvage materials are purchased or sold by dealers, brokers or commission merchants on the basis of weight, such scrap metal and salvage material shall be weighed by a public weighmaster licensed under the laws of this State and a certificate of such weight shall be issued to the seller with a duplicate copy of such certificate issued to the buyer, and settlement for such materials shall be made on the weight shown thereon.

SEC. 22. Section 12715 is added to said code, to read:

Definitions

12715. The term "weighmaster" or "licensed weighmaster" as used in this chapter includes public weighmasters, public weighmasters at large and private weighmasters. The term "public weighmaster" includes public weighmaster at large except as specified in Section 12701.

SEC 23. Section 12716 is added to said code, to read:

Rules and regulations

12716. The director may make such rules and regulations as are reasonably necessary for the purpose of carrying out the provisions of this chapter. Adoption of such rules and regulations shall be in accordance with the provisions of Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 2220

An act to amend Section 69950 of the Government Code, relating to court reporters.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 69950 of the Government Code is amended to read:

69950. The fee for transcription for original ribbon copy is thirty-five cents ($0.35) for 100 words, and for each copy for the party buying the original made at the same time, ten

cents ($0.10) each for 100 words. The fee for a first copy to any other person shall be fifteen cents ($0.15) for each 100 words, and for each additional copy, made at the same time, ten cents ($0.10) for each 100 words.

CHAPTER 2221

An act to amend Section 814 of, and to add Section 814.15 to, the Agriculture Code, relating to head lettuce.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 814 of the Agriculture Code is amended to read:

814. Head lettuce shall not be leafy without head formation and shall be fairly well trimmed, free from insect injury, slime, decay or rot affecting leaves within the head, and free from seed stems which have so developed that they are apparent upon external examination; and free from serious damage caused by broken midribs, bursting, tip burn or freezing. Damage caused by freezing or tip burn is not serious unless it affects any portion of the head inside of the six outer head leaves. Head lettuce

Not more than 15 percent, by count, of the heads of lettuce in any one container or bulk lot may be below these requirements, but not to exceed 5 percent, shall be allowed for decay or slime, except, individual containers in any lot may contain not more than one and one-half times the tolerance specified, provided the percentage of defects in the entire lot averages within the tolerance specified, as determined by inspection of a representative sample.

Head lettuce, when packed or placed in layers in any container, shall not vary in size in any one container more than 15 percent of heads which would fairly tightly pack a size, larger or smaller, than the size marked, and they shall be fairly tightly packed with the same numerical count of regularly arranged heads in each layer and none of the heads shall be placed outside of the regular arrangement of three uniform flat layers in standard container number 45 and two uniform flat layers in standard container number 45A; except, that when 2½ dozen heads of lettuce of the 2½ dozen size when fairly tightly packed in standard container number 45A are packed in such container, six heads of the same size or dimensions as contained in the upper and lower layers may be placed between such layers; provided, the upper and lower layers consist of 12 heads each and the total count in the container is 30 heads Head lettuce for shipment out of this State shall be packed in standard containers which are lidded.

In addition to other packing requirements in this chapter, head lettuce, when packed or placed in layers, shall contain

either 1½ dozen, two dozen, 2½ dozen, three dozen, 3½ dozen, four dozen, five dozen, 75 or 90 heads of lettuce per standard container.

Containers

All containers of packed lettuce shall bear upon them in plain sight and in plain letters on one outside end, the name of the person who first packed or authorized the packing of the lettuce, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer, and in figures not less than one-half inch in height the exact number of heads contained therein; provided, that in the case of lettuce packed in lidded or closed containers without ice the exact number of heads may be marked on the lid of the container; and provided further, that in the case of 10 percent of the crates in any lots the contents may vary not more than three heads over the count as marked.

SEC. 2. Section 814.15 is added to said code, to read:

Head lettuce prepared for transportation or sale

814.15. Head lettuce prepared for transportation or sale in California shall be packed in standard containers which are lidded, except this section shall not apply to lettuce when in a retail establishment in possession of a retailer for the purpose of resale directly to consumers, nor to lettuce sold by a producer regularly engaged in the production of lettuce directly to consumers on the premises where produced nor to lettuce at a retail stand operated by such producer near the point of production, nor to the transportation by a producer or jobber of lettuce in containers containing less than 18 heads for sales to retail stores in not more than one such container per sale. Consumer means a person who buys lettuce for use as food, and not for commercial distribution, or for resale.

"Retail establishment"

"Retail establishment" as used in this section includes a retailer's warehouse from which the lettuce is distributed by such retailer to his individual retail outlets or stores.

CHAPTER 2222

An act to add Section 30.3 to the Agricultural Code, relating to nursery stock.

In effect September 15, 1961

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 30.3 is added to the Agricultural Code, to read:

30.3. Inasmuch as the planned production of trees, vines, rose bushes, ornamental plants and other horticultural crops is distinguishable from the production of other products of the soil only in relation to the time elapsing before maturity, plants being produced by nurseries shall be considered to be "growing agricultural crops" for the purpose of any laws pertaining to the agricultural industry of the State.

CHAPTER 2223

An act to amend Section 8014 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to state central committees.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 2224

An act to amend Section 8003 of the Elections Code as enacted by the Legislature at its 1961 Regular Session, relating to political parties.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

NOTE: The section of the Elections Code affected by this chapter appears in its proper place in that code, Chapter 23 of Statutes of 1961, as required by Section 9762 of the Government Code.

CHAPTER 2225

An act to amend Section 8726 of, and to add Section 8730.6 to, the Business and Professions Code, relating to photogrammetry.

[Approved by Governor July 20, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 8726 of the Business and Professions Code is amended to read:

8726. A person practices land surveying within the meaning of this chapter who, either in a public or private capacity, does or offers to do any one or more of the following:

Practice of land surveying

(a) Locates, relocates, establishes, re-establishes, or retraces any property line or boundary of any parcel of land or any road, right-of-way, easement, alignment or elevation for any of the fixed works embraced within the practice of civil engineering, as described in Chapter 7, Division 3 of this code.

(b) Makes any survey for the subdivision or resubdivision of any tract of land.

(c) By the use of the principles of land surveying determines the position for any monument or reference point which marks a property line, boundary or corner, or sets, resets or replaces any such monument or reference point.

(d) Determines the configuration or contour of the earth's surface or the position of fixed objects thereon or related thereto, by means of measuring lines and angles, and applying the principles of trigonometry or photogrammetry.

(e) Geodetic or cadastral surveying.

(f) Determines the information shown or to be shown on any map or document prepared or furnished in connection with any one or more of the functions described in subsections (a), (b), (c), (d) and (e).

(g) Indicates, in any capacity or in any manner, by the use of the title "land surveyor" or by any other title or by any other representation that he practices or offers to practice land surveying in any of its branches.

(h) Procures or offers to procure land surveying work for himself or others.

(i) Manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed or practiced.

SEC. 2. Section 8730.6 is added to said code, to read:

Exemption from licensing

8730.6. After June 30, 1962, the exemption from licensing provided in Section 8730.5 shall apply to only those persons who hold a certificate of exemption issued by the board. The board shall receive applications for certificates of exemption filed on or before June 30, 1962, but not after that date A certificate of exemption may be issued to any person who shows to the satisfaction of the board that he has had six years or more of professional level photogrammetric mapping experience. The certificate shall bear the seal of the board and the signatures of the president and secretary. Application for the certificate shall be on a form prescribed by the board and shall be accompanied by the application fee prescribed by this chapter for land surveyor's license.

CHAPTER 2226

An act to add Section 86 to the Military and Veterans Code, relating to acceptance or acquisition of property.

[Approved by Governor July 21, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 86 is added to the Military and Veterans Code, to read:

86. The department shall investigate and determine the advisability of accepting or acquiring on behalf of the State the Corona Naval Hospital, including the buildings and grounds thereof, from the United States government, for use either as a state veterans' home or hospital, or both, or for use as a state veterans' facility used in conjunction with the federal Veterans Administration

Following such investigation and determination as the department shall make, the department may accept or acquire on behalf of the State from the United States government any part or all of the Corona Naval Hospital, including the buildings and grounds thereof, for use either as a state veterans' home or hospital, or both, or for use as a state veterans' facility used in conjunction with the federal Veterans Administration if the property becomes available to the State for such use and if the department deems the acquisition and the terms and conditions thereof to be in the best interests of the State and provided that the department accepts or acquires only that portion of the property which may reasonably be used by the department for a veteran's facility, and provided that no state funds shall be expended in connection with the acquisition of Corona Naval Hospital without the prior approval of the Legislature.

CHAPTER 2227

An act to add Article 3 (commencing with Section 1200) to Chapter 2, Division 5 of the Harbors and Navigation Code, relating to the Pilotage Rate Committee for San Francisco, San Pablo, and Suisun Bays.

[Approved by Governor July 21, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 1200) is added to Chapter 2, Division 5 of the Harbors and Navigation Code, to read:

Article 3. Pilotage Rate Committee

"Committee" 1200. In this article, "committee" means the Pilotage Rate Committee for San Francisco, San Pablo, and Suisun Bays.

Pilotage Rate Committee 1201. There is hereby established the Pilotage Rate Committee for San Francisco, San Pablo, and Suisun Bays, consisting of five members appointed by the Governor.

Members 1202. Members of the committee shall be appointed by the Governor for a term of four years, and each member shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. The terms of the members of the committee first appointed under this article shall expire as follows: one pilot and one industry member, June 30, 1963; one member, June 30, 1964; one member, June 30, 1965; and one member, June 30, 1966. A vacancy occurring during a term shall be filled by appointment for the unexpired term. No person shall serve as a member of the committee for more than two consecutive terms.

Same 1203. Two members of the committee shall be bar pilots licensed under the provisions of this chapter and shall be termed bar pilot members.

Two members shall be termed industry members and shall be appointed from a list of not less than eight persons currently engaged as owners, officers, directors, employees, or representatives of firms, or associations of firms, which are substantial users of pilotage services in San Francisco, San Pablo and Suisun Bays, which list shall be submitted to the Governor by such users upon formation of said committee. Upon the occurrence of any vacancy among industry members a list of not less than eight such persons engaged in such capacities shall be so submitted. One of such industry members shall be engaged in the dry cargo or passenger field of operation and the other in the tanker field of operation.

One member of the committee shall be termed a public member and shall not be a bar pilot licensed under the provisions of this chapter, or an officer, director, employee or representative of the shipping industry, or have been substantially connected with any phase of the maritime industry, whether as a proprietor or as a supplier of services or goods to vessels.

The public member shall be appointed from a list of not less than three such persons nominated by the industry members and bar pilot members of the committee. If the industry members and bar pilot members of the committee have not agreed upon nominations required by this section within 60 days of the date a vacancy occurs for the appointment of a public member, the Governor may make such appointment without regard to any such nominations.

Each member of the committee shall be at least 35 years of age and a resident of one of the following counties: San Fran-

cisco, Alameda, Contra Costa, Marin, San Mateo, Santa Clara, or Solano.

Compensation

1204. The bar pilot members and industry members of the committee shall serve without compensation or reimbursement of expenses. The public member of the committee shall be paid a per diem of fifty dollars ($50) for each day in which he is necessarily engaged in the duties of the committee and his necessary travel expenses.

Clerical and administrative services

1205. The secretary and employees of the Board of Pilot Commissioners for San Francisco, San Pablo and Suisun Bays shall perform such clerical, administrative, and other services as may be reasonably required by the committee.

Expenses

1206. The expenses of the committee shall be paid from the Board of Pilot Commissioners Special Fund created under this chapter.

Officers

1207. The members of the committee may elect a chairman and a secretary from their membership.

Functions of committee

1208. It shall be the function of the committee to biennially make recommendations to the Legislature on the following matters:

(1) The rates for bar pilotage which should be established for the succeeding biennial period under the provisions of Section 1170.

(2) Changes, if any, which should be made in the provisions relating to pilotage rates or affecting rates which are contained in Sections 1171 to 1177, inclusive.

(3) Changes, if any, which may be proposed in the basis for determining any of the rates for bar pilotage referred to in subsections (1) and (2) of this section

Public hearings Pilotage rates

1209. On or before August 1st of the year prior to which the Legislature meets in general session, and pursuant to any petition of any party directly affected by pilotage rates established under this chapter, the committee shall call public hearings to be held within 30 days of the date of call for the purpose of obtaining information and data relating to pilotage rates. At the conclusion of such hearing or hearings, the committee shall review and evaluate all evidence obtained and, prior to November 1st following such hearing or hearings, shall submit to the Secretary of the Senate and the Chief Clerk of the Assembly a copy of its findings and recommendations for final determination, supported by a transcript of the proceedings of the committee concerning the adoption of pilotage rates.

Findings and recommendations

Conduct of hearings

1210. Public hearings for the purpose of investigating pilotage rates shall be conducted in accordance with the provisions of Chapters 4 (commencing with Section 11370) and 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code and a full record shall be kept of all evidence offered.

Independent audit

1211. In preparing its recommendations to the Legislature with relationship to pilotage rates, the committee shall be furnished with an independent audit or audits by a public ac-

countant selected by the committee, such audit or audits to cover bar pilotage operations for such years as may be determined by the committee, and the committee shall further give consideration to other relevant factors, including, but not limited to, the following:

(1) The costs to the pilots, individually or jointly, of providing pilot service as required.

(2) A net return to the pilot sufficient to attract and hold persons capable of performing this service with safety to the public and protection to the property of persons using the service; and the relationship of that income to any changes in cost of living indices.

(3) Pilotage rates charged for comparable services rendered in other ports and harbors in the United States.

(4) Additional factors affecting income to pilots such as the volume of shipping traffic using pilotage, change in the size or structure of vessels affecting pilotage rates, numbers of pilots available to perform services, income paid for comparable services, and other factors of related nature.

Operative date

SEC. 2. This act shall become operative on July 1, 1962.

CHAPTER 2228

An act to add Section 12707.6 to the Business and Professions Code, relating to public weighmasters.

In effect September 15, 1961

[Approved by Governor July 21, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 12707.6 is added to the Business and Professions Code, to read:

12707.6. The tare weight of any vehicle while used exclusively for the transportation of any agricultural cargo, the value of which is less than ten dollars ($10) per ton, when once ascertained by a public weighmaster shall be accepted as the correct tare weight of that vehicle for the purpose of determining, for certification, the correct weight of any such cargo transported in that vehicle for a period of 48 hours.

For the purposes of this section, the actual tare weight of such vehicle shall at no time exceed the recorded tare weight.

Nothing contained in this section shall be construed as affecting the right of a sealer pursuant to Section 12213.

CHAPTER 2229

An act to add Sections 20814.5, 20815, 20816, 20817 and 20818 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 21, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 20814.5 is added to the Government Code, to read:

Right to make election under Sec 20815

20814.5. Any local member of this system who was in the service of a public agency which was not a contracting agency before entering the service of the contracting agency has the right to elect, by written election filed with the board at any time while in the employ of the contracting agency prior to October 1, 1962, to make contributions pursuant to Section 20815, and to receive credit in this system as state service for, all or any part of the time he was in the service of a noncontracting agency prior to October 1, 1959. A member shall not, however, receive credit as state service for any portion of such local service constituting prior service unless he has elected to make, and has made, contributions pursuant to Section 20815 for all of his local service with the noncontracting agency constituting current service. No election shall be effective for any purpose unless accompanied by a lump-sum payment of the contributions and interest due, or by an authorization for immediate institution of payroll deductions for installment payment thereof.

SEC. 2. Section 20815 is added to said code, to read:

Lump-sum or installment payments

20815. Any local member of this system who elects pursuant to Section 20814.5 to make contributions and receive credit as state service for all or any part of the time he was in the service of a noncontracting agency shall contribute to the retirement fund by lump-sum payment or by installment payments over a period not in excess of the length of time for which the member has elected to receive credit for service with a noncontracting agency as state service, at times and in a manner fixed by the board, an amount equal to the sum of (1) the contributions he would have made to the retirement fund if he had been in state service in the employ of the contracting agency during the time he was in such local service and for which he has elected to receive credit for state service, computed by applying the rate of contribution first applicable to him upon commencement of his membership in this system in the employ of the contracting agency to the monthly compensation first earnable by him at the time of commencement of his membership multiplied by the number of months of local service for which he has elected to receive credit for state service, (2) the contributions that would have been made by the contracting agency in respect to him if he had been in state

service during the time he was in the service of a noncontracting agency and for which he has elected to receive credit for state service, excluding any such contributions with respect to prior service, computed by applying the rate of the contracting agency's contribution with respect to members of his category at the time of commencement of his membership in this system in the employ of the contracting agency to the monthly compensation first earnable by him at said time of commencement of his membership in this system multiplied by the number of months of local service for which he has elected to receive credit for state service and (3) the interest which would have accrued to such member contributions and such contracting agency's contributions if they had been made on the date of commencement of membership of the member in this system in the employ of the contracting agency, from that date until the completion of payment of those contributions, computed at the current interest rate

At the time of his retirement a member shall not receive credit as state service for any such local service in excess of that for which he has completed payment of contributions as provided in this section. Any member who has elected to make such contributions by installment payments may, at any time prior to the effective date of his retirement, complete payment of such contributions by lump-sum payment. All contributions made pursuant to this section shall be considered to be, and shall be administered as, normal contributions by the member.

SEC. 3. Section 20816 is added to said code, to read:

Credited service

20816. Upon completion of contributions of the amount specified in Section 20815, the member shall be credited with state service in the amount of local service for which he has elected to receive credit as state service. The state service with which the member is so credited shall be credited as current service. The contracting agency subject to this section employing the member when his election is made shall be liable for the service so credited as state service.

SEC. 4. Section 20817 is added to said code, to read:

Exceptions

20817. Any election under Section 20814.5 shall be ineffective with respect to any service which is now or hereafter becomes creditable to the member under this system or another retirement system supported in whole or in part by public funds, and any contributions made with respect to such service pursuant to an election shall be refunded to the member.

SEC. 5. Section 20818 is added to said code, to read:

Applicability Agency election

20818. The provisions of Sections 20814.5, 20815, 20816 and 20817 shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of those sections by amendment to its contract or by express provision in the contract making the contracting agency subject to the provisions of those sections.

CHAPTER 2230

An act to amend Sections 10270.5 and 10270.97 of the Insurance Code, relating to group disability insurance policies.

[Approved by Governor July 21, 1961. Filed with Secretary of State July 21, 1961.]

In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 10270.5 of the Insurance Code is amended to read:

Group disability insurance

10270.5. Group disability insurance is that form of disability insurance which conforms to all of the following conditions:

(a) Written under a master policy,

(1) Issued either to the federal or state government, or to any federal or state agency, political subdivision or district, or to any public, governmental, or municipal corporation, or to any unit, agency or department thereof, or to any corporation, copartnership or individual employer, or to the trustee of any association of employers, offering insurance to all the employees of any such employer or of the employer members of such association or to all of any class or classes thereof determined by conditions pertaining to employment and covering not less than 10 such employees or such employees together with their dependents or spouses for amounts of insurance based upon some plan which will preclude individual selection by the employee as to the amount of his insurance coverage thereunder; or

(2) Issued to a principal eligible to have issued to him a policy of group life insurance under the provisions of Section 10203.7 and insuring not less than 10 agents as defined in that section and eligible thereunder to be insured, or such agents together with their dependents or spouses; or

(3) Issued to any association having a constitution and bylaws and formed and continuously maintained in good faith for purposes other than that of obtaining insurance, offering insurance to all the eligible members of such association and covering not less than 10 such members or such members together with their dependents or spouses and not less than 50 percent of all eligible members for amounts of insurance based upon some plan which will preclude individual selection by the member as to the amount of his insurance coverage thereunder. If the master policy is to be issued to cover members of labor unions, it may be issued to more than one such union; or

(4) Issued to any trustees eligible to have issued to them a policy of group life insurance under the provisions of Section 10202.8 and insuring not less than 10 employees or members eligible thereunder to be insured or such employees or members together with their dependents or spouses; or

(5) Issued to a school district or districts or to the governing board of any school district or districts or to a private or

parochial school or schools or to the governing board or person in charge of the operation of any private or parochial school or schools, insuring not less than 50 pupils of the school or district and providing benefits to pupils or persons responsible for their support for death or dismemberment resulting from accident or for hospital, medical and surgical expenses resulting from accident to such pupils while they are in or on buildings or premises of the schools or districts during the time such pupils are required to be therein or thereon by reason of their attendance upon a college or a regular day school or any regular day school of a school district or districts or while being transported by the school or schools or district or districts to and from school or other place of instruction or while at any other place as an incident to school sponsored activities and while being transported to, from and between such places; and under which

(b) Transmission or collection of all premiums or premium contributions shall be performed by the policyholder, except where the policy specifies the persons other than the policyholder by whom such transmission or collection shall be made, and in one of the following situations:

(1) If such policy covers the employees of more than one employer, the insurer may collect premium contributions from individual employers whose employees are insured or may assist the policyholder in making such collections. If the employees of more than 100 such employers are covered under such policy, it shall state as a separate part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(2) If the policy covers a group of governmental employees and the governmental unit paying such employees will not transmit their premium contribution after payroll deduction, the insurer may collect from the individual employees. If more than 100 such employees are covered under such policy, it shall state as a separate part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(3) If individual members of the group make payment of their share of the premium contribution to the insurer without billing or solicitation by the insurer during a period of temporary absence from active work of not exceeding 90 days, such payment may be received without the necessity of any separately stated charge by the insurer.

(4) If the policy covers the members of an association, the insurer may collect premium contributions from individual members or may assist the policyholder in making such collections. If more than 100 such members are covered under such policy, it shall state as a part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(c) There is issued and delivered in accordance with the policy provision required by subsection (b) of Section 10270.6

an individual certificate setting forth the benefits and the exceptions under, and referring to, the master policy under which the certificate is issued.

Such certificates are not subject to the provisions of this chapter relating to the master policy, but the forms thereof shall be submitted to the commissioner for his approval and shall not be issued without such approval of such forms in the manner provided in the case of the master policy.

SEC. 2. Section 10270.97 of said code is amended to read:

10270.97. Selected group disability insurance is that form of disability insurance conforming to the following conditions: Selected group disability insurance

(a) Written under individual policies

(1) Issued to not less than five employees of the federal or state government, or of any federal or state agency, political subdivision or district, or of any public, governmental, or municipal corporation, or of any unit, agency, or department thereof, or of any corporation, copartnership or individual employer; or

(2) Issued to not less than 10 members of any association, which shall have been in existence for at least two years, having a constitution and bylaws and formed and continuously maintained in good faith for purposes other than that of obtaining insurance;

(3) For amounts of insurance based upon individual selection by the insured employee or member, as the case may be; and

(4) Maintained in force under an arrangement whereby the premiums on such policies are to be paid to the insurer either by means of payroll deductions or periodically by the employer or association, as the case may be, or by some designated person acting on behalf of such employer or association.

(b) Notwithstanding the provisions of Section 10401 insurers may be permitted to file (for use in connection with selected group disability insurance), rate schedules that reflect a differential from the rates charged for identical policies issued on the individual basis, provided they do not make or permit any discrimination between selected groups.

CHAPTER 2231

An act to add Section 214.9 to the Revenue and Taxation Code, relating to the welfare exemption.

[Approved by Governor July 21, 1961. Filed with Secretary of State July 21, 1961.] In effect September 15, 1961

The people of the State of California do enact as follows:

SECTION 1. Section 214.9 is added to the Revenue and Taxation Code, to read:

214.9. For the purposes of Section 214, a "hospital" includes an outpatient clinic, whether or not patients are admitted for overnight stay or longer, where the clinic furnishes or provides psychiatric services for emotionally disturbed children.

CHAPTER 2232

An act to amend Sections 2126, 2127, and 2128 of, and to add Section 23.8 to, and to add Chapter 6 (commencing with Section 450) to Division 1 of, the Business and Professions Code, relating to public representation on various licensing boards in the Department of Professional and Vocational Standards.

In effect September 15, 1961

[Approved by Governor July 21, 1961. Filed with Secretary of State July 21, 1961.]

The people of the State of California do enact as follows:

SECTION 1. Section 23.8 is added to the Business and Professions Code, to read:

"Licentiate" 23.8. "Licentiate" means any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Sections 1000 and 3600.

SEC. 2. Chapter 6 (Commencing with Section 450) is added to Division 1 of said code, to read:

CHAPTER 6. PUBLIC MEMBERS

Public or lay board members. Limitations

450. In addition to the qualifications provided in the respective chapters of this code, a public member or a lay member of any board shall not be, nor shall he have been within the period of five years immediately preceding his appointment, any of the following:

(a) An employer, or an officer, director, or substantially full-time representative of an employer or group of employers, of any licentiate of such board, except that this shall not preclude the appointment of a person which maintains infrequent employer status with such licentiate, or maintains a client, patient, or customer relationship with any such licentiate which does not constitute more than 2 percent of the practice or business of the licentiate.

(b) A person maintaining a contractual relationship with a licentiate of such board, which would constitute more than 2 percent of the practice or business of any such licentiate, or an officer, director, or substantially full-time representative of such person or group of persons.

(c) An employee of any licentiate of such board, or a representative of such employee, except that this shall not preclude

the appointment of a person who maintains an infrequent employee relationship or a person rendering professional or related services to a licentiate if such employment or service does not constitute more than 2 percent of the employment or practice of the member of the board.

Same

450.5. A public member, or a lay member, shall not have been engaged at any time within five years immediately preceding his appointment in pursuits which lie within the field of the industry or profession regulated by the board of which he is a member, nor shall he engage in any such pursuits during his term of office.

Delegation of duties Limitations

451. If any board shall as a part of its functions delegate any duty or responsibility to be performed by a single member of such board, such delegation shall not be made solely to any public member or any lay member of the board in any of the following instances:

(a) The actual preparation of, the administration of, and the grading of, examinations

(b) The inspection or investigation of licentiates, the manner or method of practice or doing business, or their place of practice or business.

Nothing in this section shall be construed as precluding a public member or a lay member from participating in the formation of policy relating to the scope of the activities set forth in subdivisions (a) and (b) or in the approval, disapproval or modification of the action of its individual members, nor preclude such member from participating as a member of a subcommittee consisting of more than one member of the board in the performance of any duty.

"Board"

452. "Board," as used in this chapter, includes a board, commission, examining committee, or other similarly constituted body exercising powers under this code.

SEC. 3. Section 2126 of said code is amended to read:

Examining committee

2126. The examining committee shall consist of six members appointed by the Governor, one of whom shall be a public member. The Governor shall give consideration to recommendations of the Board of Medical Examiners of the State of California, except with regard to the public member.

SEC. 4. Section 2127 of said code is amended to read:

Qualifications

2127. Members of the examining committee, except the public member, shall be appointed from persons having all of the following qualifications:

(a) Be a citizen of this State for at least five years next preceding his appointment.

(b) Be a graduate of a recognized school of podiatry.

(c) Have a valid certificate to practice podiatry in this State

(d) Have engaged in the practice of podiatry in this State for a least five years next preceding his appointment.

(e) Shall not be an officer or faculty member of any college, school or institution engaged in podiatry instruction.

The public member shall be appointed from persons having all of the following qualifications:

(a) Be a citizen of this State for at least five years next preceding his appointment.

(b) Shall not be an officer or faculty member of any college, school or institution engaged in podiatry instruction.

(c) Shall not be a licentiate of the committee or of any board under this division or of any board referred to in Sections 1000 and 3600.

SEC. 5. Section 2128 of said code is amended to read:

Term of appointment

2128. The terms of the members of the examining committee first appointed shall expire as follows: one member on January 15, 1958; one member on January 15, 1959; one member on January 15, 1960; and two members on January 15, 1961. The Governor shall, on or before January 1, 1962, appoint the first public member of the committee and his term shall expire on January 15, 1963. Thereafter, all members of the committee shall be appointed for terms of four years. Vacancies shall immediately be filled by the Governor for the unexpired portion of the terms in which they occur. In filling vacancies, except for a vacancy as to the public member, the Governor shall give consideration to recommendations of the Board of Medical Examiners. No person shall serve as a member of the committee for more than two consecutive terms.

Other bills effective

SEC. 6. Assembly Bills Nos. 736 to 750, inclusive, and Assembly Bills Nos. 752 to 754, inclusive, shall become operative only if this act is enacted by the Legislature at the 1961 Regular Session and in such case at the same time as this act takes effect.

Concurrent and Joint Resolutions and Constitutional Amendments Regular Session 1961

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

ADOPTED AT THE 1961 REGULAR SESSION OF THE LEGISLATURE

CHAPTER 1

Assembly Concurrent Resolution No. 8—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the special municipal elections held therein on June 7, 1960.

[Filed with Secretary of State January 9, 1961.]

City of San Diego: Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

State of California)
County of San Diego) ss.

Certificate

We, the undersigned, Charles C. Dail, Mayor of The City of San Diego, and Phillip Acker, City Clerk of said City do hereby certify and declare as follows:

The City of San Diego, a municipal corporation, is now and since the year 1931 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8, Article XI, of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion proposed to the qualified electors of the City of San Diego certain amendments to the Charter of said City, which amendments were designated as Proposition B and Proposition C and submitted said propositions to the qualified electors of The City of San Diego at special municipal elections held on June 7, 1960.

That said proposed charter amendments were published and advertised in the San Diego Union, a daily newspaper of gen-

eral circulation published in the City of San Diego and the official newspaper of said city, and in each edition thereof during the day of publication, to-wit: April 21, 1960.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said city, and that until the date fixed for the election herein described a notice was advertised and published in the San Diego Union, a daily newspaper of general circulation published in the City of San Diego, and the official newspaper of said city, that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of the City of San Diego.

That such copies of said proposed charter amendments could be had upon application therefor at the office of the city clerk of said city until the date fixed for said elections.

That said proposed amendments were submitted to the qualified electors of said City at said Special Municipal Elections held in said City.

That at said elections on the said proposed amendments to the Charter of The City of San Diego, a majority of the qualified voters of the City voting on said proposed amendments voted in favor of "Proposition B" and "Proposition C" and said proposed amendments were ratified by a majority of the qualified electors of said City voting thereon.

That all of said proceedings were duly and regularly had and taken in accordance with said Section 8 of Article XI of the Constitution of the State of California, the Charter of The City of San Diego and the laws of the State of California.

That as to the amendments to the Charter of The City of San Diego hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of The City of San Diego which were so ratified by a majority of the electors of said City, are in words and figures as follows:

PROPOSITION B

Amend Section 54 of Article V of the Charter of The City of San Diego to read as follows:

"Section 54. HARBOR DEPARTMENT.

Harbor Commission: Appointment

(a) The Mayor, with the approval of the Council, shall appoint five electors of the City as members of the Harbor Commission, one to serve for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter, members of the Harbor Commission shall be appointed to serve for five years and until their successors have been appointed and qualified. The members of the Harbor Commission in office at the time this amendment becomes effective

shall remain in office until their successors are appointed and qualified. The Council may at any time by a vote of at least five (5) of their members remove from office any or all of said Harbor Commissioners. The members of the Harbor Commission shall serve without pay.

Powers

(b) The Harbor Commission is vested with jurisdiction and authority to exercise in the name of the City of San Diego such powers as are prescribed by general laws now in force and hereafter enacted, together with such additional powers and duties as may be prescribed by ordinance, this Charter, or the laws of the United States. The Commission shall have jurisdiction, supervision, management and control of the Bay of San Diego fronting upon The City of San Diego and within the jurisdiction of said City, including all tide and submerged lands, whether filled or unfilled, situated below the line of mean high tide within said bay, except, however, such tide and submerged lands within said bay which have heretofore or which hereafter may be transferred to the exclusive control of the United States, and excepting further such other tidelands as may by vote of the people or act of the State Legislature be transferred to a purpose and use inconsistent with commerce, navigation and fisheries.

Same

(c) The Harbor Commission shall have power to adopt, with the approval of the Council by ordinance, such rules and regulations as may be necessary to exercise and carry out the powers and duties prescribed by this Charter for said Harbor Commission.

Employees

(d) The Harbor Commission, subject to the Civil Service provisions of this Charter, shall appoint a Port Director, together with such other officers, employees and subordinates as may be necessary in the judgment of said Harbor Commission to carry out the duties prescribed by this Charter for said Harbor Commission and for the promotion of commerce, navigation and fisheries. All such offices and employments shall be created by ordinance upon the direct recommendation of the Harbor Commission The Harbor Commission shall also have authority and power to employ legal counsel whenever in the judgment of said Commission such employment is necessary.

Port Director. Duties

(e) The Port Director shall be the chief administrative officer of the Harbor Commission, and he shall exercise such powers and perform such duties as may be prescribed by the Harbor Commission. In addition to any duties imposed by the Harbor Commission and this Charter the Port Director shall also perform such duties as may be imposed upon harbor masters, port directors and administrative heads of harbors and ports by State or Federal law.

Revenues

(f) All revenues derived from the tidelands and the operation of San Diego Harbor shall be used exclusively for the purpose of improving the harbor and tidelands fronting thereon, including the payment of principal and interest of any general obligation bonds or revenue bonds issued by the City for harbor purposes, and the maintenance and operation

of the Harbor Department. Each year there shall be appropriated from funds derived from said revenues the amount or amounts required by any ordinance or resolution authorizing or providing for the issuance of revenue bonds for harbor purposes and such amount or amounts, if any, as the Council shall direct for the payment of principal of and interest on general obligation bonds of the City issued after June 15, 1960, for harbor purposes. If, at the time of submission of its annual budget estimate, as provided in Section 69 of this Charter, the Harbor Commission determines there are or will be revenues available for the payment of any principal or interest coming due the next fiscal year on general obligation bonds of the City issued prior to June 15, 1960, for harbor purposes, said revenues may be appropriated and used for such payment.

Leasing tidelands

(g) The Harbor Commission shall have authority to lease tidelands for such terms and upon such conditions as may be authorized by law; provided, however, that no lease of any tidelands within the jurisdiction of the City for a term longer than one year shall be valid unless said lease shall have been confirmed by the Council.

Airports

(h) Any municipal air ports now established or which may hereafter be established on the tidelands shall be under the control and supervision of the Harbor Commission until such time as the Council by ordinance shall create a Department of Aviation under the Manager, at which time the Council may provide in such ordinance for the control, regulation and supervision of municipal airports by the Department of Aviation.

(i) And all matters concerning the development of the Harbor of San Diego in which the Planning Commission of The City of San Diego shall have an interest, and which relate to the planning and zoning of The City of San Diego, shall be referred by the Harbor Commission to the Planning Commission for recommendation before final action is taken thereon. In the event of a disagreement between the Harbor Commission and the Planning Commission concerning such proposed development, the matter shall be referred to the Council, whose decision on such development shall be final."

PROPOSITION C

Amend Section 117 of Article VIII of the Charter of The City of San Diego to read as follows:

"Section 117. CLASSIFICATION. The administrative service of the City is hereby divided into the Unclassified and Classified Service, as follows:

Unclassified service

The Unclassified Service shall include all elective positions and the following administrative offices:

Assistant to the Mayor; Confidential Secretary to the Mayor; Confidential Secretary to the City Council; City Manager, a confidential secretary, one Assistant Manager and two

Assistants to the Manager; City Clerk; City Auditor and Comptroller; Park and Recreation Director; Assistant Park and Recreation Director; Director of Mission Bay Park; City Librarian; Chief of Police; two Deputy Police Chiefs; Director of Building Inspection; Confidential Secretary to the Chief of Police; Chief of Fire Department; Budget Officer; Purchasing Agent; Personnel Director; City Engineer; Assistant City Engineer; an Assistant to and all Deputies of the City Attorney; City Treasurer; Director of Operations; Director of Public Works; Assistant Public Works Director; Director of Public Health; Director of Social Service; Director of Utilities; Industrial Coordinator; officers and employees of the San Diego Unified School District; and members of all Commissions and Advisory Boards who serve the City without compensation.

The Classified Service shall comprise all positions not specifically included by this Charter in the Unclassified Service." Classified Service

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this third day of January, 1961.

(SEAL)

CHARLES C. DAIL
Mayor of The City of
San Diego, California.
PHILLIP ACKER
City Clerk of The City of
San Diego, California.

and

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of San Diego, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said the City of San Diego. Approval

CHAPTER 2

Assembly Concurrent Resolution No. 9—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the special municipal elections held therein on November 8, 1960.

[Filed with Secretary of State January 9, 1961.]

City of San Diego: Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

State of California }
County of San Diego } ss.

Certificate

We, the undersigned, Charles C. Dail, Mayor of The City of San Diego, and Phillip Acker, City Clerk of said City, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation, is now and since the year 1931 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8, Article XI, of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion proposed to the qualified electors of the City of San Diego certain amendments to the Charter of said City, which amendments were designated as Proposition A and Proposition B and submitted said propositions to the qualified electors of The City of San Diego at special municipal elections held on November 8, 1960.

That said proposed charter amendments were published and advertised in the San Diego Union, a daily newspaper of general circulation published in the City of San Diego and the official newspaper of said city, and in each edition thereof during the days of publication, to-wit: Proposition A on September 16, 1960 and Proposition B on September 22, 1960.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said city, and that until the date fixed for the elections herein described a notice was advertised and published in the San Diego Union, a daily newspaper of general circulation published in the City of San Diego, and the official news-

paper of said city, that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of the City of San Diego.

That such copies of said proposed charter amendments could be had upon application therefor at the office of the city clerk of said city until the date fixed for said elections.

That said proposed amendments were submitted to the qualified electors of said City at said Special Municipal Elections held in said City.

That at said elections on the said proposed amendments to the Charter of The City of San Diego, a majority of the qualified voters of the City voting on said proposed amendments voted in favor of "Proposition A" and "Proposition B" and said proposed amendments were ratified by a majority of the qualified electors of said City voting thereon.

That all of said proceedings were duly and regularly had and taken in accordance with said Section 8 of Article XI of the Constitution of the State of California, the Charter of The City of San Diego and the laws of the State of California.

That as to the amendments to the Charter of The City of San Diego hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of The City of San Diego which were so ratified by a majority of the electors of said City, are in words and figures as follows:

PROPOSITION A

Amend Section 90.2 of Article VII of the Charter of The City of San Diego to read as follows:

"Section 90.2. Unless the context otherwise requires, the definitions contained in this section shall govern the construction thereof. Definitions

'This section' as used in this section means this Section 90.2.

'City' means The City of San Diego.

'Council' means the Council of The City of San Diego.

'Bond' or 'bonds' means sewer revenue bonds issued hereunder payable from the Sewer Revenue Fund.

'Sewer' or 'Sewers' as used in this section means sanitary sewers of the City.

'Sewer system' as used in this section means all sanitary sewers, sewer works, sewage treatment and disposal works and facilities of the city for the collection, transmission, treatment or disposal of sewage and comprises the entire system of sewers and sewer works and facilities of the city and includes all parts thereof, whether physically connected to other parts of the system or otherwise, and shall include all additions thereto, whether physically connected to other parts of the system or otherwise, and all extensions and improvements of the sewer system or any part thereof. Nothing herein shall preclude the construction of facilities for the reclamation of water from

sewage in the sewer system and the city may at any time determine whether such facilities or any portion thereof shall be constructed and operated as a part of the sewer system or as a part of the water system, or otherwise.

'Sewer service charges' as used in this section means charges, fees, tolls, rates and rentals established or imposed by the city for service by or for the use of the sewer system or any part thereof.

'Revenues' as used in this section means all sewer service charges received, and any sums received by the city from other cities, districts or public corporations (including the United States of America and the State of California) under contracts providing for the transmission, treatment or disposal of sewage from such other cities, districts or public corporations through or by means of the sewer system or any part thereof, and all other income and revenue derived by the city from the operation of the 'sewer system' or any part thereof. 'Revenues' shall not be construed to include taxes or assessments levied by the city.

'Sewer Revenue Fund' as used in this section means the Sewer Revenue Fund heretofore established into which revenues from the sewer system have been paid, and said fund has been, is and shall be derived from 'revenues'.

Revenue bonds

Subsection 1. Revenue bonds to provide money for the acquisition and construction of sewer mains, interceptor sewers, pumping plants, trunk sewers, outfall sewers, sewer works, sewage treatment plants, works and facilities, and sewage disposal works or facilities which will be additions to, extensions and improvements of the sewer system, and for the reconstruction or replacement of parts of the sewer system, including all necessary equipment, appurtenances and appurtenant work and the acquisition of all lands, easements and property necessary therefor and for facilities for the reclamation of water from sewage in the sewer system (if such reclamation facilities are to be constructed and operated as a part of the sewer system) may be issued as provided in this section Any issue of revenue bonds may be for any or all of said purposes To any extent necessary or convenient, any of the sewers, plants, works or facilities or any part thereof may be located outside the city.

Same

Subdivision A. Revenue bonds issued under this section shall not constitute an indebtedness of the city but shall constitute obligations which shall be payable, principal and interest, and any premiums upon the redemption thereof prior to maturity, only from the Sewer Revenue Fund; provided, however, that this shall not preclude the payment or redemption thereof from the proceeds of refunding bonds issued to refund said revenue bonds, or the use of accrued interest and premiums paid upon the sale and delivery of the revenue bonds for the payment of principal thereof or interest thereon, or the payment out of the proceeds of any bonds of the whole or a part of the interest accruing on said bonds during the

period of acquisition and construction of the work to be paid for out of such proceeds and for the first six months thereafter.

Refunding revenue bonds

Subdivision B. Refunding revenue bonds for the purpose of refunding any revenue bonds issued under this section may be issued as provided in this section and shall be payable from the Sewer Revenue Fund. No restriction or limitations upon or procedure for the issuance of bonds in other sections of this charter shall apply to revenue bonds issued under this section (including refunding revenue bonds) and this section shall constitute complete authority for the issuance of such revenue bonds (including such refunding revenue bonds) and any action or proceeding not required by this section shall not be necessary for the valid authorization and issuance of such revenue bonds. No revenue bond issued under this section or any interest payable thereon shall be or become an obligation chargeable or enforceable against any of the tax revenues of the city or any other revenues of said city except such revenues as are required under the provisions of this section to be paid into the Sewer Revenue Fund.

Limitation upon indebtedness

Subdivision C. The limitations upon bonded indebtedness of The City of San Diego contained in Sections 76 and 90 of this charter or in any other section or provision thereof shall not apply to revenue bonds issued under this section or under any provisions of this charter or under any general law of the State of California where such revenue bonds are payable exclusively from a special fund derived from revenues obtained from any public utility or improvement of the city and are not payable from taxes levied by the city and such revenue bonds shall not be deemed indebtedness of the city within the meaning of the debt limitation provisions contained in Sections 76 and 90 of this charter or in any other section thereof.

Additional bonds

Subsection 2. To provide money for the purpose of the acquisition and construction of sewer mains, interceptor sewers, pumping plants, trunk sewers, outfall sewer, sewer works, sewage treatment plant, works and facilities, sewage disposal works and facilities and submarine ocean outfall sewer, which will be additions to, extensions and improvements of the sewer system, including for the foregoing all necessary equipment, appurtenances and appurtenant work and including the acquisition of all lands, easements and property necessary therefor, and including reconstruction or replacement of parts of sewers and reconstruction of sewer facilities necessary for any of the foregoing, the Council is hereby authorized to issue, in one issue or in separate issues or series from time to time, under this section, revenue bonds in total principal amount not to exceed $42,500,000. The maximum rate of interest on said bonds shall not exceed six per cent per annum, payable semiannually. Revenue bonds, if any, issued under this section in excess of said sum of $42,500,000 shall be authorized by proceedings taken in the manner hereinafter provided under Subsection 3.

Procedure in authorizing bonds

Subsection 3. Except as provided in Subsection 2 above and except refunding sewer revenue bonds, revenue bonds payable from the Sewer Revenue Fund shall be authorized in the manner provided in this Subsection 3.

The first step in the proceedings shall be a recommendation by the City Manager that bonds be issued hereunder, which recommendation shall state generally the purposes of the revenue bond issue and the principal amount thereof. Such recommendation need not be in any particular form. After the recommendation by the City Manager has been received by the Council it may adopt an ordinance finding the need for the issuance of revenue bonds under this section for the purposes set forth in the recommendation of the City Manager. The Council, by said ordinance, shall submit to the qualified voters of the city at an election held for that purpose the question of issuing revenue bonds pursuant to this section to provide moneys for the purposes stated in the recommendation of the City Manager.

The Council, by a vote of two-thirds of the members thereof, may adopt a resolution stating that it determines to proceed under this section without a recommendation by the City Manager. Any such resolution also shall state generally the purposes of the proposed revenue bond issue and the principal amount thereof and in the event such resolution is adopted the recommendation of the City Manager shall not be required and the ordinance shall find the need for the issuance of revenue bonds under this section for the purposes stated in the resolution and the purposes stated in the proposition submitted to the qualified voters of the city shall be the purposes stated in such resolution In the event the Council adopts a resolution to proceed without the recommendation by the City Manager, the ordinance calling the election may be adopted only by a vote of at least two-thirds of the members of the Council and at a meeting subsequent to that at which the resolution was adopted.

Subdivision A The ordinance calling the election also shall:

(1) state the purposes for which the bonds are proposed to be issued;

(2) state the principal amount of the bonds;

(3) state the maximum rate of interest on the bonds, which shall not exceed six per cent per annum, payable semiannually;

(4) call the election and fix the election date;

(5) fix the manner of holding the election;

(6) fix the manner of voting for or against the issuance of the bonds.

In all particulars not stated in said ordinance the election shall be held and the votes canvassed in the manner provided by law for general municipal elections in the city.

Subdivision B. The proposition shall be submitted at a special election called for that purpose and any special election called for the purpose of voting upon a proposition to

issue bonds under this section may be consolidated with any city or other election at which all of the qualified voters residing within the city are entitled to vote. Such consolidation may be made in the manner authorized under the Elections Code of the State of California or under the Elections Code of the city.

Subdivision C. The ordinance shall be published once a week for two succeeding weeks in the official newspaper of the city, the first publication to be at least 21 days prior to the election. No other notice of such election need be given. If a majority of the voters voting on the proposition of issuing the bonds vote in favor of the issuance thereof bonds in an amount not exceeding the amount stated in the ordinance calling the election may be issued.

No error, irregularity or omission in the election or in any of the proceedings prior thereto which does not affect the substantial rights of the people of the city or the electors voting at the election at which any revenue bonds are authorized under this section shall invalidate the election.

Subsection 4. The Council may issue all bonds authorized at an election in one issue or in two or more series and may fix different dates and maturities for the bonds of each series. It may issue all bonds authorized by Subsection 2 hereof in one issue or in two or more issues or series and may fix different dates and maturities for the bonds of each issue or series. The bonds of any issue or series issued under this section may be serial bonds or term bonds or any combination thereof with such maturities as may be determined by the Council, but no bond shall run more than forty (40) years from its date.

Any ordinance providing for the issuance of bonds hereunder shall recite the objects and purposes for which the bonds are to be issued, fix the principal amount of the bonds to be issued pursuant to such ordinance, the maximum rate of interest to be payable thereon, not to exceed six per cent per annum, payable semiannually, the date of said bonds, and the maturities thereof.

Said bonds shall be issued in negotiable form and shall be negotiable. The recitals of regularity of proceedings in any revenue bond issued and sold under this section shall be conclusive evidence of compliance with the provisions of this section and of the validity of such bonds, and no bona fide purchaser of any such bond containing the recital permitted by this section shall be required to see to the existence of any fact or to the performance of any condition or to the taking of any proceeding required prior to the actual issuance and delivery of said bonds or to the application of the purchase price paid for said bonds.

Terms and conditions

Subdivision A. REVENUE BONDS—TERMS AND CONDITIONS: In any ordinance providing for the issuance of revenue bonds under this section, the Council may fix the terms and conditions thereof (including convenants) and may in any article,

section, sentence or clause thereof make such provision (including covenant) as it may deem necessary or desirable to facilitate the issuance and sale of the bonds or for the protection or security of the holders thereof, including, without affecting the generality of the foregoing, any or all of the following:

(1) The denomination or denominations of the bonds, the medium of payment thereof, the place or places of payment thereof, which may be within or without the State of California, the form of said bonds (including recitals of regularity) and of interest coupons pertaining thereto, the form, denomination and conditions of any temporary bonds or interim certificates, and the manual (one signature must be manual) and facsimile signatures to be affixed to said bonds (definitive or temporary) or interim certificates, and the facsimile signature to be affixed to interest coupons;

(2) The terms and conditions under which said bonds or any part thereof may be paid and redeemed before maturity (including the premiums, if any, payable upon bonds redeemed prior to maturity), exchanged, registered, transferred, or negotiated;

(3) Covenants or provisions relating to rates (called in this section Sewer Service Charges). Such sewer service charges shall be fixed by the Council of said city and, with reasonable allowances for contingencies, must be at least sufficient, together with other revenues, if any, payable into the Sewer Revenue Fund, to provide revenues sufficient to pay, as the same become due, principal and interest of all revenue bonds payable out of said Sewer Revenue Fund (including all payments required to be made into reserve and sinking funds, if any, for said revenue bonds) and all other obligations payable from the Sewer Revenue Fund, and the necessary expenses of maintaining and operating the 'sewer system'. The ordinance may also state the extent, if any, to which such sewer service may be furnished or rendered to the city free or to the United States of America, the State of California, or to any city or other public corporation or body at lower rates than otherwise charged;

(4) The collection, deposit and safekeeping of the revenues and the permissible uses thereof; provided, however, that the cost of maintenance and operation of the sewer system (and only such cost) shall be payable from the Sewer Revenue Fund prior to the payment of principal and interest of the revenue bonds or the setting aside in the bond service, sinking, redemption, reserve, or other fund, monthly or otherwise, of funds therefor;

(5) The special fund or funds to be established and maintained for the payment of principal and interest of the bonds; including reserve, sinking, bond service, redemption, and trust funds, and any revenue bond payable from the Sewer Revenue Fund may be paid from any such special fund set up therefor; the permissible investments of moneys in said funds, or any

thereof; the accounts and records to be kept, audits thereof and examination thereof by bondholders and others;

(6) Carrying of insurance upon any sewers, sewage treatment plant or plants or sewage disposal works against any or all risks, and in case of loss the application of the insurance proceeds;

(7) Prohibition against or limitations upon the sale, lease or other disposition or transfer of the sewer system or any substantial part thereof, and the use of any funds derived from any sale, lease or other disposition or transfer permitted under the terms of said ordinance;

(8) Limitations upon the issuance of any additional bonds payable from the Sewer Revenue Fund, but no bond shall be issued pursuant to this section or under any other provision of this charter or any other law having any priority in payment of principal or interest out of such fund or out of any revenues payable into such fund over any revenue bonds theretofore issued and payable out of said fund;

(9) Provisions whereby the consent or agreement of a stated percentage or number of the holders of the bonds may bind all holders to modifications of provisions of any ordinance, resolution or order authorizing or providing for the issuance of such bonds or the sale thereof, or to a refunding of said bonds and to calls or exchanges in connection with such refunding;

(10) For the issuance of a duplicate in the manner and upon such terms and conditions as the Council may determine, in the event any bond, temporary bond, coupon or interim certificate of any such issue in lost, destroyed or mutilated;

(11) Any other provision (including covenant) valid under the Constitution of the State of California and the United States of America.

Such ordinance shall be subject to referendum in the manner that other ordinances of the City are subject to referendum.

Any ordinance providing for the issuance of any revenue bonds under this section and all other ordinances, resolutions or orders in the proceeding for the issuance of said bonds shall constitute a contract with the holders of the bonds and may be enforced by any holder by mandamus, injunction or any applicable legal action, suit, proceeding or other remedy.

Limitations

Subsection 5. LIMITATIONS. Revenue bonds issued under this section shall be issued substantially in compliance with the following limitations:

(a) No bond shall run more than forty years from its date;

(b) Said bonds shall be designated 'Sewer Revenue Bonds'' and each bond shall state on its face that it does not constitute an indebtedness of the City but is an obligation payable, principal and interest, and premiums, if any, upon the redemption thereof only from the Sewer Revenue Fund. Such statement shall not preclude the payment or redemption thereof from the funds or moneys specified in Subdivision A of Subsection 1;

(c) Said bonds shall be sold only at public sale following such notice as the Council by resolution or order may prescribe; provided, however, that if no bid or no satisfactory bid is received pursuant to such notice the Council may reject all bids received, if any, and may thereafter sell such bonds at public or private sale; provided, further, that the provisions of this subsection shall not apply to the exchange of any refunding bonds for outstanding bonds. Any such revenue bonds may be sold at a fixed rate of interest or the bidders may be invited to state the rate or rates of interest at which they will purchase said bonds, but no rate of interest on any of the bonds shall exceed the maximum rate stated in the ordinance calling the election to vote upon the issuance of said bonds or as to bonds authorized by Subsection 2 hereof the maximum rate stated in said Subsection 2. If the bidders are invited to state the interest rate or rates, then upon the acceptance of a bid the Council shall by resolution or order, which shall not be subject to referendum, fix such interest rate or rates as have been bid by the successful bidder as the rate or rates of interest on the bonds sold;

(d) Said bonds shall be sold for not less than par and accrued interest to date of delivery. The proceeds from the sale (except premium and accrued interest which shall be paid into the bond service or other fund designated or established for the payment of principal and interest of the bonds) shall be paid into the construction fund designated by the ordinance providing for issuance of such bonds and shall be applied exclusively to the objects and purposes set forth in such ordinance; provided, however, (1) that the Sewer Revenue Fund from which the bonds are payable may be reimbursed from such proceeds for expenditures for purposes for which the bonds were issued made from such Sewer Revenue Fund after the issuance of the bonds has been authorized by the voters or as to bonds authorized by Subsection 2 hereof, after the date this amendment becomes effective; (2) that said proceeds may be used for the payment of interest on said bonds during the period of acquisition and construction and for the first six months thereafter; and (3) that when the objects and purposes for which the bonds are issued have been accomplished any remaining unexpended funds derived from the sale of said bonds shall be used for the payment of principal and interest of said revenue bonds or for the redemption of any callable bonds thereof.

Refunding revenue bonds

Subsection 6. Refunding revenue bonds payable from the Sewer Revenue Fund may be issued for the payment or redemption of any revenue bonds issued pursuant to this section and such refunding bonds may be issued in principal amount sufficient to refund the outstanding bonds proposed to be refunded thereby, including payment of interest to maturity on any noncallable bonds to be refunded and of accrued interest to date of redemption and of any premiums payable upon redemption of bonds which by their terms are

subject to call and redemption prior to maturity, and all expenses of such refunding. Refunding revenue bonds may be authorized, issued and sold substantially in the manner provided for the issuance and sale of other revenue bonds hereunder or may be exchanged for the outstanding bonds to be refunded upon such terms and conditions as may be stated in the ordinance authorizing such refunding bonds, except that no election shall be necessary to authorize the issuance of refunding bonds hereunder and the first step in the proceeding shall be the ordinance of issuance. The ordinance providing for the issuance of refunding bonds shall be subject to referendum in the same manner as other ordinances of the city.

Subsection 7. To the extent that any provision of any ordinance authorizing the issuance of revenue bonds pursuant to this section or any provision of any ordinance, resolution or order pertaining to such revenue bonds adopted pursuant to the authority of this section is inconsistent with any of the provisions of any other section of this charter the provisions of such ordinance, resolution or order shall control so long as any of the bonds or coupons to which the same pertain are outstanding and unpaid No bond shall be deemed to be outstanding and unpaid within the meaning of this section if moneys for the purpose of paying the same or redeeming the same prior to maturity and sufficient therefor have been irrevocably set aside in a bond service fund, sinking fund, redemption fund, or other trust fund created to insure the payment or redemption thereof.

The Council is authorized to take any and all steps necessary or convenient for the authorization, issuance and sale of revenue bonds under this section and for the payment or redemption thereof.

Subsection 8.

Sewer service charges

Subdivision A. The Council may at any time establish and provide for the collection of sewer service charges and must establish and provide for the collection of such sewer service charges as are required by any ordinance providing for the issuance of revenue bonds under this section. Sewer service charges shall not be deemed taxes or assessments within the meaning of any section of this charter and shall not be enforceable by any lien upon real property. 'Sewer service charges' may be collected with water rates, fees or charges (herein called 'water rates') of The City of San Diego The Council may provide and covenant that where the city furnishes water to the property receiving sewer service the sewer service charges shall be collected with and not separately from the water rates of said city and that all charges shall be billed upon the same bill and collected as one item and may also provide and covenant that in the event of nonpayment of any part of the bill for the sewer service charge and water rate, the water service shall be shut off within such time as may be or shall have been prescribed by the Council. Delinquent sewer service charges may be collected by suit in any court of

competent jurisdiction. The Council may provide additional methods of collecting sewer service charges. The Council also may prescribe and establish penalities for the nonpayment of sewer service charges. The Council may take any and all steps to establish and provide for the collection of sewer service charges.

Sewer Revenue Fund

Subdivision B. All revenues shall be paid into the Sewer Revenue Fund and shall be used only for the following purposes: (1) paying the cost of maintenance and operation of the sewer system; (2) paying principal and interest (including payments into any reserve or sinking fund) and premiums, if any, upon redemption, of sewer revenue bonds issued under this section and payable from said Sewer Revenue Fund; (3) paying all or any part of the cost and expense of extending, reconstructing or improving the sewer system or any part thereof or making additions to such system; (4) transferring from any surplus in the Sewer Revenue Fund to the Capital Outlays Fund, at one time or from time to time, all or any part of the sums expended from said Capital Outlays Fund after July 1, 1960, for any purpose for which revenue bonds may be issued under this section; (5) paying from any surplus in the Sewer Revenue Fund principal or interest, or both, or any part thereof, of general obligation bonds heretofore or hereafter issued for any purpose for which revenue bonds may be issued under this section.

Any ordinance providing for the issuance of revenue bonds hereunder may contain covenants defining, limiting or restricting the use of moneys in said Sewer Revenue Fund and said covenants shall control so long as any bonds issued under said ordinance are outstanding and unpaid within the meaning of this section.

Interest

Subdivision C. Interest (including interest on investments) on the Sewer Revenue Fund or on any fund created by or under the authority of this section shall be credited to the particular fund.

Subsection 9.

General obligation bonds

Subdivision A. The City may issue general obligation bonds for sewer purposes. General obligation bonds of the city may also be issued to refund any revenue bonds, principal, interest and premium, if any, issued under this section, if authorized by a two-thirds vote of the qualified electors of the city voting upon the question of the issuance thereof at an election called and held for that purpose. Such election may be called by ordinance in the same manner as any other special election is called under the charter of the city.

The city may expend funds derived from taxes for the acquisition and construction of sewers, and to the extent that may legally be done under this section may expend funds derived from taxes for the maintenance and operation of sewers, but no funds derived from taxes shall be considered revenues as in this section defined and no such funds derived from taxes shall be paid into the Sewer Revenue Fund and no revenue

bond issued under this section or any interest thereon shall be or become an obligation chargeable or enforceable against any of the tax revenues of the city.

Special assessments

Subdivision B. The city may levy special assessments for the acquisition and construction of sewers or sewer works and such assessments shall not be construed as 'revenues' as defined in this section and shall not be paid into the Sewer Revenue Fund.

Nothing in this section shall be construed to restrict the power of the city to consent to the formation or organization of special districts for the purpose of collection, transmission, treatment or disposal of sewage within portions of the city which are not at that time served by the city sewer system and which in the opinion of the Council cannot conveniently be served by or through the city sewer system. Before any such district is formed or organized which includes territory of the city therein the consent of the city to the inclusion therein of such territory shall be manifested by ordinance of the Council. The Council shall have authority to provide reasonable terms and conditions under which the portion of the city may be included in said district and upon which the district may operate its facilities within The City of San Diego.

Nothing in this section shall be construed as implying any doubt of the power of the city to establish and collect service charges for service by or for the use of sewers under its general charter powers.

Liberal construction

Subsection 10. This section and every part thereof shall be liberally construed to promote the objects thereof and to carry out its intents and purposes.

If the application of any subsection, subdivision, paragraph, sentence, clause or word of this section to any person or circumstance is held invalid the application of such subsection, subdivision, paragraph, sentence, clause or word to any other person or in any other circumstance shall not be affected thereby. If any part of this section is held invalid the remainder of the section shall remain in full force and effect."

PROPOSITION B

Amend Section 144 of Article IX of the Charter of The City of San Diego to read as follows:

Board of Administration

"Section 144. BOARD OF ADMINISTRATION. (As amended March 13, 1951. Effective March 26, 1951.) The system shall be managed by a Board of Administration which is hereby created, consisting of the City Manager, City Auditor and Comptroller, the City Treasurer, three members of the Retirement system, to be elected from the active membership, a resident official of a life insurance company, an officer of a local bank and a citizen of the City, the latter three to be appointed by the Council. Such appointees shall serve without compensation. Members of the Board, other than ex-officio, shall serve six years or until their successors are elected and qualified,

and shall so classify themselves by lot that one term shall expire each year The members of the existing Board shall serve out their unexpired terms.

The Board of Administration may establish such rules and regulations as it may deem proper; shall elect one of its members president and appoint a secretary and may appoint such other employees as may be necessary. Such appointments, except the actuary, shall be made under the provisions of Article VIII of this Charter

The Board of Administration shall be the sole authority and judge under such general ordinances as may be adopted by the Council as to the conditions under which persons may be admitted to benefits of any sort under the retirement system; and shall have exclusive control of the administration and investment of such fund or funds as may be established; and shall be permitted to invest in any bonds or securities which are authorized by General Law for savings banks; and, further, shall be permitted to invest in such additional classes or types of investments as are approved by resolution of the Council of The City of San Diego; provided, however, that individual investments within the classes or types approved by the Council must be approved by independent investment counsel; and, provided, further, the board may place such funds in the hands of the Funds Commission for investment. Provided, however, that the Auditor and Comptroller shall refuse to allow any warrant drawn for payment of a retirement allowance if, in the opinion of the Auditor and Comptroller, such retirement allowance has been granted in contravention of this Article or any ordinances passed under the authority granted herein."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this third day of January, 1961.

(SEAL)

CHARLES C. DAIL
Mayor of The City of
San Diego, California.
PHILLIP ACKER
City Clerk of The City of
San Diego, California.

and

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to

each house voting therefor and concurring therein, That said amendments to the charter of the City of San Diego, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of said the City of San Diego.

CHAPTER 3

Assembly Concurrent Resolution No 2—Relative to funds available to school districts pursuant to the State School Building Aid Law of 1960.

[Filed with Secretary of State January 10, 1961]

WHEREAS, Chapter 75 of the Statutes of the 1960 First Extraordinary Session added provisions to Division 14 of the Education Code providing for the issuance of bonds in the amount of three hundred million dollars ($300,000,000) to provide aid to school districts in accordance with the provisions of the State School Building Aid Law of 1952, and

WHEREAS, Section 19877 of the Education Code authorizes the sale of such bonds in a maximum amount of ten million dollars ($10,000,000) a month but permits the Legislature by concurrent resolution adopted after January 1, 1961, to increase that amount to the sum of twelve million dollars ($12,000,000) monthly; and

WHEREAS, An increase in the amount of funds available for school facilities is necessary; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State School Building Finance Committee is hereby authorized and directed pursuant to Section 19877 of the Education Code to increase the amount available for apportionment monthly to twelve million dollars ($12,000,000) and to make the additional amount available to the school districts for the purposes and in the manner provided by law; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the State Allocation Board and to the State Controller.

CHAPTER 4

Senate Concurrent Resolution No. 1—Relative to the passing of Senator Alan A. Erhart.

[Filed with Secretary of State January 10, 1961]

WHEREAS, The Senate has learned with profound regret that on August 13, 1960, the Honorable Alan A Erhart, a highly esteemed member of this Legislature, was called to his reward; and

WHEREAS, Senator Alan A. Erhart was a native of the State of Wisconsin where he received his education, served in World War I, and was awarded the Croix de Guerre with Star for distinguished service; and

WHEREAS, Senator Alan A. Erhart served as a member of the Board of Supervisors of San Luis Obispo County from 1934 to 1951, was a trustee of the Arroyo Grande District High School, and rendered valuable service to his community and to the State in numerous other capacities; and

WHEREAS, Senator Alan A Erhart was first elected to the Senate of the State of California at a special election in 1951, and was re-elected in 1952 and 1956, and served with distinction in the Senate, giving special attention to education, particularly sponsoring the California Polytechnic College and its program of practical education, showed himself keenly interested in the development of harbors and the preservation of natural resources and wildlife and was a member of the Masons, American Legion, Farm Bureau, Grange, Rotary, Historical Society, Audubon Society and Executive Club; and

WHEREAS, Senator Alan A. Erhart was a man of quiet and dignified demeanor, but one who constantly gave evidence of a kindly interest in his fellowman, which characteristic earned for him an unusually high degree of esteem and personal affection from those who were privileged to know him; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature deeply deplores the passing of this fine patriotic citizen and desires by this resolution to express its sympathy to the bereaved members of his family; and be it further

Resolved, That when the Senate shall complete its labors for this day it shall adjourn in honor of the Honorable Alan A. Erhart; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to have appropriately prepared copies of this resolution illuminated and presented to Dorothy J. Erhart, widow, and Mrs W. J. Willis, daughter of the late Senator Alan A. Erhart.

CHAPTER 5

Assembly Concurrent Resolution No. 4—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a municipal election held thereon May 10th, 1960.

[Filed with Secretary of State January 11, 1961]

City of Long Beach: Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Long Beach, as set out in the certificate of the Mayor and City Clerk of said City, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A MUNICIPAL ELECTION HELD THEREIN MAY 10TH, 1960, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

State of California
County of Los Angeles } ss.
City of Long Beach

Certificate

We, Edwin W. Wade, Mayor of the City of Long Beach, and Margaret L. Heartwell, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said City at a special election held therein on the 14th day of April, 1921, and approved by the Legislature of the State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054), and

That the legislative body of said City, namely, the City Council thereof, did, by motions duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach nine amendments to the Charter of said City and ordered that said proposed amendments be submitted to said qualified electors of said City at a Special Municipal Election to be held in said City on the 10th day of May, 1960; and

That said nine proposed amendments to be so submitted May 10, 1960, were designated as Propositions B, B-1, C, D, E, F, G, H and I; Propositions C, D, E, F, G, H and I were duly published the 28th day of March, 1960, in the Long Beach Independent, and in each edition thereof during said date of publication; Propositions B and B-1 were duly published the 30th day of March, 1960, in the Long Beach Independent, and in each edition thereof during said date of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendments, and at all times since has been, and

now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed amendments; and

That said proposed amendments were duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and

That said City Council did, by an ordinance designated as Ordinance No. C-4021, order the holding of said municipal election in said City of Long Beach on May 10, 1960, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, as aforesaid, and that said ordinance was published at least three times in said Long Beach Independent ten days prior to the date of said election, to wit: April 27, 1960, April 28, 1960 and April 29, 1960; and

That said municipal election was held in said City of Long Beach on May 10, 1960, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments once in said Long Beach Independent as aforesaid; and

That the City Council did, by resolution No. C-17677, adopted on the 17th day of May, 1960, duly declare the results of said municipal election and did duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and had ratified seven of said proposed amendments; and

That said proposed amendments to the Charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, are respectively in words and figures as follows, to wit:

PROPOSITION B—CHARTER AMENDMENT

That the Charter of the City of Long Beach be amended by adding thereto, two new Sections to be designated Section 38 and Section 85 1, respectively, and by amending Section 88 and Subsection 1 of Section 100 to read:

Legislative Department

Sec. 38. There is hereby created a Legislative Department which shall be under the direction and control of the City Council. This department shall consist of the City Council, the City Clerk and all assistants, secretaries, stenographers and clerical help in the office of the City Clerk and such as

may be deemed necessary to serve in the office of the Mayor and City Council to aid them in fulfilling their legislative duties under the City Charter.

Appointments

Sec. 85.1. The Mayor may appoint, with the confirmation of the City Council, to fill such positions as shall have been created by the City Council, such assistants, secretaries, stenographers and clerical help as may be deemed necessary to serve in the office of the Mayor and City Council to aid them in fulfilling their legislative duties under the City Charter.

City Manager

Sec. 88. The City Council shall appoint a City Manager who shall be the administrative head of the municipal government, who shall be responsible for the efficient administration of all departments, except the City Auditor, City Attorney, City Prosecutor, the Civil Service Department, the Legislative Department, the Water Department and the Harbor Department. He shall be appointed without regard to his political beliefs, and solely on the basis of his executive and administrative qualifications, and may or may not be a resident of the City of Long Beach when appointed. He shall be appointed for an indefinite period, and cannot be removed from office, except by either a vote of five members of the City Council, or recalled in the manner hereinafter provided by a majority of the electors of the City voting thereon at any election called for such purpose; provided, however, that he may not be removed by the City Council within twelve months from the date on which he assumes his duties, except for incompetence, malfeasance, misfeasance, or neglect of duty. In the case of his removal by the City Council within said period, he may demand written charges and a public hearing thereon before the City Council, prior to the date on which his final removal shall take effect; but the decision and action of the City Council on such hearing shall be final, and pending such hearing, the City Council may suspend him from duty.

Unclassified service

Sec. 100.1. The unclassified service shall include:

(a) All officers elected by the people;

(b) All deputies, assistants and other personnel of elective officers who hold their positions during the pleasure of such elective officers;

(c) The City Manager, the Assistant City Manager, the City Clerk, and the Assistant City Clerk;

(d) The heads of departments, and the heads of divisions of departments, and one secretary for each department head, and members of all appointive boards;

(e) Supervisors, assistants and others engaged in technical recreation work in the Recreation Department;

(f) The assistants, secretaries and personnel of the City Manager;

(g) One assistant in each department, provided such person holds a position, the duties of which vest in him full authority to act for the department head in his absence.

PROPOSITION C—CHARTER AMENDMENT

That the Charter of the City of Long Beach be amended by amending subdivision (g) of section 229x thereof, to read as follows:

Exception to competitive bidding requirement

229x(g) Notwithstanding the competitive bidding requirement contained in subdivision (f) of this section, or the limitation as to term contained in subparagraph (aa) of paragraph (3) of subdivision (h) of this section, the Board of Harbor Commissioners shall have the power, by negotiation, and without resort to competitive bidding, to extend the term, and, in connection therewith, to amend and modify the provisions, conditions and limitations, including any provision for the division of the proceeds from oil and gas operations conducted thereunder, of any lease, contract or other agreement entered into prior to the effective date of said subdivision (f) and concerning the lands referred to in subdivision (a) of this section, except as to those contracts relating to the exploration and development of certain portions of the tide and submerged lands granted to the City by the State of California as hereinafter in this subdivision (g) referred to, in order to institute or effectuate a cooperative or unit agreement as provided for in said subdivision (f) Any such extension of term, including the existing unexpired term of any such lease, contract or other agreement, shall not exceed twenty-five years Before any such agreement shall be valid or become effective for any purpose, a copy thereof shall be transmitted to the City Clerk, who shall present such agreement to the City Council not later than said City Council's next regular meeting; nor shall any such agreement be valid or become effective for any purpose if at any time within thirty days from the date of such presentation to it, the City Council shall, by a majority vote of all the members thereof, disapprove such agreement.

Limitation

Neither the City Council nor the Board of Harbor Commissioners shall have the power, by negotiation, to extend the term, as the same is presently provided, in each or any of the following referred to tide and submerged lands drilling and operating contracts:

(1) Richfield Oil Corporation Parcel "A", dated March 12, 1947, and recorded August 15, 1947, in Book 24847 at page 252;

(2) Long Beach Oil Development Company Parcels "W", "X", "Y" and "Z", each respectively dated March 15, 1939, and recorded March 29, 1939, in Book 16446 at page 343, and in Book 16512 at page 109, respectively;

(3) Long Beach Oil Development Company Parcel "Z-1", dated January 2, 1942, and recorded January 9, 1942, in Book 19076 at page 50;

(4) Long Beach Oil Development Company Parcel "J" dated August 3, 1944, and recorded December 18, 1944, in Book 21499 at page 196; all in the Official Records in the Office of the County Recorder of Los Angeles County.

The power of extension hereby conferred is in addition to all other powers possessed by said Board with respect to any lease, contract or other agreement heretofore entered into concerning the lands referred to in subdivision (a) of this section, and this subdivision is not intended, nor should it be construed as divesting or in any manner diminishing any power which the Board now has, with respect to matters not involving an extension of term, to amend or modify any such lease, contract or other agreement for the remainder of the term thereof.

This subdivision shall not be construed to amend, modify or supersede the provisions and requirement of Chapter 1551, Statutes of California, 1959

PROPOSITION D—CHARTER AMENDMENT

That the Charter of the City of Long Beach be amended by adding a new subdivision to Section 229d thereof, to be known and designated as (6), to read as follows:

(6) To finance participants in unit agreements and unit operating agreements, including any contractor or lessee of City-controlled lands qualifying as a participant therein, in the manner provided by law, in such amounts, whether or not included in the official budget, as shall be determined by the Board to be necessary in order to encourage the initiation and conduct of repressuring operations with the greatest possible speed in a subsidence area. Repayment of any amounts so advanced, including all interest payments received thereon, shall be deposited to the credit of the Harbor Revenue Fund. Financing

PROPOSITION E—CHARTER AMENDMENT

That the Charter of the City of Long Beach be amended by amending Section 59 thereof, to read as follows:

OFFICIALS TO GIVE ENTIRE TIME TO CITY DURING BUSINESS HOURS, WITH CERTAIN EXCEPTIONS.

OFFICE HOURS OF CITY OFFICIALS.

FEES TO BE PAID INTO THE CITY TREASURY BY OFFICIALS.

Sec. 59. (1) All elective and appointive officials, their assistants, deputies and clerks, and other employees of the city shall devote their entire time during business hours to the duties of their respective offices, or employment; the City Attorney, the City Prosecutor, the City Auditor, the City Manager and the General Managers of the Water Department and the Harbor Department shall not engage in any other business or practice during their respective tenure of office or employment; provided, however, that the members of the City Council, the Civil Service Board, the Harbor Commission, and the four Other employment

appointees on the City Planning Commission, and the members of any commission or commissions that may have been heretofore or may be hereinafter created by the City Charter or by the City Council, or by ordinance, shall be and are specifically excepted from the provisions of this section; and provided, further, that the provisions of this section shall not be applicable to highly professional or technical assistants employed by the City Council to assist or advise any of the departments of the city. Any ordinance adopted by the City Council regulating the employment of officers and employees of the city outside business hours shall be applicable to, and binding upon, officers and employees of the Harbor Department, Water Department or any other department of the city.

Office hours

(2) Except as otherwise in this charter provided, or by ordinance, all officers of the city shall keep their respective offices open for the transaction of business from the hours of eight o'clock and thirty minutes in the forenoon until five o'clock in the afternoon of each day; Sundays and legal holidays excepted.

Fees

(3) No department, board, officer or employee of the City of Long Beach shall be allowed to retain for his own use any fees collected by such department, board, officer or employee, but all such fees shall be paid into the city treasury at least once every month, except where payment is required by law or ordinance to be made in some other manner or more frequently.

PROPOSITION F—CHARTER AMENDMENT

That the Charter of the City of Long Beach be amended by amending Section 271 thereof, to read as follows:

TERM OF FRANCHISES

Term of franchises

Sec. 271. No franchise shall be granted for a longer period than thirty-five years, in, upon, over, across or under any street, highway, alley, or other public place in the City of Long Beach.

PROPOSITION G—CHARTER AMENDMENT

Repeal

That the Charter of the City of Long Beach be amended by repealing Section 213a thereof.

PROPOSITION I—CHARTER AMENDMENT

Repeal

That the Charter of the City of Long Beach be amended by repealing Sections 190 and 191

That the foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

In witness whereof, Edwin W. Wade, Mayor, as aforesaid, and Margaret L. Heartwell, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed on this 30th day of December, 1960.

EDWIN W. WADE
(SEAL) Mayor of the City of Long Beach
MARGARET L. HEARTWELL
City Clerk of the City of Long Beach

WHEREAS, Said proposed amendments to the charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8, Article XI, of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of Long Beach, as hereinabove fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to and as parts of the charter of the City of Long Beach. Approval

Attest:

CHAPTER 6

Senate Concurrent Resolution No. 6—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a direct primary election and presidential primary election and special elections held therein on the seventh day of June, 1960.

[Filed with Secretary of State January 12, 1961]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the 26th day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and City and County of San Francisco Charter amendments

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county four (4) amendments to said charter; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said four (4) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10-point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a direct primary election and presidential primary election and special elections to be held in the City and County of San Francisco on the seventh day of June, 1960, the said four (4) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said direct primary election and presidential primary election and special elections were held in said City and County of San Francisco on the seventh day of June, 1960, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "San Francisco Chronicle," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the 24th day of June, 1960, duly certify to the board of supervisors the results of said direct primary election and presidential primary election and special elections as determined from the canvass of the returns thereof; and

WHEREAS, At said direct primary election and presidential primary election and special elections so held on the seventh day of June, 1960, three (3) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions B, C and E, and one (1) other charter amendment submitted at said direct primary election and presidential primary election and special elections, to wit, charter

amendment designated as Proposition D, received less than a majority of the votes of the electors voting thereon and was not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

PROPOSITION B

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 172.1.7 thereof, relating to the Health Service System.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 7, 1960, a proposal to amend the charter of said city and county by amending Section 172 1.7 thereof, so that the same shall read as follows:

Section 172 1.7. No member of the system shall be required to accept the services or medical supplies of any physician (physician includes physicians and surgeons, optometrists, dentists, chiropodists and osteopathic and chiropractic practitioners licensed by California State Law and within the scope of their practice as defined by California State Law), person licensed to treat human diseases without the use of drugs, nurse, pharmacist or hospital selected by the health service board, but, subject to rules and regulations of that board, every member shall have the right to select, of his own choice, any duly licensed physician, as defined herein, person licensed to treat human diseases without the use of drugs, nurse, pharmacist, hospital or other agency of medical care as herein defined, who or which will render the required services pursuant to said rules and regulations, and the health service board shall make provision for the exercise of such choice; and is hereby expressly prohibited from entering into any exclusive contract for the rendering of said services Selection of physician, etc.

Any duly licensed physician, as defined herein, person licensed to treat human diseases without the use of drugs, nurse, pharmacist, hospital or other agency of medical care shall have the right to furnish such services or medical supplies at uniform rates of compensation to be fixed by the health service board.

PROPOSITION C

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the

charter of said city and county by amending Section 147.1 thereof, relating to inspection of civil service examination papers.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 7, 1960, a proposal to amend the charter of said city and county by amending Section 147.1 thereof, so that the same shall read as follows:

INSPECTION OF CIVIL SERVICE EXAMINATION PAPERS

Review of civil service examinations

Section 147.1. After the written portion of a civil service examination has been held, and prior to the scoring thereof, the questions used and the answers thereto shall be made available for review by the participants. During the review period, participants shall have an opportunity to protest questions or answers they believe to be incorrect or improper, and for this purpose shall be permitted to bring to the place of review such written authorities as they may desire to assist them in the preparation of their protests. The written portion of the examination shall not be scored until all protested items have been acted on by the civil service commission and an official rating key has been adopted. After the official rating key has been adopted, the examination papers have been scored and the identification sheets of the participants have been opened so that the identity of the participant is known, the civil service commission shall not make any changes in the examination questions or answers.

After the civil service commission has prepared and published or posted a tentative list of eligibles, arranged in order of relative excellence, as the result of any examination held by said commission, all examination papers, questions and answers, and all marks and grades given on any test given in said examination shall be open to public inspection, provided that the identity of the examiner giving any mark or grade in an oral test shall not be disclosed; and provided further that the commission may require the payment of a fee of not more than one dollar ($1) for the inspection of all of the papers relating to the examination of any one person participating in said examination; and provided further that a participant may examine his own examination papers without charge. The civil service commission shall have power to correct any error which in its judgment may have occurred in the rating of any participant in said examination, and to alter said published or posted tentative list of eligibles and to make changes accordingly therein. The civil service commission shall provide for a reasonable period of time for such inspection, but not less than three (3) working days for entrance examinations nor

less than five (5) working days for promotive examinations nor more than two (2) calendar weeks for either entrance or promotive examinations. If no protests are received during the time limits provided by the civil service commission for such inspection, the tentative list of eligibles shall be given immediate final approval and adoption. If any protests are filed within the inspection period provided by the civil service commission, the investigation and action on such protests shall be expedited to the end that final approval and adoption of the eligible list may be made at the earliest possible time, provided that in no event shall such final approval and adoption be delayed beyond sixty (60) days after the date of publication or posting of the tentative list of eligibles.

The civil service commission by rule shall establish procedures for the review of written tests and the inspection of examination papers, as herein provided, for the maintenance of the security of examination material and for the protection of the public interest

PROPOSITION E

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 61 thereof, relating to the appointment of an assistant director of public health in charge of institutions

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 7, 1960, a proposal to amend the charter of said city and county by amending Section 61 thereof, so that the same shall read as follows:

ADMINISTRATIVE DEPARTMENTS UNDER CHIEF ADMINISTRATIVE OFFICER

Chief administrative officer

Section 61. From and after twelve o'clock noon on the 8th day of January, 1932, the functions, activities and affairs of the city and county that are hereby placed under the direction of the chief administrative officer by the provisions of this charter, and the powers and duties of officers and employees charged with specific jurisdiction thereof, shall, subject to the provisions of section 2 and section 20 of this charter, be allocated by the chief administrative officer, among the following departments:

Department of Finance and Records

Department of Finance and Records, which shall include the functions and personnel of the offices of tax collector, registrar of voters, recorder, county clerk and public administrator, and shall be administered by a director of finance and records who shall be appointed by the chief administrative officer and hold office at his pleasure The public administrator shall appoint and at his pleasure may remove an attorney. He may

also appoint such assistant attorneys as may be provided by the budget and annual appropriation ordinance.

Purchasing Department

Purchasing Department, which shall include the functions and personnel of the bureau of supplies, the operation of central stores and warehouses, and the operation of central garages and shops, and shall be administered by the purchaser of supplies who shall be appointed by the chief administrative officer and shall hold office at his pleasure

Real Estate Department

Real Estate Department, which shall include the functions and personnel of the office of the right-of-way agent as established in the bureau of engineering at the time this charter shall go into effect, and also the control, management and leasing of the exposition auditorium.

Department of Public Works

Department of Public Works, which shall include the functions and personnel of the department of public works, as established at the time this charter shall go into effect, with the exception of functions and personnel which are established by this charter under the management, direction and control of the public utilities commission, and which department shall also include the functions and personnel of the telephone exchange. This department shall be administered by the director of public works, who shall be appointed by the chief administrative officer and shall hold office at his pleasure.

Department of Electricity

Department of Electricity, which shall include the functions and personnel of the department of electricity as established at the time this charter shall go into effect. The department shall be administered by a chief of department who shall, from and after twelve o'clock noon on the 8th day of January, 1932, have the powers and duties of the joint board of fire and police commissioners composing the joint commission in charge of the department of electricity, at which time the joint commission shall be abolished

The premises of any person, firm or corporation may, for the purpose of police or fire protection, be connected with the police or fire signal or telephone system of the city and county upon paying a fair compensation for such connection and the use of the same, provided that any such connection shall require the approval of the chief of the department of electricity and shall not in any way overload or interfere with the proper and efficient operation of the circuit to which it is connected. The conditions upon which such connection shall be made and the compensation to be paid therefor shall be fixed by the board of supervisors by ordinance upon the recommendation of the chief of the department.

Department of Public Health

Department of Public Health, which shall include the functions, institutions and personnel of the department of public health as existing at the time this charter shall go into effect. Said department shall be administered by a director of health, who shall be a regularly licensed physician or surgeon in the State of California, with not less than ten years' practice in his profession immediately preceding his appointment thereto. He shall be appointed by the chief administrative officer and

shall hold office at his pleasure, provided that the incumbent health officer at the time this charter shall go into effect shall be deemed appointed to such office. The director of public health shall have and continue the powers and duties of the health officer and the board of health, from and after twelve o'clock noon on the 8th day of January, 1932, at which time the terms of members of said board shall terminate, and such board as theretofore existing shall be abolished.

The chief administrative officer shall have power to appoint and to remove an assistant director of public health for hospital services, who shall be responsible for the administrative and business management of the institutions of the department of public health including, but not limited to, the San Francisco General Hospital, Laguna Honda Home, Hassler Health Home and the Emergency Hospital Service, and who shall be exempt from the civil service provisions of the charter. The position of assistant director of public health for hospital services shall be held only by a person who possesses the educational and administrative qualifications and experience necessary to manage the institutions of the department of public health.

Health Advisory Board. There is hereby created a health advisory board of seven members, three of whom shall be physicians and one a dentist, all regularly certificated. Members of the board shall serve without compensation. They shall be appointed by the chief administrative officer for terms of four years; provided, however, that those first appointed shall classify themselves by lot so that the terms of one physician and one lay member shall expire in 1933, 1934 and 1935, respectively, and the term of one member in 1936. Health Advisory Board

Such board shall consider and report on problems and matters under the jurisdiction of the department of public health and shall consult, advise with and make recommendations to the director of health relative to the functions and affairs of the department. The recommendations of such board shall be made in writing to the director of health and to the chief administrative officer.

Coroner's Office, which shall include the functions and personnel of the existing office of coroner as established at the time this charter shall go into effect. Coroner's Office

County Agricultural Department, which shall be administered by a county agricultural commissioner and shall include functions established by state law and those assigned to it by or in accordance with provisions of this charter. County Agricultural Department

Department of Weights and Measures, which shall include the functions and personnel of the office of sealer of weights and measures as established at the time this charter shall go into effect. Department of Weights and Measures

STATE OF CALIFORNIA)
CITY AND COUNTY OF SAN FRANCISCO) ss

This is to certify that we, Charles A. Ertola, President of the Board of Supervisors of the City and County of San Fran- Certificate

cisco, and Robert J. Dolan, Clerk of the Board of Supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which were submitted to the electors of said city and county at a direct primary election and presidential primary election and special elections held on Tuesday, the seventh day of June, One Thousand Nine Hundred and Sixty; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In Witness Whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this thirtieth day of June, One Thousand Nine Hundred and Sixty.

CHARLES A. ERTOLA
(SEAL) President of the Board of Supervisors of the City and County of San Francisco
ROBERT J. DOLAN
Clerk of the Board of Supervisors of the City and County of San Francisco

APPROVED AS TO FORM:
DION R. HOLM
City Attorney

now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring. a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the City and County of San Francisco.

CHAPTER 7

Assembly Concurrent Resolution No. 1—Approving amendments to the charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighth day of November, 1960.

[Filed with Secretary of State January 16, 1961.]

City of Sacramento: Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the charter of the City

of Sacramento, a municipal corporation of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SACRAMENTO OF CERTAIN CHARTER AMENDMENTS

State of California
County of Sacramento } ss
City of Sacramento

Certificate

We, the undersigned, James B McKinney, mayor of the City of Sacramento, State of California, and Paul H. Manby, City Clerk of said City, do hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been, ever since the year 1921, organized, existing, and acting under a Freeholder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the majority of the qualified electors of said City at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature, of the State of California on January 24, 1921 (Statutes of 1921, page 1919).

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the City Council of the City of Sacramento, being the legislative body thereof, on its own motion duly and regularly submitted to the qualified electors of the City of Sacramento two propositions for the amendment of the Charter of the City of Sacramento at the special municipal election consolidated with the State General Election held within the City on November 8, 1960.

In accordance with the provisions of Section 8 of Article XI, of the Constitution of the State of California, and the Charter of the City of Sacramento, the said proposed amendments were published and advertised in full, on September 14, 1960, in the SACRAMENTO UNION, a daily newspaper of general circulation, printed and published in the City of Sacramento, the official newspaper of said City of Sacramento. The foregoing is shown by the affidavit of publication on file in the office of the City Clerk.

That copies of said proposed amendments were printed in convenient pamphlet form and in type not less than 10-point as required by law, and copies thereof were mailed to each of the qualified electors of said City of Sacramento within the time and manner required by law.

And until the date fixed for the regular municipal election, November 8, 1960, as hereinafter set forth, there was published in said SACRAMENTO UNION an advertisement stating that copies of said proposed charter amendments could be had, upon application therefor, at the office of the City Clerk of said City of Sacramento.

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said City at all times, to and including November 8, 1960, the date fixed for said special election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Sacramento, and in the manner provided by law, the said special municipal election consolidated with the State General Election was duly and regularly held in said City November 8, 1960, after due notice was given and published on September 14, 1960, which said last aforementioned day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendments in the SACRAMENTO UNION, the official newspaper of said City of Sacramento. That at said election, a majority of the qualified electors voting upon the proposed charter amendments voted in favor of propositions B and C and ratified the same.

That thereafter the Council of the City of Sacramento, did in the manner provided by law, duly and regularly canvass the returns of said election, and did adopt a resolution declaring the results of the canvass of the returns of said election. That the Council of said City did by said resolution, find, determine, and declare that certain proposed amendments to the Charter of the City of Sacramento, as hereinafter set forth, were ratified by a majority vote of the electors of said City voting thereon.

That as to said amendments to the Charter of Sacramento, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the said amendments to the Charter of the City of Sacramento so ratified by the qualified electors of said City are as follows:

"PROPOSAL B

Repeal

To amend Articles VIII, XI, and XX, Sections 43, 44, 52, 71, 165 and 183 of the City Charter, adding new Sections 52a and 183a, and repealing Sections 179, 180, and 181, to read as follows:

EXEMPTIONS AND CLASSIFIED SERVICE

Civil Service: Exemptions

Sec. 43. The officers and employees of the city who shall be exempt from the rules and regulations of the Civil Service Board shall include:

(a) Officers directly elected by the people;
(b) Members of advisory boards and commissions;
(c) The City Manager, and any person or persons employed as Assistant City Manager and Confidential Secretary;
(d) Those officials of the City government responsible for the operation of a city department or division, along with those persons who may be employed as assistants to such officials; and
(e) Those employees occupying positions in classes which are filled only on a part-time, seasonal, or limited term basis.

The City Council shall, by resolution, designate those classes of positions, employees in which shall be considered exempt from the rules and regulations of the Civil Service Board, in accordance with the intent and meaning of this section.

Any regular full-time employee who, on the effective date of this amendment, occupies a position in any class heretofore considered exempt, who has occupied such position for at least six (6) months, and which may be placed in the classified service by the operation of these provisions, shall be 'blanketed-in' to the classified service with permanent status, and thereafter be subject to all rules and regulations of the Civil Service Board.

EXAMINATIONS

Examinations

Sec. 44. For the purpose of establishing eligible registers from which positions in the classified service shall be filled, it shall be the duty of the Civil Service Board to conduct competitive examinations open to all persons who lawfully may be appointed to any position within the class for which such examinations are held, and who meet the minimum qualifications requisite to the performance of the duties of such position as established by the Civil Service Board.

Positions in the higher classes shall be filled, as far as is practicable and consistent with the best interests of the service, by promotion following competitive tests of employees in lower classes holding permanent civil service status. The Civil Service Board shall, by rule, establish regulations for promotional eligibility, except that in the Police and Fire Departments, all higher uniform positions in the classified service shall be filled from eligible registers established as a result of promotional examination only, and no such member shall be eligible for promotion to a higher class until he has served at least three (3) years in such department and that in subsequent promotions the member must have held the rank from which he is promoted for at least two (2) years.

All officers or employees shall be chosen or promoted, whenever a list of eligibles is furnished by the Civil Service Board, from the three candidates standing highest on the list.

SCALE OF WAGES

Review of salary ranges

Sec. 52. The Civil Service Board shall, at least once yearly, review the existing compensation plan and make recommendations to the City Council on salary ranges to apply to each class of position in the municipal service. Salary ranges so recommended shall be based on the principle that like salaries shall be paid for comparable duties and responsibilities, and in making such recommendations, the Board shall take into consideration the generally prevailing rates for such service in other California cities of comparable size, other public employment and private business in the Sacramento Metropolitan Area, and the general trend of salary levels.

After considering the recommendation of the Civil Service Board, it shall be the duty and responsibility of the City Council to determine by adoption of an ordinance, the salary ranges to apply for all classes of positions in the municipal service.

POWER AND DUTIES OF THE CIVIL SERVICE BOARD

Duties of the board

Sec. 52a. It shall be the duty of the Civil Service Board to:

(1) Adopt and maintain the classification plan. The Classification plan shall consist of classes of positions in the classified service defined by class specifications, including title, a description of duties and responsibilities and a statement of employment standards to be required of applicants for employment in each class. From time to time as it deems necessary, the Board may establish additional classes and divide, combine, alter, or abolish existing classes.

Each position in the classified service shall be allocated by the Personnel Officer to one of the classes established by the plan; provided that whenever a new or additional position is authorized by the City Manager, the Personnel Officer shall allocate each proposed position to an appropriate existing class or recommend the creation of a new class to the Civil Service Board.

When action is taken by the Board to establish additional classes or to divide, combine, alter, or abolish existing classes, or upon the reallocation of positions by the Personnel Officer, the Civil Service Board shall determine the manner in which the incumbents of positions affected shall attain status.

(2) Formulate rules and regulations covering the examination of applicants for positions in the classified service and the promotion of employees in the classified service, including rules for preparation of examination announcement notices, accepting applications, administering examinations, eligibility for promotion, seniority credits, establishing eligible registers and reinstatement lists, certification, appointment, probationary period, and any other matter necessary to the recruitment and selection of employees.

(3) Hear appeals, upon written request from any employee in any city department in the classified service, who may be

suspended without pay, demoted, dismissed, or otherwise disciplined by the appointing authority. The Board shall define the manner, time and place by which such appeal shall be heard and the judgment of the Board shall be final; provided, that the provisions of this section providing for appeal to the Civil Service Board in the case of a dismissal shall not apply when an employee is dismissed in accordance with the provisions of Section 178 of this Charter.

(4) Hear appeals, upon written request, from any employee in any city department in the classified service, with reference to the allocation or re-allocation of his position by the Personnel Officer.

(5) Prepare annual wage and salary surveys, and make recommendations to the City Council on salary ranges to apply to each class of position in the municipal service, in accordance with the provisions of Section 52 of this Charter; provide, by rule, for the interpretation and administration of ordinances affecting personnel, when specifically directed to do so by the City Council; and to provide, by rule, for the regulation of any other matter pertaining to personnel administration not in contradiction with the provisions of this section.

Officers' and Employees' General Qualifications

Qualification for employment

Sec. 165. Every officer or employee of the City of Sacramento must be a citizen of the United States. In addition to meeting those qualifications which may be established by the Civil Service Board for any examination, all applicants for positions in the classified service must have resided within the City of Sacramento for at least one (1) year immediately preceding the date of the examination, except that the Civil Service Board shall have the authority to waive this residence requirement for any examination when a shortage of qualified applicants exists.

Any person whose residence is outside the city limits and (a) who is successful in a civil service examination, or (b) who is appointed to an exempt position, shall be required to move his residence within the city limits within a period of one (1) year after appointment. Except as hereinbefore provided, all persons regularly employed by the city shall at all times reside within the city.

The requirement of one year of residence within the city limits shall not apply to those persons appointed to (a) positions in classes which are filled only on a part-time, seasonal, or limited-term basis, or (b) to positions in the classified service of a temporary, seasonal, part-time, relief or limited-term nature. Such positions shall be filled, however, by persons whose bona fide residence is within the city limits at time of appointment.

VACATIONS

Vacation allowances

Sec. 183. All officers and employees of the City of Sacramento shall be entitled to vacation allowances on the following basis:

(a) During the first calendar year of employment, and after the completion of at least six (6) months of service, employees shall be entitled to a vacation allowance on a pro rata basis of ten (10) working days per year for the number of months worked prior to the beginning of the first calendar year;

(b) Upon the completion of one calendar year and continuing thereafter through the fifth calendar year of employment, all employees shall be entitled to a vacation allowance of ten (10) working days per year;

(c) Upon the completion of five calendar years and continuing thereafter through the fifteenth calendar year of employment, all employees shall be entitled to a vacation allowance of fifteen (15) working days per year;

(d) Upon the completion of fifteen calendar years of employment and continuing thereafter, all employees shall be entitled to a vacation allowance of twenty (20) working days per year; provided, further, that such employees so qualified to receive twenty (20) working days of yearly vacation allowance shall have the option, to be exercised not later than the first day of December in each year, to receive pro rata payment for five (5) days of such vacation in lieu of using such five (5) days for vacation purposes.

For the purpose of this section, the first calendar year shall be considered to be the period between January 1 and December 31 next following the employee's original date of appointment. For the purpose of computing vacation time, each employee shall be considered to work not more than five (5) days each week. Vacation time shall not be earned when an employee is absent from duty without pay, except that there shall be no reduction in the yearly vacation allowance if such time absent from duty without pay does not exceed ten (10) days per year.

Upon termination of employment for any reason, after completion of at least six (6) months of service, an employee entitled to receive vacation allowance shall be paid in a lump sum for all unused accumulated vacation time. All vacations shall be taken at such time as the executive head of the department in which such officer or employee may be serving shall direct.

Any city employee in the Reserve Corps, Naval Reserve, Marine Corps, or National Guard of the United States Army and Navy, when called for his annual period of intensive training, shall be permitted to participate therein and shall not suffer loss of pay through such absence nor shall such period devoted to said training be construed as the annual vacation of such employee but said employee shall have in

addition thereto, the usual vacation period on pay alloted to city employees.

The Civil Service Board shall by rule define and interpret the terms of this section and such definition and interpretation shall be conclusive, shall by rule provide for the regulation and accumulation of vacations; shall by rule define those categories of temporary employment in which employees shall not be entitled to earn vacation allowance; and shall by rule provide for the method of computation of accumulated or unused vacation allowance for employees leaving city service.

Any employee who, on the effective date of this amendment, may be entitled to receive a vacation allowance in excess of the preceding schedule, shall not suffer any reduction in vacation allowance.

LONGEVITY PAY

Sec. 183a. All regular full-time employees of the City of Sacramento, meeting such requirements as may be established by the City Council to carry out the provisions of this section, shall be entitled to receive longevity pay on the following basis: Longevity pay

(a) Upon completion of twenty (20) years of service, an employee shall receive yearly thereafter a lump sum of $100 in addition to his regular compensation; said amount to be paid during the month of July of each year next succeeding the completion of said twenty (20) years of service; and

(b) Upon completion of twenty-five (25) years of service, an employee shall receive yearly thereafter a lump sum of $200 in addition to his regular compensation and in addition to the longevity allowance described in paragraph (a) preceding, said amount to be paid during the month of July of each year next succeeding the completion of said twenty-five (25) years of service.

No deductions for retirement system contributions shall be made from any amount paid to an employee for longevity, and such longevity pay shall be excluded from an employee's earnings when computing retirement allowances.

The City Council shall, by ordinance, adopt rules and regulations for employee eligibility and administration of the provisions of this section.

That the provisions with reference to the length of City service in determining salaries, set forth in Section 71 are hereby repealed.

Sections 179, 180 and 181, Suspensions and Removals and Trials, are hereby repealed." Repeal

"PROPOSAL C

To amend Article XXIV, Sections 251 and 284 of the Charter of the City of Sacramento, to read as follows:

LETTING OF CERTAIN CONTRACTS

Competitive bidding

Sec. 251. The erection, improvement and repair of all public buildings and works, all street and sewer work (not payable by special assessment on the private property benefited) and all work in or about streams or water fronts, or in or about embankments or other works for protection against overflow or erosion, and the furnishing of supplies and material for the same, or for any other use by the City or the purchase of any supplies to be used by the City, when the expenditure required for the same equals or exceeds the sum of Two Thousand Five Hundred Dollars ($2500.00) shall be done by contract in writing and shall be let to the lowest responsible bidder after advertising for four consecutive days in the official newspaper for sealed proposals for the work contemplated or supplies to be furnished, except in cases of emergency as hereinafter provided. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished; provided, however, the Council may reject any and all bids if deemed excessive, and in that event, or in the event that no bids are made, may re-advertise for bids, or provide for the work to be done by the City or for the supplies to be purchased in the open market, but in no case shall supplies be bought at a price as high as the lowest bid received from a responsible bidder. No prison-made supplies shall be purchased by the City unless supplies of a similar character are not obtainable elsewhere. Notwithstanding any of the provisions of this Charter, it shall be competent for the City Council, by ordinance, to authorize the purchase from the United States Government, or any agency, department or officer thereof, of any property by the City without first advertising for bids. Further, notwithstanding the provisions of this section, it shall be competent for the City Council, by ordinance, to direct any work to be done by the City without first advertising for bids, if such course be recommended by the City Manager.

LETTING OF CONTRACTS

Exemption from competitive bidding requirement

Sec. 284. That the Transit Authority shall have power to enter into contracts for work, supplies and equipment in amounts not exceeding $2,500.00 without first advertising for bids. And as to any contracts for work, supplies and equipment exceeding said sum shall be done by contract in writing and let to the lowest responsible bidder after advertising for sealed proposals in the manner and for the time as set forth by Section 251 of the City Charter. That notwithstanding any of the provisions above set forth, the Transit Authority may, upon recommendation of the General Manager, authorize the entry into contracts for work, purchase of equipment and supplies without first advertising for bids therefor."

We further certify that we have compared the foregoing ratified amendments to the Charter of the City of Sacramento

with the original proposals submitted to the electors of said City, and find that the foregoing is a full, true, and correct and exact copy of such amendments.

In witness whereof, we have hereunto set our hands and caused the Seal of said City of Sacramento to be affixed hereto on December 27, 1960.

JAMES B. McKINNEY
(SEAL) Mayor, City of Sacramento

APPROVED AS TO FORM:

PAUL H. MANBY
City Clerk, City of Sacramento

EVERETT M. GLENN
City Attorney

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the City of Sacramento, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Sacramento. Approval

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CHAPTER 8

Assembly Concurrent Resolution No. 3—Approving a charter amendment to the charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, ratified by the qualified electors of the city at the general election held therein on the eighth day of November, 1960.

[Filed with Secretary of State January 16, 1961]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Richmond, a municipal corporation of the City of Richmond. Charter amendment

County of Contra Costa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF RICHMOND OF A CERTAIN CHARTER AMENDMENT

State of California
County of Contra Costa } ss
City of Richmond

Certificate

We, the undersigned, D. M. Bradley, Mayor of the City of Richmond, California, and Harlan J. Heydon, City Clerk of said City, do hereby certify and declare as follows:

That the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500) inhabitants, and has been, ever since the year 1909, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the 9th day of February, 1909, and approved by Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the 4th day of March, 1909, (Statutes of 1909, Chap. 18).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Richmond, being the legislative body thereof, by its Resolution No. 7292 adopted May 9, 1960 and amended by Resolution No. 7309 adopted May 23, 1960, duly and regularly submitted to the qualified electors of said City a certain proposal hereinafter referred to as Amendment-C to amend the Charter of the City of Richmond and to be voted upon by said qualified electors at a special election by said Resolutions called for said purpose in said City on the 8th day of November, 1960, and the said Council by its aforesaid Resolutions did request the Board of Supervisors of the County of Contra Costa to consolidate said special election for said purpose with the State General election to be held on the 8th day of November, 1960, and to canvass the returns of the vote thereon.

That on August 16, 1960, the Board of Supervisors of the County of Contra Costa consented to and ordered the consolidation of said special election with the State General election to be held on the 8th day of November, 1960.

That said Amendment-C was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Richmond; that said Amendment-C was published and advertised as

aforesaid on the 26th day of September, 1960, and that said publication was in The Independent, a newspaper of general circulation published daily except Sunday in the said City of Richmond and the official newspaper of said City, and in each edition thereof during the said day of publication; that said City of Richmond has a population of less than one hundred twenty-five thousand (125,000); that said publication on the 26th day of September, 1960, also contained a "Notice to Voters", wherein, among other things, was set forth the proposal that had been made for amendment of the Charter of said City in the manner therein set forth, to be voted upon at the general election to be held in said City on the 8th day of November, 1960; that from and after September 26, 1960, the City Clerk of the City of Richmond caused to be published in said official newspaper, daily except Sunday, up to and including the day fixed for said election, to wit:

"NOTICE OF AVAILABILITY

Copies of the proposed amendment of Article VI of the Charter of the City of Richmond to be voted upon November 8, 1960 are available upon request at the office of the City Clerk, City Hall, Civic Center, Richmond, California."

and that continuously from September 26, 1960, up to and including November 8, 1960, there were available in the office of the City Clerk of the City of Richmond, City Hall, Richmond, California, copies of the full text of said amendment hereinafter referred to as Amendment-C

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Clerk caused copies of said Amendment-C to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said city.

That in accordance with the provisions of the Charter of the City of Richmond, and in the manner provided by law, the said general election was duly and regularly held in said City after due notice was given and published, the day of election being on November 8, 1960, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforesaid proposed amendment in "The Independent", the official newspaper of said City.

That thereafter, said general election was duly and regularly held on Tuesday, November 8, 1960, and the Board of Supervisors of the County of Contra Costa, State of California, did, in the manner provided by law, duly and regularly canvass the returns of said election and did, on the 22nd day of November,

1960, by resolution, duly declare and certify the results of said general election as determined from the canvass of the returns thereof.

That the said Council of the City of Richmond, did, by its Resolution numbered 7450, duly and regularly adopted on December 5, 1960, declare the results of said election on said proposal to amend the Charter of the City of Richmond and did accept the official notice of canvass of votes on said proposition, as certified by the Board of Supervisors, as aforesaid.

That at said general election, a majority of the qualified electors voting on said proposal to amend the Charter of the City of Richmond voted in favor of said amendment hereinafter set out, and the said Board of Supervisors of said County did by said Resolution dated November 22, 1960, find, determine and declare that the said proposed amendment to the Charter of the City of Richmond was ratified by a majority of the qualified electors of said City voting thereon, and the said Council of the City of Richmond, did, by its said Resolution numbered 7450, adopted December 5, 1960, accept the determination and declaration of the Board of Supervisors of said County that the said proposed amendment to the Charter of the City of Richmond was ratified by a majority of the qualified electors of said City voting thereon, as aforesaid.

That the vote on said Amendment-C as declared by Resolution No. 7450, of the Council of the City of Richmond was as follows:

AMENDMENT-C

Yes	13,421
No	10,219

That said amendment to the Charter so ratified by the qualified electors of the City of Richmond at said general election was in words and figures as follows:

AMENDMENT-C, amending Section 1, Paragraph 3, and Section 3 of Article VI of the Charter of the City of Richmond to read as follows:

First: To amend Section 1, Paragraph 3 of Article VI as follows. (Words underlined to be added) (Words in **BOLD** face type to be deleted.)

Board of Education. Elections

"**ARTICLE VI.** Section 1, Paragraph 3. Elections for members of the Board of Education shall be held on the day fixed in the California Education Code for the election of school trustees. Elections shall be held in each **EVEN** odd numbered year."

Second: To amend Section 3 of Article VI as follows: (Words underlined to be added) (Words in **BOLD** face type to be deleted.)

Same. Powers

"**ARTICLE VI.** Section 3. Said Board of Education shall have and exercise all the powers conferred upon Boards of Trustees and Boards of Education by the laws of the State of California and in addition thereto shall have the power:

1. To choose one of its members as President of the Board, fix a time and place for holding regular meetings, which shall be public, provide for holding special meetings, adopt rules for governing its own proceedings, and adopt an official seal.

2. TO APPOINT A SUPERINTENDENT OF SCHOOLS TO SERVE DURING ITS PLEASURE AND TO FIX HIS COMPENSATION.

2. ~~3.~~ To appoint a Superintendent of Schools for a term of four (4) years and fix his compensation. To appoint such assistant superintendents and deputy superintendents of Schools as it may deem necessary.

3. ~~4~~ To construct school buildings when necessary, and no special election need be held to authorize such construction.

~~5.~~ TO PROVIDE FREE TEXT BOOKS WHEN AUTHORIZED TO DO SO BY THE ELECTORS VOTING ON SUCH PROPOSITION.

4. ~~6.~~ To prescribe the requirements for graduation from the public schools and issue certificates of graduation.

5. ~~7.~~ To provide the manner in which all elections shall be held and conducted for the election of members of said Board and such special elections as may be authorized by law, except as in this charter otherwise provided.

6. ~~8.~~ To receive bequests, devises and donations of property of every kind, either absolutely or in trust for any purpose, and to manage, hold or dispose of such property in accordance with the terms of any bequests, devise or donation.

7. ~~9.~~ **TO FILL ANY VACANCY IN THE MEMBERSHIP OF THE BOARD BY APPOINTMENT, THE PERSON APPOINTED TO HOLD OFFICE UNTIL THE FIRST DAY OF JULY FOLLOWING THE NEXT ELECTION HELD FOR THE ELECTION OF MEMBERS OF SUCH BOARD.** To fill any vacancies in the membership of the Board by appointment, the person so appointed to serve for the balance of the unexpired term of the member replaced or until the last day of June following the next election held for the election of one member only of such Board, whichever occurs first.

8. ~~10.~~ It shall elect and fix the salaries of all **TEACHERS** employees, but such election shall be made only from a list of candidates nominated and recommended by the Superintendent of Schools, but the Board may make rules in accordance with which such nominations and recommendations shall be made. It shall fix a time when such election of **TEACHERS** employees shall be had. **FOR THE FIRST TWO YEARS OF THEIR SERVICE IN THE SCHOOL DEPARTMENT OF**

THE CITY, PRINCIPALS AND TEACHERS SHALL BE SUBJECT TO ANNUAL ELECTION; AFTER A SERVICE OF TWO YEARS THEY MAY BE ELECTED FOR A TERM OF THREE YEARS."

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Richmond with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full and true, correct and exact copy of said amendment.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Richmond to be affixed this 5th day of December, 1960.

D. M. BRADLEY
(SEAL) Mayor of the City of Richmond
ATTEST:
HARLAN J. HEYDON
Clerk of the City of Richmond

I, Harlan J. Heydon, do hereby certify as follows:

I am the duly appointed, qualified and acting City Clerk of the City of Richmond and that the foregoing is a true and correct copy of the Certificate of Ratification of Electors of the City of Richmond of a Certain Charter Amendment, which certificate was duly made by the Mayor of the City of Richmond and the City Clerk of the City of Richmond on December 5th, 1960.

In witness whereof, I have hereunto set my hand and affixed the corporate seal of the City of Richmond this 5th day of December, 1960.

HARLAN J. HEYDON
(SEAL) Clerk of the City of Richmond

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the charter of the City of Richmond, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of the City of Richmond.

CHAPTER 9

Senate Concurrent Resolution No. 4—Approving the new charter of the City of Chico, County of Butte, State of California, ratified by the qualified electors of said city at a special election held therein on the seventh day of June, 1960.

[Filed with Secretary of State January 16, 1961]

City of Chico. Charter

WHEREAS, Proceedings have been taken and had for the preparation, proposal, adoption and ratification of a new charter for the City of Chico, a municipal corporation, in the County of Butte, State of California, as set out in the certificate of the mayor and city clerk of said city as follows, to wit:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF CHICO IN THE ADOPTION OF A NEW CHARTER FOR THE CITY OF CHICO, CALIFORNIA

STATE OF CALIFORNIA }
COUNTY OF BUTTE } ss.
CITY OF CHICO }

Certificate

We, the undersigned, Marsh C. Pine, Mayor of the City of Chico, State of California, and Margery L. Ames, City Clerk of said City, do hereby certify and declare as follows:

That the City of Chico in the County of Butte, State of California, now is, and at all times herein mentioned was, a city containing a population of more than 3,500 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States of America.

That on January 27, 1959, the City Council of the City of Chico passed and adopted, by more than a two-thirds majority of all of its members, their resolution entitled:

RESOLUTION OF THE COUNCIL OF THE CITY OF CHICO PROPOSING THAT A PROPOSITION CALLING FOR FREEHOLDERS TO BE ELECTED TO FRAME A PROPOSED NEW CHARTER FOR THE CITY OF CHICO BE SUBMITTED TO THE VOTERS OF SAID CITY AT THE GENERAL ELECTION TO BE HELD APRIL 13, 1959.

That on March 24, 1959, the City Council of the City of Chico adopted Ordinance No. 606 calling for the holding of the general municipal election on Monday, April 13, 1959, and declaring the objects of said election which, among other things, provided:

"For the electors of the City of Chico to vote:

(a) Upon a proposition 'Shall a board of freeholders be elected to frame a proposed new charter' for the City of Chico; and

(b) For the election of a board of fifteen (15) freeholders to frame a proposed new charter."

That both the resolution of the City Council adopted January 27, 1959, as aforesaid, and said Ordinance No. 606 aforesaid were published and advertised in the form and manner and for the length of time as provided by law, and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in the Chico Enterprise Record, a newspaper of general circulation printed and published daily, except Sunday, in the City of Chico.

That at said general municipal election held on said day a board of fifteen freeholders duly qualified, was elected in and by the qualified electors of said City, which said Board, and each of them, duly qualified and within one year after the result of said election was declared as provided by law, duly prepared and proposed, and on April 5, 1960 filed in the office of said City Clerk a proposed new Charter for the government of said City, and upon said Charter designated the 7th day of June, 1960 as the date upon which said Charter should be submitted to the electors of said City for ratification. That said proposed new Charter and said declaration of the date for the submission thereof to the electors for ratification, was duly signed by all of the members of said Board of Freeholders; that thereupon the said City Council duly called and gave notice of such special election to be held on the 7th day of June, 1960 and did, within fifteen (15) days after the filing of said Charter, cause the same to be published once, to wit, on the 6th day of April, 1960, in the Chico Enterprise Record, a newspaper of general circulation, printed and published in the said City, and the same was printed in each edition thereof, and did cause copies thereof to be printed in convenient form, and until the date fixed for election upon such Charter did advertise in said newspaper a notice that copies of said proposed Charter could be had at the office of the City Clerk upon application therefor, and in all respects the requirements of Article XI, Section 8, of the Constitution of the State of California have been complied with; that at said election duly and regularly held on the 7th day of June, 1960, a majority of the qualified electors voting thereon voted in favor of such proposed new Charter and the City Council of said City, at a meeting held in the manner required by law, duly canvassed returns of said election and duly found, determined and declared that a majority of said qualified electors voting thereon had voted for and ratified said Charter; that said Charter, as the same was prepared, proposed and ratified as herein set forth, is as follows, to wit:

THE CHARTER OF THE CITY OF CHICO

We, the people of the City of Chico, State of California, do ordain and establish this Charter as the organic law of said City under the Constitution of said State.

THE PROPOSED CHARTER OF THE CITY OF CHICO

Article I. Incorporation and Succession
Article II Powers of the City
Article III. Form of Government
Article IV. Elective Officers
Article V. Elections
Article VI. The Council
Article VII. The City Manager; Powers and Duties
Article VIII. Executive and Administrative Organization
Article IX. Appointive Officers and Employees
Article X. Appointive Boards and Commissions
Article XI. Fiscal Administration
Article XII. Franchises
Article XIII. Board of Education
Article XIV. Personnel System
Article XV. Miscellaneous

ARTICLE I

INCORPORATION AND SUCCESSION

Name

Section 100. Name of City. The municipal corporation now existing in the County of Butte, State of California, and known as the City of Chico shall remain and continue a body politic and corporate in name and in fact by the name of the City of Chico.

"City"

Section 101. Definition of "City." Whenever in this Charter the word, "City," occurs, it means the City of Chico; and every "department," "board," "commission," "agency," "officer," or "employee," whenever either is mentioned, means a department, board, commission, agency, officer or employee of the City of Chico.

Boundaries

Section 102. Boundaries. The boundaries of the City shall continue as now established until changed in the manner authorized by law.

Rights and liabilities

Section 103. Rights and Liabilities. The City shall remain vested with, and continue to have, hold, and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

Vested rights

Section 104 Continuance of Vested Rights All vested rights of the City shall continue and shall not in any manner be affected by the adoption of this Charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the City, be affected by the adoption of this Charter, unless otherwise herein expressly provided All contracts entered into by the City or for its benefit prior to the taking effect of this Charter shall be continued and perfected hereunder. Public improvements, for which legislative steps have been taken under laws in force at the time this Charter takes

effect, may be carried to completion in accordance with the provisions of such laws.

Ordinances, etc.

Section 105. Continuance of Ordinances and Resolutions. All ordinances and resolutions in force at the time this Charter takes effect, and not inconsistent therewith, shall continue in full force until amended or repealed.

Present officers

Section 106. Continuance of Present Councilmen, Officers and Employees. All Councilmen, officers and employees, when this Charter takes effect, shall continue to hold and exercise their respective offices or employment under the terms of this Charter until the election or appointment and qualification of their successors.

The office of Treasurer shall continue in effect until a vacancy occurs or until the expiration of the present term. Thereafter the duties of the Treasurer shall be assumed by the Finance Officer as provided in Section 908 of this Charter.

ARTICLE II

POWERS OF THE CITY

Legislative power

Section 200 Legislative Power of the City. The legislative power of the City shall be vested in a body to be designated as the Council, and in the people through the initiative and the referendum.

General power

Section 201. General Powers. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in the Constitution of the State of California, or provision of this Charter. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, any general power of the City.

ARTICLE III

FORM OF GOVERNMENT

Form of government

Section 300. Council-Manager Form of Government. The municipal government provided by this Charter shall be known as the "Council-Manager" form of government.

ARTICLE IV

ELECTIVE OFFICERS

Enumeration

Section 400. Enumeration. The elective officers of the City shall be seven (7) Councilmen and five (5) members of the Board of Education.

Terms of office

Section 401. Terms of Elective Officers. Elective officers shall hold office for a term of four (4) years from and after

8:00 p.m. of the first Tuesday in May following the day of their election and until their successors are elected and qualified.

Election

Section 402. Elected at Large. Councilmen of the City shall be elected at large at the general muncipal elections provided for in Article V, Section 500 of this Charter.

Members of the Board of Education shall be elected at large at school elections held by the City in the Chico City School District and the Chico High School District at the same time as general municipal elections.

Within the boundaries of the City such school elections shall be conducted by the same election officials and in the same polling places as general municipal elections. In the areas of the two school districts outside the City, such school elections shall be conducted by the City at the same time and in the same manner as general municipal elections.

Eligibility

Section 403. Eligibility of Candidates. Candidates for City Councilman shall have been electors of the City for at least three (3) years immediately preceding the filing of their nomination papers.

Candidates for members of the Board of Education shall comply with all requirements of eligibility as set forth in the laws of the State of California.

Councilmen

Section 404. Councilmen, Election and Terms of Office. The terms of office of members of the City Council shall be four (4) years, commencing on the first Tuesday in May following their election in the odd-numbered years, provided that at the general municipal election to be held on the first Tuesday after the first Monday in April of 1961, four (4) Councilmen shall be elected for a term of four (4) years each, and such Councilmen so elected, together with the three (3) members of the Council whose terms will expire under the existing City Charter in April of 1963, shall comprise the first City Council under this Charter.

Same: Disqualification

Section 405. Councilmen, Disqualification. If a member of the City Council is absent three (3) consecutive regular meetings, he shall forfeit his office unless excused by the Council for cause and so recorded in its official minutes. If a member of the City Council is adjudged legally incompetent, or ceases to be an elector of the City, or is convicted of a crime involving moral turpitude, his office shall become vacant and shall be so declared by the Council.

Vacancies

Section 406. Vacancies. A vacancy in an elective municipal office, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday in May following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term. In the event the Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been declared vacant, it shall cause an election to be held forthwith to fill such vacancy.

Board of Education

Section 407 Board of Education, Election and Term of Office. Members of the Board of Education shall hold office for a term as provided in Section 401 of this Charter, provided that members of the Board of Education in office at the time of the effective date of this Charter shall continue in office for the remainder of the term to which they were elected, or until their successors are elected and qualified.

Same: Vacancies

Section 408. Board of Education, Vacancies. A vacancy occurring on the Board of Education shall be filled in the manner provided by the general law of the State of California governing the filling of vacancies upon school boards in effect at the time of such vacancy. A member appointed to the Board of Education to fill a vacancy shall serve until the next general municipal election at which members of the Board of Education are elected.

Oath of office

Section 409. Oath of Office, Elective Officers. An elective officer of the City, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of the State of California and shall file the same with the City Clerk

ARTICLE V

ELECTIONS

General elections

Section 500. General Municipal Elections. General municipal elections for the election of Councilmen of the City and members of the Board of Education of the Chico City School District and the Chico High School District, and for such other purposes as the Council may prescribe, shall be held in said City and said school districts on the first Tuesday after the first Monday in April of each odd-numbered year.

Special and School Elections

Section 501. Special Municipal and School Elections. All other municipal elections may be held by authority of general law, or by ordinance, and shall be known as special municipal elections

School elections held upon dates other than those upon which municipal elections are held shall be conducted by the school districts in accordance with State laws governing such election, and shall in no manner be a responsibility of the City.

The expenses of all elections called by the Council shall be paid by the City but the Chico City School District and the Chico High School District shall be required to reimburse the City in amounts proportionate to expenses incurred for and on behalf of the school districts.

Election procedure

Section 502 Procedure for Holding Elections. Unless otherwise provided by ordinances hereafter enacted, all elections shall be held in accordance with the provisions of the Election Code of the State of California for the holding of elections in general law cities, insofar as the same are not in conflict with this Charter.

The Council shall, by ordinance, order the calling and holding of general elections within the City, the Chico City School

District and the Chico High School District. The Board of Education shall, however, have the power to call such special elections within the Chico City School District and Chico High School District as are authorized by law.

The election ordinance shall specify the objects, times and places for holding such elections, and the names of the inspectors, judges of election and clerks for each voting precinct into which the City and/or the Chico City School District and/or the Chico High School District shall be divided for the holding of and making returns for such election. The number of elections officers at each precinct shall not exceed six (6), at least three (3) of whom shall be present at all times during the election The ordinance calling an election shall be published once in the official newspaper of the City not more than three (3) weeks nor less than two (2) weeks before the time appointed for holding the election.

Initiative, referendum, recall

Section 503. Initiative, Referendum and Recall The provisions of the Election Code of the State of California governing the initiative, the referendum and the recall of municipal officers shall apply to the use thereof in the City.

Returns

Section 504 Returns and Notification of Election The returns from each election precinct shall be filed with the City Clerk, and no person shall be permitted access to them until canvassed by the Council After having been canvassed, they shall be sealed up by the Clerk for six (6) months and no person shall have access to them except on order of a court of competent jurisdiction.

After the results of an election are declared, the Clerk, under his hand and official seal, shall issue a certificate thereof and serve the same personally, or by mail, upon each person elected.

ARTICLE VI

THE COUNCIL

Council Membership

Section 600. Membership. The Council shall consist of seven (7) Councilmen elected from the City at large in the manner provided for in Article IV, Elective Officers.

Remuneration

Section 601. Remuneration. Each Councilman shall be remunerated at the rate of fifteen dollars ($15.00) per Council meeting attended, but the maximum amount of remuneration in any month shall not exceed sixty dollars ($60.00). The Mayor shall receive, in addition to this remuneration as a Councilman, the sum of twenty-five dollars ($25.00) per month. Councilmen, may, upon order of the Council, be reimbursed for reasonable and necessary out-of-town expenses actually incurred in the service of the City.

Meetings

Section 602. Meetings The Council shall meet in regular session at 8:00 p.m. on the first Tuesday of each month, and at such other times as it may determine. A special meeting may be called by the Mayor, or by any four (4) members. Written notice of such special meeting and the purpose thereof shall

be given to each member of the Council not less than twenty-four (24) hours before the meeting, or within that time prescribed by State law, whichever is greater. At any special meeting only such matters may be acted upon as are referred to in such written notice or consent. All meetings shall be held in the Municipal Building of the City, or in such place to which any such meeting may be adjourned, and shall be open to the public.

Mayor, etc.

Section 603. Mayor, Vice Mayor, Mayor Pro Tempore. At its meeting on the first Tuesday in May in each odd-numbered year, the Council shall choose one of its members as presiding officer, to be known as Mayor, and another to be known as Vice Mayor each to serve for a term of two (2) years. Should a vacancy occur in either office, the Council shall elect a successor to serve for the remainder of the unexpired term.

The Mayor shall preside over the sessions of the Council and shall sign official documents when the signature of the Mayor is required by law. He shall be recognized as the official head of the City for all public and ceremonial purposes, by the Courts for the purpose of serving civil processes, and by the Governor for military purposes. In time of emergency, the Mayor may take command of the police, maintain order and enforce laws for a period not exceeding forty-eight (48) hours, and he himself shall be the judge of what constitutes such public dangers or emergencies; such command may be continued for a longer period by a majority vote of the city Council at a special meeting called for that purpose.

He shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance or by resolution of the Council, except as limited by this Charter. The Mayor shall possess no veto power.

The Vice Mayor shall, in the absence of the Mayor, assume all his powers and duties. When both the Mayor and Vice Mayor are absent, the Council may choose one of its own members to act as Mayor Pro Tempore.

Powers of the Council

Section 604. Powers of the Council. Subject to the provisions and restrictions of this Charter and of the Constitution of the State of California, the Council shall have the power in the name of the City to perform any and all acts appropriate to a municipal corporation.

Appointment of officers, etc.

Section 605. Appointment of Officers and Commission Members. The Council shall have the power and authority to appoint a City Manager, a City Clerk, a City Attorney, and the members of the various Boards and Commissions. All other officers and department heads shall be appointed by the City Manager, subject to confirmation by the Council.

Subpoena power

Section 606. Power of Subpoena. The Council shall have the power and authority to compel attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the city and be attested to by the City Clerk. Disobedience

of such subpoenas or the refusal to testify, other than upon constitutional grounds, shall constitute a misdemeanor.

Rules of procedure

Section 607. Rules of Procedure. The Council shall determine its own rules and order of business, subject, but not limited to, the following provisions:

a. There shall be a Journal of Proceedings of all Council meetings which shall be open to the public, except as otherwise provided by law.

b. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the Journal of Proceedings of the Council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote.

c. A majority of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business.

d. The Council shall appoint such standing and other committees as it may deem necessary.

Ineligibility for other city positions

Section 608. Councilmen Ineligible to Other City Positions. No Councilman shall be eligible to appointment on any board or commission provided for in this Charter except as designated in the Charter or State laws.

No member of the Council shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; nor shall he be elected or appointed to any office created or the compensation of which is increased by the Council, while he is a member thereof, until one (1) year after the expiration of the term for which he was elected.

Ordinances, etc

Section 609. Ordinances and Resolutions: Method of Action. Legislative action shall be taken by the Council only by means of an ordinance or resolution Unless otherwise specified in this Charter ordinances and resolutions shall be adopted upon receiving the affirmative votes of a majority of a quorum of the Council present at any regular meeting.

Same: Form

Section 610. Ordinances; Title and Enacting Clause. The enacting clause of every ordinance passed by the Council shall be: "Be it ordained by the Council of the City of Chico." Ordinances initiated by the people shall have an enacting clause: "Be it ordained by the people of the City of Chico."

Same: Adoption

Section 611. Ordinances; Adoption and Publication.

a. No ordinance, other than an emergency ordinance, shall be adopted by the Council within five (5) days after its introductory reading, nor at other than a regular meeting. Further reading may be waived by motion adopted by unanimous vote of Councilmen present after reading by title. If further reading is not waived, such ordinance shall be read in full.

b. An ordinance altered or amended after its introduction and before adoption shall be reread as altered or amended and shall not be adopted within five (5) days after such alteration or amendment; provided, however, that corrections of typographical or clerical errors which do not change the intent

expressed in the ordinance shall not be deemed alterations or amendments within the meaning of this section.

c Every ordinance must be published once in the official newspaper of the City, or in such other form that it may be sent to the voters. One copy of every ordinance introduced shall be posted by the Clerk within twenty-four (24) hours after introductory reading, on the public bulletin board in the Municipal Building of the City.

d. The Clerk shall thereafter note on a posted copy any corrections, alterations or amendments which may occur after the time of the introductory reading.

e. Failure of the Clerk to post said ordinances or to make corrections thereon as provided in subsections (c) and (d) hereof, shall not affect the validity of any ordinance otherwise regularly adopted.

Same. Emergencies

Section 612. Emergency Ordinance Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, welfare, health or safety, and containing a statement of the reasons for its urgency, may be introduced by reading in full, and adopted at the same meeting if passed by at least four (4) affirmative votes No such emergency ordinance shall obligate the City for a period longer than six (6) months.

Same: Amendment

Section 613. Amendment of Ordinances. No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in Section 611 of this Charter. No ordinance or section thereof shall be repealed except by an ordinance adopted in the manner provided in this Charter.

Sale, etc., of real property

Section 614 Sale, Exchange, Lease or Purchase of Real Property. The sale or exchange of real property owned by the City shall be authorized only by ordinance, subject to referendum, passed by the affirmative vote of at least five (5) members of the Council, provided that the provisions of this section shall not apply to properties dedicated to the City of Chico for park purposes by Annie E K. Bidwell or Guy R. Kennedy, by deed or will, and such properties shall not be conveyed or exchanged.

The Council may, by resolution, provide for the purchase or lease (as lessor or lessee) of real property, except as set forth in paragraph (c) of Section 1000 of Article X of this Charter.

Section 615 Signing and Attesting. All ordinances shall be signed by the Mayor and attested by the City Clerk.

Ordinances: Effective date

Section 616. Ordinances; Effective Date.

Except as otherwise herein provided to the contrary, ordinances shall become effective on the 30th day following date of adoption, provided that such ordinance has been published as provided by Section 611 within fifteen (15) days from date of adoption. In the event publication has not been so made, then such ordinance shall become effective on the 15th day following

the date of publication. The following ordinances are expressly excepted from the foregoing requirements, and shall take effect upon adoption:

a. An ordinance calling or otherwise relating to an election;

b. An improvement proceeding ordinance adopted under some law or procedural ordinance;

c. An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;

d. An emergency ordinance adopted in the manner provided for in this article;

e. An ordinance providing for a tax levy or appropriation for the usual current expenses of the City.

Codification

Section 617. Codification of Ordinances and Adoption by Reference. Ordinances establishing rules and regulations for the construction of buildings, including, but not limited to the installation of plumbing, electrical wiring, outdoor signs, or other similar work of construction or installation, and governing conditions hazardous to life and property, and a code of existing and properly adopted ordinances where such rules and regulations or ordinance codes have been printed as a code or codes in book form may be adopted by reference to such code or codes or such portions thereof in the manner provided by the general laws of the State of California

Ordinances of the City of Chico may adopt by reference as all or a part of such ordinance all or any portion of any general law of the State of California, without including the specific wording of such law in such ordinance.

ARTICLE VII

THE CITY MANAGER; POWERS AND DUTIES

City Manager: Qualification

Section 700. Qualification. There shall be a City Manager who shall be the chief administrator of the City. He shall be appointed by the Council and shall serve at its pleasure. He shall not be removed from office except by the affirmative vote of at least four (4) members of the Council. He shall be chosen on the basis of his executive and administrative qualifications. He need not be a resident of the City or State at the time of his appointment.

Same Duties

Section 701. Manager's Duties and Authority. The City Manager shall be the chief executive officer and the head of the administrative branch of the City government. He shall be responsible to the Council for the administration of all units of the City government under his jurisdiction and for carrying out policies adopted by the Council. He shall be charged with the preservation of the public peace, welfare, health, the safety of persons and property, the enforcement of law, and the development and utilization of the City's resources.

The City Manager shall:

a. Appoint, discipline and remove, subject to the personnel system ordinance of the City, all officers and employees of the City except as otherwise provided by this Charter. He may authorize the head of any department or office to appoint, discipline or remove subordinates in such department or office.

b Prepare the budget annually, submit it to the Council, and be responsible for its administration after its adoption.

c. Prepare and submit to the Council as of the end of the fiscal year, a complete report on the finances, physical inventory, and administrative activities of the City for the preceding year.

d. Keep the Council advised of the financial condition and future needs of the City and make such recommendations on any matter as may to him seem desirable.

e. Perform such other duties as may be prescribed by this Charter or required of him by the Council not inconsistent with this Charter.

The City Manager may have the privilege to take part in the discussion of all matters coming before the Council, but shall not vote.

ARTICLE VIII

EXECUTIVE AND ADMINISTRATIVE ORGANIZATION

Organization

Section 800. Establishment and Powers. After obtaining and considering the recommendations of the City Manager, the Council shall provide by ordinance, not inconsistent with this Charter, for the organization, function, conduct and operation of the several offices, departments, and boards and commissions of the City, and may provide for the creation of additional departments, boards and commissions, divisions, offices and agencies, and for their consolidation, alteration, abolition, or reassignment.

ARTICLE IX

APPOINTIVE OFFICERS AND EMPLOYEES

Appointive officers

Section 900. Officers. The appointive officers of the City shall consist of a City Manager, City Clerk, City Attorney, City Assessor, City Finance Officer and such other officers as are required by law, or as the Council may provide by ordinance.

Same: Residence requirements

Section 901. Residence Requirements. The City Manager, the City Clerk and the City Finance Officer shall reside within the City during their tenure of office. Residential requirements for all other officers and employees of the City shall be set by ordinance of the City Council.

Same: Oath of office

Section 902. Oath of Office. Every officer, employee, department head and appointed official of the City, before entering upon the duties of his office or employment, shall take the oath of office as provided for in the Constitution of the State of California, and shall file the same with the City Clerk.

Same Official bonds

Section 903. Official Bonds. The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by law to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Same Duties

Section 904. Duties. The Council shall provide by ordinance or resolution, not inconsistent with this Charter, for the powers and duties of all officers and department heads of the City. Where the positions are not incompatible, the Council may combine in one person the powers and duties of two or more offices created or provided for in the Charter. No office provided herein to be filled by appointment by the City Manager may be combined with an office provided herein to be filled by appointment of the Council.

City Clerk: Powers

Section 905. City Clerk; Powers and Duties. The City Clerk shall:

a. Attend all meetings of the Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the Council in books that shall bear appropriate title and be devoted to such purpose; call the roll of the Council and record the Councilmen present, absent or excused.

b. Maintain books in which shall be recorded respectively all duly adopted ordinances and resolutions and, as to an ordinance requiring publication, an affidavit of publication or posting shall be affixed thereto.

c. Maintain books in which a record shall be made of all written contracts and official bonds.

d. Keep all aforementioned books properly indexed.

e. Be the custodian of the seal of the City.

f. Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of the official records.

g. Have charge of all City elections.

h. Perform such other duties consistent with this Charter as may be required of him by the Council, or by law.

Section 906. Qualifications; Powers and Duties of City Attorney. The City Attorney shall be an attorney at law, duly admitted to practice by the Supreme Court of the State of California, and licensed by said State to practice therein, and shall have been engaged in the practice of law in the State for a period of not less than five (5) years immediately prior to his appointment. The City Attorney shall:

a. Represent and advise the City Council, City officers, boards and commissions in all matters of law pertaining to their offices.

b. Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party, and represent and appear for any City officer, employee, board or commission, or former City officer, employee, board or commission, in any or all actions and proceedings in which any such officer, employee, board or commission is concerned or is a party for any act arising out of his employment or by reason of his official capacity.

c. Attend all regular meetings of the City Council, unless excused therefrom, and give his advice or opinion in writing whenever requested to do so by the City Council or by any of the boards, commissions or officers of the City, provided that he may require such request to be submitted in writing.

d. Approve the form of all contracts made by and all bonds given to the City, endorsing his approval thereon in writing.

e. Prepare or approve any and all proposed ordinances or resolutions for the City and amendments thereto.

Assistant City Attorney

SS 906 1 Assistant City Attorney. The City Council, with the approval of the City Attorney, shall have power to appoint an Assistant City Attorney, who shall have been duly licensed to practice law in the State of California. Such Assistant City Attorney may exercise such powers and have such duties of the City Attorney as the latter shall delegate to him, but final responsibility to the City Council for his services to the City shall rest with the City Attorney. The City Council shall fix the compensation of the Assistant City Attorney.

City Assessor

Section 907. City Assessor The City Assessor shall assess the real and personal property within the City for the purpose of taxation.

Finance Officer

Section 908. Finance Officer. The Finance Officer shall be responsible for administration of the financial affairs of the City. Upon the expiration of the term of the present City Treasurer, or in the event of a prior vacancy he shall have custody of all public funds belonging to the City or to any office, department, board or commission or agency thereof, and in this respect he shall be the Treasurer of the City.

He shall deposit all such funds in compliance with the provisions of the Constitution and laws of the State of California governing the collection, handling, depositing and securing of public funds.

He shall submit to the Council through the City Manager monthly statements of receipts, disbursements and balances in such form as to show the exact financial condition of the City. At the end of each fiscal year he shall submit a complete and detailed financial statement.

Compensation

Section 909. Compensation of Officers, Department Heads and Employees. The compensation of all City officers and department heads, except as otherwise provided in this Charter, shall be fixed by the Council by resolution, and the compen-

sation of all other City employees shall be determined in accordance with the personnel system ordinance. The Council may provide additional compensation to the City Attorney for handling litigation and all special proceedings. In connection with his official duties, no officer, department head or employee, except the City Attorney, shall be allowed any fees, perquisites, emoluments or compensation, other than reimbursement for necessary expenses, and the compensation as determined in the manner herein provided, and all moneys, except rewards, collected by him in connection with his official duties shall be paid into the City treasury weekly, and he shall report the same to the City Finance Officer.

Illegal contracts

Section 910. Illegal Contracts; Financial Interest. Except as otherwise provided by State law, no Councilman or other officer of the City shall be financially interested except by testate or intestate succession or intervivos gifts in any contract, sale, purchase, lease or transfer of real or personal property, to which the City is a party.

Nepotism

Section 911. Nepotism The Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such Council. Neither shall any board or commission, department head, or other officer having appointive power appoint any relative within such degree to any salaried position.

Successors

Section 912. Delivery of Books, Papers, etc. to Successors. All papers, books, documents, records, archives and other properties prepared for or purchased by the City shall be and remain the property of the City. All officers, department heads, boards, commissions, and employees, upon leaving office, shall deliver to their successors all such papers, documents, records, books, archives and other such properties pertaining and belonging to their respective offices or departments in their possession or under their control.

Inspection of books, etc.

Section 913. Inspection of Books and Records. Except as otherwise provided by law, all books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office.

Copies of books, etc.

Section 914 Copies from Books or Records. Duly certified copies of records open for inspection shall be provided by the officer, department head or employee having the same in custody to any person demanding the same and paying the fee, if any, set by resolution of the Council.

ARTICLE X

APPOINTIVE BOARDS AND COMMISSIONS

Boards and commissions

Section 1000. In General There shall be the boards and commissions enumerated in this article which shall have the

powers and duties herein stated, but no power herein granted shall be deemed to be equal to, or greater than, that of the Council. By ordinance, the Council may create such additional boards and commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Number of members

a. Unless otherwise provided by this Charter, the number of members to comprise any board or commission shall be determined by ordinance of the Council, provided, however, that no board or commission shall consist of less than five (5) members.

Procedural rules

b. Each board or commission may prescribe its own procedural rules and regulations which shall be consistent with this Charter, copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Such rules and regulations, after adoption, shall be published at least once in the official newspaper of the City. All rules and regulations, except emergency rules and regulations, shall become effective thirty (30) days after publication. Emergency rules and regulations shall become effective immediately upon adoption and shall remain effective for a period not to exceed forty-five (45) days.

Report of assets

c. Each board or commission shall submit to the City Manager a complete inventory of the assets of the City under its control and supervision at the time of submission of its budget requests.

Funds

d. Each board or commission shall have the management and disbursement of funds regularly received and appropriated for conduct of said board or commission within the limits of its annual budget as adopted by the Council; provided, however, that all bills, demands and claims by said respective board or commission shall be presented to the Council for payment out of the appropriate fund. All revenues accrued from the operation of said board or commission shall be deposited with the Finance Officer and credited to the appropriate fund.

Leases and contracts

e. Each board or commission shall have the right and power to enter into leases and contracts in connection with the operation of properties under its supervision, provided, however, that any lease in excess of fifteen (15) years, including option rights, shall first require prior approval by resolution of the Council. A board or commission shall not have the right, however, to sell or convey title of any real property.

Officers

f Each board or commission shall have the power to appoint a chief administrative officer and fix his compensation subject to the approval of the Council. The administrative officer shall have the authority to appoint, discipline or remove, subject to the personnel system ordinance of the City, all authorized personnel under his supervision.

Terms

Section 1001. Appointments; Terms. The members of each board or commission shall be appointed by the Council. In order to be eligible for an appointment to any board or commission, persons shall be qualified electors of the City. The

members thereof shall serve a term of four (4) years and until their respective successors are appointed and qualified. The ordinance determining the number of members to comprise any board or commission shall provide further that the four (4) year terms of members shall be staggered so that some terms shall commence or expire at 8:00 o'clock p. m. on June 10th of each odd-numbered year thereafter. A member of any board or commission may be removed from office at any time at the discretion of the Council by action of the Council adopted by at least four (4) affirmative votes.

Existing boards and commissions

Section 1002. Existing Boards and Commissions. The members of any board or commission holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be appointed and qualified.

Organization

Section 1003. Organization. Annually, during the month of July, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by ordinance of the Council, and such special meetings as each board or commission may require. Written notice of such special meeting and the purpose thereof must be given not less than twenty-four (24) hours before the meeting to each member of the board or commission calling such special meeting, or within that time prescribed by state law, whichever is greater. All meetings and proceedings shall be open to the public, except as otherwise provided by law. Each board or commission shall elect a secretary who shall keep a record of its proceedings and transactions, and a copy thereof shall be filed monthly with the City Manager.

Compensation

Section 1004. Compensation. The members of boards and commissions shall serve without compensation for their services, as such, but may receive reimbursement for necessary travelling and other expenses incurred on official duty when such expenditures have been budgeted or otherwise authorized by the Council.

Vacancies

Section 1005. Vacancies. Vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission is convicted of a crime involving moral turpitude or ceases to be an elector of the City, his office shall become vacant and shall be so declared by the Council.

Bidwell Park and Playground Commission

Section 1006. Bidwell Park and Playground Commission. The Council shall appoint a board of park commissioners to be known as the Bidwell Park and Playground Commission.

Same-Powers

SS 1006.1 Powers and Duties. The Bidwell Park and Playground Commission shall have the power and responsibility to govern, manage and direct all of the parks and playgrounds

owned by the City, and shall be responsible for the propagation, planting, replanting, removing, pruning and caring for the trees and shrubbery on the streets and along the sidewalks of the City, as provided by ordinance.

Same Donations

SS 1006.2 Donations, Legacies or Bequests for Parks and Playgrounds. In the name of the City, the Bidwell Park and Playground Commission may accept donations, legacies or bequests for the aid and improvement of the parks and playgrounds under its supervision, provided that all moneys derived from such donations, legacies or bequests shall, unless otherwise provided under the terms of such donations, legacies or bequests, be deposited in the treasury of the City to the credit of the Bidwell Park and Playground Commission.

Airport Commission

Section 1007. Airport Commission. The Council shall appoint a board of airport commissioners to be known as the Airport Commission.

Same Powers

SS 1007.1 Powers and Duties. The Airport Commission shall have the power and responsibility to govern, manage and direct all airports and airport properties belonging to, or under the control of, the City.

Library Commission

Section 1008. Library Commission. The Council shall appoint a board of library commissioners to be known as the Library Commission.

Same Powers

SS 1008.1 Powers and Duties. The Library Commission shall have the power and responsibility to govern, manage and direct the operations of the City library or libraries, and to contract with school, county or other governmental agencies to rent or lease library services or facilities, subject to the approval of the Council.

Custodian of Museums, etc.

SS 1008.2 Custodian of Museums, Art Galleries or Academies of Science. The Library Commission shall also act as custodian of all museums, art galleries or academies of science which may be established by gift or grant or otherwise in the City for the diffusion of mechanical, scientific, artistic or general knowledge and shall conduct the same under the general law of the State, unless otherwise provided in the gift or grant.

Funds to maintain museums, etc

SS 1008.3 Creation of Fund and Levying of Special Tax to Maintain Museums, Art Galleries, or Academies of Science. The Council, by ordinance, may create a fund for the maintenance of museums, art galleries or academies of science, the same to be supported by the proceeds of a special tax at a rate established and levied by the City Council.

Social Service Commission

Section 1009. Social Service Commission. The Council shall appoint a board of social service commissioners to be known as the Social Service Commission, one member of which may be the Chief of Police of the City.

Same Powers

SS 1009.1 Powers and Duties. The Social Service Commission shall be responsible for all matters pertaining to the care and relief of the needy which, in its discretion, it considers to be a proper function of the City. It shall be responsible for the expenditure of relief funds provided by the Council and may receive and distribute gifts from private individuals and from organizations and institutions.

ARTICLE XI

FISCAL ADMINISTRATION

Fiscal year

Section 1100 The Fiscal Year Unless otherwise provided by ordinance, the fiscal year of the City of Chico shall begin on the first day of July of each year and end on the 30th day of June the following year.

Tax system

Section 1101. Tax System. The Council shall, by ordinance, provide a system for assessment and for the levy and collection of City taxes upon real and personal property.

Annual budget

Section 1102. Annual Budget. On or before the first day of June of each year, the City Manager shall prepare and present to the Council a proposed budget for the ensuing fiscal year, to which shall be appended the budget requests of the various boards and commissions for which special funds are established.

Budget Adoption

Section 1103. Adoption of Budget, and Fixing of Tax Rates. During the third week in June, the Council shall consider and adopt a tentative budget Final adoption shall be at the first regular meeting in July, at which time the tax rates shall be fixed.

Tax limits

Section 1104 Funds and Tax Limits. There are hereby created the General, Park, Library, Airport and Sidewalk Tree Funds, and the Council shall levy and collect annual taxes for these funds not in excess of the following rates per $100.00 of assessed valuation:

General	$1.25
Park	.35
Library	.20
Airport	.10
Sidewalk Tree	.10

Transfer of funds

Section 1105. Transfer of Funds. At the time of fixing the tax levy, the Council shall, by ordinance, establish a general fund and the various funds as provided for by the budget. No transfer of money shall be made from any fund other than the general fund to another fund until the end of the fiscal year. At the end of the fiscal year, after all demands have been paid out of the various funds, the Council may, at its option, transfer remaining balances to the General Fund, except such balances as remain to the credit of the Park, Library, Airport and Sidewalk Tree Funds.

Special taxes

Section 1106 Special Taxes. Whenever the Council shall determine that the public interest demands an expenditure for municipal purposes which cannot be provided for out of the ordinary revenues of the City, it may submit to the qualified voters at a regular or special election, a proposition to provide for such expenditure, by levying a special tax, but no such special tax shall be levied, except as provided in SS 1008.3

of this Charter, unless authorized by the affirmative vote of a majority of the electors voting at such an election.

Revenue bonds

Section 1107. Revenue Bonds. The Council shall have the power to cause to be issued revenue bonds for the purpose of financing the acquisition, construction or reconstruction of public or publicly owned improvements of an income-producing character, either pursuant to the provisions of a procedural ordinance duly and regularly adopted by the Council, or pursuant to the provisions of any general law of the State of California. If a procedural ordinance is adopted by the City it may, by reference, include therein any or all of the provisions of any one or more General Law Revenue Bond Acts or Assessment District Acts of the State of California.

Limitation on bonded indebtedness

Section 1108. Bonded Indebtedness, Limitation. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed fifteen (15) per cent of the total assessed valuation, for purpose of City taxation, of all the real and personal property within the City.

Audit

Section 1109. Independent Audit. At the beginning of each fiscal year, the Council shall engage an independent certified public accountant, or public accountant licensed by the State Board of Accountancy, to act as auditor for the City, such engagement to be at the pleasure of the Council. The auditor shall perform an annual audit of the books, financial records and related documents of the City in accordance with generally accepted auditing standards. Within ninety (90) days after the end of the fiscal year, unless an extension is granted by the Council, the auditor shall submit to the Council a report on his examination in such detail as the Council may direct.

In addition to the regular annual audit, the auditor shall perform such other professional services as the Council may require.

Public Works Contracts

Section 1110. Public Works Contracts. When the estimated cost thereof exceeds three thousand dollars ($3,000.00), the construction of any public works project, exclusive of maintenance and repair work, shall be let by contract to the lowest responsible bidder. Notice of intention to receive proposals shall be published once in the official newspaper of the City at least two (2) weeks before the date set for the opening of bids. Such notice may give a description of the work to be done or may refer to plans and specifications on file in such office as may be specified in such notice. Should the bids received be deemed excessive or unsatisfactory, for any reason, or should no bids be received, the Council, board or commission letting the contract may, by a majority vote of all its members, provide for the work to be done by the City Manager.

Same. Form

Section 1111. Form of Contract. All contracts shall be in writing, approved by the City Attorney, and executed in the name of the City by an officer or officers authorized to sign the same.

Section 1112. Progressive Payments on Contracts. Any contract may provide for progressive payments to the contractor, but no such payments may be provided for or made at any time which, with prior payments, shall exceed ninety (90) per cent of the value of the work performed under the contract up to that time. Final payment shall not be made before: (1) completion of the work done under the contract, (2) the acceptance thereof by the proper officer, department, board or commission of the City, and (3) the time for filing liens as provided by law has expired. Same: Progressive payments

Section 1113. Centralized Purchasing. The City Council shall adopt by ordinance, policies and procedures, including bidding regulations, governing centralized purchases of supplies and equipment for and by all City departments, boards, commissions, offices and agencies. When making purchases pursuant to said centralized purchasing ordinance, sellers, suppliers and contractors of such supplies and equipment who maintain places of business located within the limits of the City, shall be given preference if quality, price and service are equal. Purchasing

Section 1114. Contracts for Official Advertising. The Council shall annually let contracts for the official advertising for the ensuing fiscal year. For this purpose the Council shall notify, by mail, each daily newspaper of general circulation published within the City of Chico, that sealed bids for such advertising are to be received, setting forth the details of the legal and display advertising contemplated to be done. Each bidder shall include with his bid a verifiable statement of the net paid circulation of his newspaper within the City of Chico. Official Advertising

In determining which bid is lowest and best, the Council shall take into consideration the circulation of each bidding newspaper as well as the advertising rates proposed.

The Council shall not accept any bid at a rate higher than that regularly charged by such bidding newspaper for the same or similar advertising from other advertisers and may reject any and all bids.

The Council may, in the event that no acceptable bid is received, adopt any other legal method for official advertising.

Section 1115. Claims, Demands, and Actions. The City Council shall adopt, by ordinance, procedures for the presentation of contract and tort claims for money or damages as prerequisite to suit against the City, its boards, commissions, agencies or departments and its elected officials as well as its officers, employees, or agents. Claims, etc.

ARTICLE XII

FRANCHISES

Section 1200. Granting of Franchises. Any person, firm or corporation furnishing the City or its inhabitants with any public utility or public service of any kind, or using the public Franchises

streets, ways, alleys, or places for the operation of plants, works or equipment for the furnishing thereof, or traversing any portion of the City for any purpose, may be required by ordinance to have a valid and existing franchise therefor.

The Council shall provide, by ordinance, the method of procedure and the terms and conditions under which such franchises may be granted. Such ordinance shall provide for public notice and public hearings. Any ordinance granting any franchise or privilege shall be published at the expense of the applicant therefor.

The Council is empowered to grant such franchises by ordinance and to prescribe the terms and conditions of such grant. No franchise grant shall, in any way or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof by eminent domain proceedings in the manner provided by law.

ARTICLE XIII

BOARD OF EDUCATION

Board of Education

Section 1300. Membership. The control of the public school department of the City of Chico, including the whole of Chico City School District and Chico High School District, shall be vested in a board of education which shall consist of five (5) members elected from the district at large. Members of the Board of Education shall serve without compensation.

Powers

Section 1301. Powers and Duties. The powers and duties of the Board of Education shall be as prescribed by the Constitution and laws of the State of California.

ARTICLE XIV

PERSONNEL SYSTEM

Personnel System

Section 1400. Personnel System Ordinance. Any officer, board or commission herein authorized or empowered to appoint, employ, suspend, or discharge, or fix the compensation of heads of departments, subordinate officials, officers, assistants, or employees of the City, shall exercise such authority or power subject to and in compliance with the provisions of any ordinance adopted by the City Council establishing a personnel system.

ARTICLE XV

MISCELLANEOUS

Definitions

Section 1500. Definitions. Unless the provision or context otherwise requires, as used in this Charter:

a. "Shall" is mandatory, and "may" is permissive.

b. "City" is the City of Chico and "department." "board," "commission," "agency," "officer," or "employee," is a department, board, commission, agency, officer or employee, as the case may be, of the City of Chico;

c. "County" is the County of Butte;

d. "State" is the State of California;

e. "Official newspaper of the City" is a newspaper of general circulation printed, published and circulated within the City, to which has been awarded the contract for the official advertising pursuant to Section 1114;

f. The word "Council," wherever it occurs in this Charter, means the City Council of the City of Chico.

Streams and channels

Section 1501 Streams and Channels. The City shall have power to improve the streams and channels within and without the City limits; to widen, straighten and deepen the channels thereof, and remove obstructions therefrom; to construct and maintain embankments and other works to protect the City from overflow

Effective date

Section 1502. Effective Date of Charter. For the purpose of qualification and nomination of candidates for elective offices and the election of officers to fill offices created by this Charter, this Charter shall take effect from the time of its final approval by the State Legislature. For all other purposes, it shall take effect on Tuesday, May 2, 1961 following approval by the Legislature.

Severability clause

Section 1503. Severability of Provisions of Charter. If any section or part of a section of this Charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

Applicability of general laws

Section 1504. Applicability of General Laws of State to City. All general laws of the State applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this Charter, or with ordinances or resolutions hereafter enacted, shall be applicable to the City.

Violations Misdemeanor

Section 1505. Violations. The violation of any provision of this Charter or of any ordinance or resolution or rule or regulation adopted pursuant thereto, shall be deemed a misdemeanor, and shall be punishable by a fine and/or imprisonment not exceeding the maximum penalty provided by the Penal Code of the State of California for a misdemeanor.

CERTIFICATE

Certificate

WHEREAS, The City of Chico, for years last past, has been and now is a city containing a population in excess of thirty-five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

WHEREAS, On the 13th day of April, 1959, at a municipal election duly and regularly held on that day in the City under and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect:

OREON H. BARCELOUX	ROBERT C. HURST
EARLE R. BEVINS	FRED LUCCHESI
ETHEL L BORNEFELD	THEODORE MERIAM
WILLIAM C. BROUILLARD	JEROME PETERS, JR.
WENDELL L. BYRNE	GLENN RIDDELL
PAUL M. ENDICOTT	JAMES F. ROTH
HARRY L HARWOOD	JAMES H. WILSON
HARRY H. HUME	

who are all electors of said City and eligible as candidates under said section, a Board of fifteen (15) Freeholders to prepare a Charter for the government of said City; and

Whereas, the result of said election of Freeholders was duly declared by the legislative body on the 20th day of April, 1959, and said electors thereafter duly qualified as such Freeholders in accordance with law;

Be it known that in pursuance of the provisions of said Constitution and within the period of one year after the result of said election was so declared, the Board of Freeholders has prepared and does now propose the foregoing Charter for the government of the City of Chico; and

Be it further known that said Board of Freeholders hereby requests said legislative body of the City of Chico to cause the publication of said proposed Charter as provided in said Constitution and does hereby fix and designate the 7th day of June, 1960, as the date for the election at which the proposed Charter shall be submitted to the qualified electors of the City of Chico for their ratification and adoption;

In witness whereof, we the duly elected, qualified, and undersigned Freeholders of the City of Chico, County of Butte, have hereunto set our hands at the City of Chico, County of Butte, State of California, this 4th day of April, 1960.

s/ THEODORE MERIAM, Chairman
WENDELL L. BYRNE, Vice Chairman
OREON H. BARCELOUX
EARLE R. BEVINS
ETHEL L. BORNEFELD
WILLIAM C. BROUILLARD
PAUL M. ENDICOTT
HARRY L. HARWOOD
HARRY H. HUME
ROBERT C. HURST
FRED LUCCHESI
JEROME PETERS, JR.
GLENN RIDDELL
JAMES F. ROTH
JAMES H. WILSON

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF CHICO, COUNTY OF BUTTE, STATE OF CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF BUTTE } ss.
CITY OF CHICO

We, the undersigned, Marsh C. Pine, Mayor of the City of Chico, and Margery L. Ames, the City Clerk of said City, do hereby certify and declare that the foregoing constitutes a full, true, and correct statement of the actions and proceedings had by the City of Chico and the City Council of said City in the matter of the election of a Board of Freeholders as contemplated in Section 8 of Article XI of the Constitution of the State of California, and in the preparation, proposal, filing, voting upon, and canvassing the returns and declaring the result of said election in the matter of the proposed charter for the government of the City of Chico;

That the said Charter as hereinbefore set forth is a full, true and correct copy of the Charter as prepared and proposed by the said Board of Freeholders and filed in the office of the City Clerk of said City of Chico, California, on the 5th day of April, 1960, and that the Certificate or proposal of said Board of Freeholders attached thereto is a full, true and correct copy of said Certificate or proposal of the said Board of Freeholders of the said City of Chico.

In witness whereof, we have hereunto set our hands and hereunto affixed the seal of the City of Chico, this 5th day of April, 1960.

MARSH C. PINE
Mayor
MARGERY L. AMES
City Clerk
Publish April 6, 1960

In witness whereof, we have hereunto set our hands and hereunto affixed the seal of the City of Chico this 17th day of November, 1960.

[SEAL]

MARSH C. PINE
Mayor of the City of Chico
MARGERY L. AMES
City Clerk of the City of Chico

WHEREAS, The said charter as ratified as hereinabove set forth has been, and now is, duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the said charter of the City of Chico as presented to

and adopted and ratified by the electors of said city as hereinabove fully set forth be, and the same is hereby, approved as a whole, without alteration or amendment, for and as the charter of the City of Chico, State of California.

CHAPTER 10

Senate Concurrent Resolution No. 5—Approving amendments to the charter of the City of Santa Rosa, a municipal corporation of the County of Sonoma, State of California, voted for and ratified by the qualified electors of the city at a regular municipal election held therein on the 12th day of April, 1960.

[Filed with Secretary of State January 16, 1961.]

City of Santa Rosa Charter amendments

WHEREAS, Proceedings have been had for the purpose of adoption and ratification of certain amendments, hereinafter set forth, to the charter of the City of Santa Rosa, a municipal corporation of the County of Sonoma, State of California, as set out in the Certificate of the Mayor and Chief Deputy City Clerk of the City of Santa Rosa as follows:

CERTIFICATE OF AMENDMENT TO CHARTER OF THE CITY OF SANTA ROSA, CALIFORNIA

STATE OF CALIFORNIA }
COUNTY OF SONOMA } ss
CITY OF SANTA ROSA }

Certificate

We, the undersigned James Logan Smith, Mayor of the City of Santa Rosa, and Agnes M. Bick, Chief Deputy City Clerk of the City of Santa Rosa, do hereby certify and declare as follows:

That the City of Santa Rosa is a municipal corporation in the County of Sonoma, State of California, and is now and at all times hereinafter referred to was a city containing a population of more than 3,500 inhabitants and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That said City of Santa Rosa is now organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on November 7, 1922, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on January 29, 1923.

That in pursuance of Section 8, Article XI of the Constitution of the State of California and on its own motion, the

Council of the City of Santa Rosa, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City of Santa Rosa, proposals for amendments of the Charter of said City to be voted upon by said qualified electors at a regular election held in said City on the 12th day of April, 1960.

That said proposed amendments were published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, in the Press-Democrat, a newspaper of general circulation printed and published at and within the City of Santa Rosa, County of Sonoma, State of California, and the official newspaper of said City.

That the election at which said proposed charter amendments were voted upon was, by resolution, set and called for the 12th day of April, 1960, which date was not less than forty (40) days, nor more than sixty (60) days after the completion of the publication of the notice of said election and which date was not less than forty (40) days and not more than sixty (60) days after the completion of said advertising in the official newspaper as aforesaid, said advertising having been completed on the 3rd day of March, 1960.

That thereafter the City Council of the City of Santa Rosa did, in the manner provided by law, duly and regularly canvass the returns of said election and that said Council, by resolution adopted on the 19th day of April, 1960, declared the results of said election as determined from the canvass of the returns thereof.

That at said election held on the 12th day of April, 1960, said proposed Charter amendments were ratified and adopted by a majority of the electors of said City voting thereon; that said proposed Charter amendments so ratified by the electors of said City of Santa Rosa propose to amend Sections 13, 24, 33, 36 and 51 of the Charter of the City of Santa Rosa to read as follows:

"Section 13. City Clerk. There shall be a City Clerk appointed by the Council The City Clerk shall keep a record of the proceedings of the Council, also of the Board of Equalization. He shall keep a book marked "City Ordinances" in which he shall affix printed copies of all ordinances, with his certificate as to passage and publication of the same. He shall have power to administer oaths and affirmations, take affidavits and certify to same. He shall have charge of the Seal of the City." City Clerk

"Section 13-A. Tax Collector. There shall be a City Tax Collector appointed by the City Council The City Tax Collector shall collect all taxes and licenses, in time, form and manner as prescribed by ordinance." Tax Collector

"Section 24. Public Utilities. There shall be a Board of Public Utilities of five members appointed by the Council. The City Manager and City Engineer shall be ex-officio non- Board of Public Utilities

voting members of the Board of Public Utilities. The Board of Public Utilities shall have control of the construction, operating and maintenance of all water and sewer public utilities now or hereafter owned and operated by the City, and of the funds derived therefrom and such other public utilities, quasi-public utilities and properties and the funds derived therefrom as the Council may by ordinance direct. Of the five appointed members, at least one, if practicable, shall be a civil engineer having some knowledge of municipal utilities. The appointed members shall hold office for four years and until their successors are appointed and qualified, subject, however, to removal as provided in Section 8, provided that the first appointments hereunder shall be for terms of one, two, three and four years, respectively. They shall serve without compensation.

"The City Clerk shall serve as clerk of the Board, without any additional compensation or the right to vote. He shall keep a record of the Board's proceedings.

"The books of each utility shall be kept in accordance with the State regulations governing the accounting of public utilities, and a report in detail shall be made to the Council monthly.

"The Board of Public Utilities shall control the generation, purchase, distribution and sale of water and control sewer services and any other utility owned, operated or distributed by the City including sewage transportation, treatment and disposal, and subject to approval of the Council, may lease or rent any property connected with or appurtenant to any utility and fix the rental charges thereof.

"Anything provided for herein within the control of or to be done by the Board of Public Utilities may with the express or implied consent of the Board of Public Utilities be done by the City Council of the City of Santa Rosa."

Contract work

"Section 33. Contract Work. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, or in or about embankments or other works for the protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same shall exceed the sum of Two Thousand Five Hundred Dollars, the same shall be done by contract and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper;

"Provided that the Council may reject any and all bids presented and may re-advertise in their discretion, and

"Provided further, that after rejecting bids the Council may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of a resolution to this effect, they may proceed to have the same done in the

manner stated without further observance of the foregoing provisions of this section; and

"Provided further, that in case of a great public calamity, such as an extra-ordinary fire, flood, storm, epidemic or other disaster, the Council may, by resolution passed by a vote of four-fifths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon may proceed to expend or enter into a contract involving the expenditure of any sum required for such emergency.

"In the employment of labor by contract or day work, preference shall be given so far as practicable to local people as against non-residents, insofar as the same is not in conflict with the constitution or general laws."

Illegal contracts

"Section 36. Illegal Contracts. City officers and members of boards and commissions of the city shall not be interested in any contract, purchase or sale made by them in their official capacity, or by any body or board of which they are members.

"No officer or employee of the city shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than that proposed by any other bidder, or favor one bidder over another, giving or withholding information, or wilfully mislead any bidder in regard to the character of the materials or supplies called for, or knowingly accept materials or supplies of a quality inferior to that called for by the contract, or knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received.

"Any officer or employee violating any of the foregoing provisions of this section shall be guilty of a misdemeanor and be automatically expelled from his office or employment.

"If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall, if the city so elect, be null and void and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby. In that event the Council may advertise anew for bids for said work or supplies."

Advertising

"Section 51. Newspaper Advertising and Printing. The Council shall select one or more newspapers of general circulation in the city for the publication of all ordinances and other legal notices required to be published. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character. Except as to the advertising for bids on public works contracts and the sale or purchase of materials by the city, all advertising shall be placed with a newspaper which is published not less than five (5) days a week."

That we have compared the foregoing amendments with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct and exact copy thereof.

That in all matters and in all things pertaining to said Charter amendments, all the provisions of Section 8 of Article XI of the Constitution of the State of California, and the laws of said State, have been fully complied with in each and every particular.

In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of Santa Rosa to be affixed hereto this 13th day of December, 1960.

JAMES LOGAN SMITH
Mayor, City of Santa Rosa

(SEAL)
Attest:
AGNES M. BICK
Chief Deputy City Clerk

WHEREAS, The proposed amendments so ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting thereon and concurring therein, That the amendments to the charter of the City of Santa Rosa, as proposed to and adopted and ratified by the qualified electors of the City of Santa Rosa, are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of the City of Santa Rosa.

CHAPTER 11

Assembly Concurrent Resolution No. 7—Approving charter amendments to the charter of the City of Roseville, a municipal corporation in the County of Placer, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the twelfth day of April, 1960.

[Filed with Secretary of State January 18, 1961.]

City of Roseville Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of the City of Roseville, a municipal corporation of the County of Placer, State of California as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF AMENDMENTS TO CHARTER OF THE CITY OF ROSEVILLE, CALIFORNIA

State of California }
County of Placer } ss
City of Roseville }

Certificate

We, the undersigned, George Campbell, Mayor of the City of Roseville, and R. W. Terry, City Clerk of the City of Roseville, do hereby certify and declare as follows:

That the City of Roseville is a municipal corporation in the County of Placer, State of California, and is now and at all times hereinafter referred to, was, a City containing a population of more than Thirty-five Hundred (3500) inhabitants and less than Fifty-Thousand (50,000) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said City of Roseville is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on April 9, 1934 and approved by the Legislature of the State of California, by concurrent resolution filed with the Secretary of State on the 2nd day of May, 1935;

That, in pursuance of Section 8 of Article XI of the Constitution of the State of California, and on its own motion, the Council of the City of Roseville, being the legislative body of said City duly and regularly submitted to the qualified electors of said City of Roseville, certain proposals for amendments of the Charter of said City, to be voted upon by said qualified electors at a general municipal election held in said City on the 12th day of April 1960, which said proposals were designated as proposed Charter Amendments numbers One and Two;

That said proposed amendments were published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, in the Roseville Press Tribune, which was then and there a daily newspaper, printed, and circulated at and within the City of Roseville, County of Placer, State of California, and the official newspaper of said City;

That the election at which said proposed Charter Amendments were voted upon was by Resolution set and called for the 12th day of April, 1960, which date was not less than Forty, and not more than Sixty days after the completion of the advertising in the official newspaper as aforesaid;

That thereafter, the City Council of the City of Roseville did, in the manner provided by law, duly and regularly canvass the returns of said election, and that said Council by Resolution Number 60-24, adopted on the 19th day of April

1960, declared the result of said election as determined from the canvass of the returns thereof;

That at said municipal election held on the 12th day of April, 1960, said proposed Charter Amendments numbered One and Two were ratified and adopted by a majority of the electors of said City voting thereon;

That said proposed Charter Amendment Number One, so ratified by the electors of said City of Roseville, is in the words and figures as follows, to-wit:

CHARTER AMENDMENT NUMBER ONE

Section 7.21 of Article VII of the Charter of the City of Roseville, is hereby amended to read as follows:

Competitive bids

"Section 7.21. Bids for Contracts; Certified Checks or Bid Bonds; Performance Bonds. Competitive prices or bids for all purchases and public works and improvements performed by contract shall be obtained where practicable and the purchase made from, or the contract awarded to, the lowest and best responsible bidder; provided, that the council may waive the bidding requirements prescribed in this section in the purchase of non competitive items. Sealed bids shall be asked for in all transactions involving the expenditure of two thousand ($2,000.00) dollars or more, and the transaction evidenced by written contract submitted to and approved by the Council. The Council may reject any and all bids. In all transactions where sealed bids are required, the Council shall demand a deposit by each bidder in the form of a certified check or bid bond in an amount not less than five (5%) percent of the total bid, which amount shall be specified in the call for bids. The Council shall require a faithful performance or surety bond of the successful bidder. Calls for sealed bids shall be published in a newspaper of general circulation of the City, not less than five (5) days before the deadline for submission of bids, unless the Council declares by resolution that an emergency exists. Detailed purchasing and contract award procedures shall be prescribed by ordinance."

That said proposed Charter Amendment Number Two, so ratified by the electors of the said City of Roseville, is in the words and figures as follows, to-wit:

CHARTER AMENDMENT NUMBER TWO:

Section 7.02 of Article VII of the Charter of the City of Roseville, is hereby amended to read as follows:

Budget: Procedure

"Section 7.02. Budget Procedure. The manager shall prepare and shall recommend a budget for the ensuing fiscal year to the Council on or before the first regular meeting in June. The budget document shall present a comprehensive financial plan for the ensuing fiscal year, including at least the following information:

Form

(a) Statements of the bonded and other indebtedness of the City, including the debt redemption and interest require-

ments, the debt authorized and unissued, and the condition of sinkingfunds.

(b) Detailed estimates of all proposed expenditures for each department and office of the City, showing in addition the expenditures for corresponding items for the last preceding fiscal year, appropriations and anticipated expenditures for the current fiscal year, and reasons for recommended departures from the current expenditure pattern.

(c) Detailed estimates of all anticipated income of the City from sources other than taxes and borrowing, with a comparative statement of the amounts received by the City from each of such sources for the last preceding fiscal year and the amounts expected to be received for the current fiscal year.

(d) A statement of the estimated balance or deficit, as of the end of the current fiscal year.

(e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with income from other sources, will be necessary to meet the proposed expenditures.

(f) Such other supporting schedules as the Council may request, or are otherwise required by law.

That we have compared the foregoing Amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct and exact copies thereof and each of them; we further certify that the facts set forth in the preamble preceding such Amendments to said Charter are and each of them is true.

That as to all of said Amendments this Certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of Roseville to be affixed hereto, this 15th day of December, 1960.

GEORGE CAMPBELL
Mayor of the City of Roseville

(SEAL)

Attest: R W. TERRY
City Clerk of the City of Roseville

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the City of Roseville,

as presented to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Roseville.

CHAPTER 12

Assembly Concurrent Resolution No. 11—Relative to the centennial of the Civil War.

[Filed with Secretary of State January 18, 1961.]

WHEREAS, It has come to the attention of the Members of the Legislature that on December 16, 1960, Governor Edmund G. Brown announced the appointment of a 21-member executive committee to prepare for California's participation in a national observance of the centennial of the Civil War; and

WHEREAS, The executive committee, composed of outstanding civic and governmental leaders of the State, will recommend ways for California to participate with other states in the 100th anniversary of the war between the states; and

WHEREAS, The five-year celebration will open officially on January 8, 1961, with many events planned in various parts of the nation including reenactments of battles, pageants, memorial observances, and special publications; and

WHEREAS, Justin G. Turner, Los Angeles financier and past president of the Civil War Roundtable of Southern California, will serve as the chairman of the able executive committee in charge of California's participation in this event; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature commend the appointment of the executive committee responsible for the preparation for California's participation in the national observance of the centennial of the Civil War, and strongly urge the support and cooperation in this endeavor by all of the people of this State; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the Honorable Edmund G. Brown, Governor of the State of California, and Mr. Justin G. Turner, chairman of the executive committee.

CHAPTER 13

Assembly Concurrent Resolution No. 15—Approving a certain amendment to the charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held therein on June 7, 1960.

[Filed with Secretary of State January 19, 1961.]

City of Pasadena. Charter amendment

WHEREAS, The City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and has been, ever since the year 1901, and now is, organized, existing and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of November, 1900, and approved by the Legislature of the State of California, on the 29th day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by resolutions of said Legislature as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, hereinafter set forth; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of one amendment to the charter of said City of Pasadena, as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PASADENA OF ONE CHARTER AMENDMENT

State of California }
County of Los Angeles } ss
City of Pasadena }

Certificate

We, the undersigned, Ray G. Woods, Chairman of the Board of Directors of the City of Pasadena, State of California, and Jacqueline L. Schoeppe, City Clerk of said city, do hereby certify and declare as follows:

That the City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population of more than 3,500 inhabitants, and now has a population of over 50,000 inhabitants, and ever since the year 1901 has been and now is organized, existing and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of November, 1900, and approved by the

Legislature of the State of California, on the 29th day of January, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by the Legislature.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Board of Directors of the City of Pasadena, being the legislative body thereof, on its own motion, by Ordinance No. 4516 adopted by said board on the 16th day of February, 1960, duly and regularly proposed that there be submitted to the qualified electors of the City of Pasadena a certain proposal for the amendment of the Charter of said city, designated as Proposition "F", to be voted upon by said qualified electors at a special election called and held for that purpose in said city on the 7th day of June, 1960. That said election was duly and regularly called, authorized and provided for by said Board of Directors by Ordinance No. 4517, adopted on the 1st day of March, 1960, which said ordinance called said special election, for the submission of said amendment, to be held in said city on the 7th day of June, 1960, and that by said ordinance the said special election was by said Board of Directors duly and regularly consolidated with the state primary election to be held on said date. That said election was duly and regularly called and held on said 7th day of June, 1960, which day was not less than forty, and not more than sixty days after the completion of the publication and advertising of the proposed amendment aforesaid in the official newspaper.

That said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Pasadena, on the 12th day of April, 1960, in the Star-News, a daily newspaper of general circulation, published in said City of Pasadena, and the official newspaper of said city, and in each edition thereof during the day of publication.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point, and until the day fixed for the said election, and as required by Section 8 of Article XI of the Constitution and by the Charter of the City of Pasadena, a notice was advertised and published in the Star-News, the same being a newspaper of general circulation in said city, that copies thereof might be had upon application therefor at the office of the City Clerk of the City of Pasadena.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the day fixed for said election. That a copy thereof was mailed to each of the qualified electors of said city as required by law.

That in accordance with the provisions of Section 8 of Article XI of the Constitution and of the Charter of said City of Pasadena and said ordinances of the legislative body thereof, said special election was held in the said City of Pasadena on

the 7th day of June, 1960, and that pursuant to the provisions of Section 8 of Article XI of the Constitution and of said Charter and said ordinances the said proposed Charter amendment was submitted to the qualified electors of said city for its ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify said proposed amendment to the Charter of said city hereinafter set forth.

That, in accordance with law, the Registrar of Voters of the County of Los Angeles, State of California, did duly and regularly canvass the returns of said election and on the 1st day of July, 1960, did certify to the Board of Directors of the City of Pasadena the result of such canvass; that said Board of Directors on the 11th day of July, 1960, did duly find, determine and declare the result of said special election as determined from the canvass of the returns thereof aforesaid to be that a majority of the qualified electors of said city voting on said proposed amendment had voted for, ratified and adopted said amendment.

That the said amendment to the Charter so ratified by the electors of the City of Pasadena is in words and figures as follows:

That the Charter of the City of Pasadena be amended by amending Sections 10, 12 and 14 of, and by adding Section 16 to Article 6 thereof, as follows:

"(A) The definition 'Final compensation' contained in Section 10 of Article 6 of said Charter hereby is amended to read as follows:

" 'Final compensation' shall mean the highest average monthly compensation earnable by a member during any period of three consecutive years. In the calculation of 'final compensation', periods of service separated by breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in the computation of final compensation. If a break in service exceeded six months in duration, only the first six months thereof and the compensation earnable during those six months shall be included in the computation of final compensation. For the purposes of this paragraph, absence from duty without compensation, because of disability retirement, is not a break in service. "Final compensation"

"Allowances which were effective, because of a member's retirement or death before retirement, after July 31, 1957 and prior to the effective date hereof shall be adjusted to the new basis provided herein.

"This amendment shall become effective and operative on the first day of July, 1960, or on the first day of the month next following its ratification by the legislature, whichever is first." Effective date

"(B) Section 12 of Article 6 of said Charter hereby is amended to read as follows:

Reduction of benefits

"Section 12. Reduction of Benefits. That portion of any allowance or other benefit which is provided by contributions of the City, payable by the Retirement System because of the death or retirement of any member, shall be reduced, in the manner fixed by the legislative body, by the amount of any pension, except social security payments or pensions paid on account of service in the military or naval forces of the United States, paid to or on account of the death of such member, from funds of the United States, State of California or any political subdivision thereof, on account of, or on the basis of service credited under the Retirement System.

Effective date

"This amendment shall become effective and operative on the first day of July, 1960, or on the first day of the month next following its ratification by the legislature, whichever is first."

"(C) The first two paragraphs of subsection (b) of Section 14 of Article 6 of said Charter hereby are amended to read as follows:

Retirement allowances

"(b) Upon retirement for service, a member shall receive a service retirement allowance equal to the same percentage of his final compensation for each year of service rendered by him in the Fire or Police Department, as the contributions of the member and the city are calculated to provide upon retirement for service at fifty-five years of age, or upon completion of twenty years of service at an age higher than fifty-five years, for each year of service as a member. Upon the death of the retired member, two-thirds of the retirement allowance shall be continued throughout life or until remarriage, to his surviving wife, to whom he was married at least one year prior to his retirement, provided said wife is of the same age as said member. If said surviving wife is of a greater or less age than said member, then such portion of the retirement allowance shall be continued to her throughout her life or until her remarriage, as the amount which would have been necessary at retirement to provide for the continuance after said member's death of two-thirds of the entire allowance to a surviving wife of the same age as the said member, will provide when applied at the time of retirement, according to tables and rates recommended by the actuary and approved by the Retirement Board to provide a retirement allowance to begin at the death of the retired member and continue throughout the life of the surviving wife If there be no such surviving wife or if she die or remarry before any unmarried child of such deceased member shall have attained the age of twenty-one years, then the allowance which would have been paid to her had she qualified and lived and not remarried, shall be paid to such child or children under said age collectively, to continue until every such child dies, attains said age or marries, provided that no child shall receive any allowance after attaining the age of twenty-one years or marriage. If payment of the allowance be stopped because of marriage of the widow or attainment of the age of twenty-one by or marriage of a

child before the sum of the monthly payments made shall equal the sum of the retired member's dependent contributions, with interest thereon, as it was at his retirement, then an amount equal to the difference between said sums shall be paid in one amount to the married widow, or if there be no widow, to the surviving children of the deceased member, share and share alike, provided that this sentence shall be of no effect if there be no wife at the time of retirement who qualified for the continuance of an allowance to her after the death of the said member.

"Upon retirement for disability resulting from injury or illness incurred in performance of duty, a member shall receive a disability retirement allowance of fifty per centum of his final compensation. Upon the death of the retired member, the retirement allowance shall be continued, throughout life or until remarriage, to the surviving wife, to whom he was married at least one year prior to his retirement. If there be no such surviving wife or if she die or remarry before any unmarried child of such deceased member shall have attained the age of twenty-one years, then the allowance shall be continued to such child or children under said age collectively, to continue until every such child dies, attains said age or marries, provided that no child shall receive any allowance after attaining the age of twenty-one years or marriage If payment of the allowance be stopped because of marriage of the widow or attainment of the age of twenty-one years by or marriage of a child before the sum of the monthly payments made shall equal the sum of the retired member's dependent contributions, with interest thereon, as it was at his retirement, then an amount equal to the difference between said sums shall be paid in one amount to the married widow, or if there be no widow, to the surviving children of the deceased member, share and share alike, provided that this sentence shall be of no effect if there be no wife at the time of retirement who qualifies for the continuance of an allowance to her after the death of the said member.

"This amendment shall become effective and operative on the first day of July, 1960, or on the first day of the month next following its ratification by the legislature, whichever is first" Effective date

"(D) Subdivisions (3) and (4) of subsection (c) of Section 14 of Article 6 of said Charter hereby is amended to read as follows:

"(3) An amount sufficient, when added to the amounts provided in (1) and (2) but excluding his accumulated additional contributions, to provide when applied according to tables and rates recommended by the actuary and approved by the Retirement Board, a monthly death benefit allowance, equal to one-half of his final compensation, to be paid to the surviving wife to whom said member was married at the time of sustaining the said injury, to continue throughout her life or until her remarriage; or if there be no such widow, or if the widow die Survivor's allowance

or remarry before any unmarried child of such deceased member shall have attained the age of twenty-one years, then to such child or children under said age collectively, to continue until every such child dies, attains said age or marries, provided that no child shall receive any allowance after attaining the age of twenty-one years or marriage. If payment of the allowance be stopped because of marriage of the widow or attainment of the age of twenty-one years by or marriage of a child before the sum of the monthly payments shall equal the sum of the amounts provided in the next preceding paragraphs (1) and (2), then an amount equal to the difference between said sums shall be paid in one amount to the married widow, or if there be no widow, to the surviving children of the deceased member, share and share alike. If, in the opinion of the Retirement Board, death be not the result of injury or illness incurred in the performance of duty, and if said member be qualified at the date of death for retirement for service under subsection (a) of this Section, then, at the option of the qualifying surviving wife, in addition to the amounts provided in said paragraphs (1) and (2),

Same "(4) An amount sufficient, when added to the amounts provided in said paragraphs (1) and (2), but excluding his accumulated additional contributions, when applied according to the tables and rates recommended by the actuary and approved by the Retirement Board, to provide an allowance to be paid to the surviving wife to whom said member was married at least one year prior to his death, to be equal in amount to the allowance which would have been payable to her if the said member had retired for service at the time of his death and had died instantly thereafter, and to continue throughout her life or until her marriage, or if there be no surviving wife, or if she die or remarry before any unmarried child of such deceased member shall have attained the age of twenty-one years, then to such child or children under said age collectively, to continue until every such child dies, attains said age, or marries, provided that no child shall receive any allowance after attaining the age of twenty-one years or marriage. If payment of the allowance be stopped because of marriage of the widow or attainment of the age of twenty-one years by or marriage of a child before the sum of the monthly payments made shall equal the sum of the amounts provided in the next preceding paragraphs (1) and (2), then an amount equal to the difference between said sums shall be paid in one amount to the married widow, or if there be no widow, to the surviving children of the deceased member, share and share alike.

Effective date "This amendment shall become effective and operative on the first day of July, 1960, or on the first day of the month next following its ratification by the legislature, whichever is first."

"(E) Subsection (e) of Section 14 of Article 6 of said Charter, hereby is amended to read as follows:

"(e) Should any person who is a member under the provisions of this Section be separated from service of the city through any cause other than death or retirement, then all of his contributions, with interest, shall be refunded to him, provided that if such a member is entitled to be credited with at least ten years of service, he shall have the right to elect within ninety days after said termination of service, whether to allow his accumulated contributions to remain in the Retirement Fund. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. Such election shall become void upon such person's employment in a position requisite for membership in this System, and may be revoked by such person at any time prior thereto. Upon such revocation, his accumulated contributions shall be refunded to him. A member whose membership continues under this section is subject to the same age requirement as applies to other members for service retirement, but he is not subject to a minimum service requirement. After the qualification of such member for retirement by reason of age for retirement for service, and only then, he shall be entitled to receive a retirement allowance based upon the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the employer contributions held for him, and calculated in the same manner as for other members Upon the death of such a member prior to retirement under this section, the Retirement System shall be liable for a death benefit consisting of his accumulated contributions, to be paid to his estate or to such persons having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the Retirement Board. If he shall again become a member of the Retirement System, he shall deposit in the Retirement Fund, the amount refunded to him plus an amount equal to the additional interest that would have been credited to his account had such contributions not been withdrawn. His rate of normal contribution for the future shall be based on an age determined by adding the number of completed years of his absence from membership in the System after the earliest termination of his membership included in such election and payment, to the age upon which his normal rate of contribution, as it was prior to such termination, was based The same percentage of his final compensation per year of service which, prior to such termination, his contributions and those of his employer were calculated to provide upon retirement for service at his lowest optional service retirement age without reduced benefit, shall be used in the calculation of his normal rate of contribution at reinstatement.

Withdrawal of contributions

"This amendment shall become effective and operative on the first day of July, 1960, or on the first day of the month next following its ratification by the legislature, whichever is first."

Effective date

"(F) A new section shall be added to Article 6, following Section 15 to be designated "Section 16", to read as follows:

State Employees' Retirement System

"Section 16 Election to Join State Employees' Retirement System. The legislative body of the City shall have the power to authorize any member of the Retirement System to join the State Employees' Retirement System, provided the membership of the Retirement System has first complied with any election requirements or other conditions prescribed by the State Employees' Retirement System Act."

That we have compared the foregoing amendment with the original proposal proposed by said Ordinance No. 4516 to be submitted to the electors of said city, and find that the foregoing is a full, true, correct and exact copy thereof.

That as to said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Pasadena to be affixed hereto this 3rd day of January, 1961.

RAY G. WOODS
(SEAL) Chairman of the Board of Directors of the City of Pasadena
JACQUELINE L. SCHOEPPE
City Clerk

and

WHEREAS, Said proposed amendment to the charter of the City of Pasadena, ratified by the electors of said city, as aforesaid, has been, and is now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Pasadena, as proposed to, adopted and ratified by the qualified electors of said City of Pasadena, as hereinabove fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as a part of the charter of the City of Pasadena.

CHAPTER 14

Senate Concurrent Resolution No. 7—Approving certain amendments to the charter of the City of Mountain View, a municipal corporation, in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment election consolidated with the general municipal election of the City of Mountain View held therein on the 12th day of April, 1960.

[Filed with Secretary of State January 23, 1961]

City of Mountain View Charter amendments.

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Mountain View, a municipal corporation, in the County of Santa Clara, State of California, as hereinafter set forth in the certificate of the mayor and the city clerk of said city as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF MOUNTAIN VIEW OF SEVEN CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF MOUNTAIN VIEW

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA } ss
CITY OF MOUNTAIN VIEW

Certificate

We, the undersigned, John W. Anderson, Mayor of the City of Mountain View, and Jean Hixson, City Clerk of the City of Mountain View, do hereby certify and declare as follows:

That the City of Mountain View, a municipal corporation, in the County of Santa Clara, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand, five hundred (3,500) and less than fifty thousand (50,000) inhabitants, and ever since the 6th day of March, 1952, has been and is now organized, existing and acting under a Freeholders Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by qualified electors of said City of Mountain View at an election held for that purpose on the 15th day of January, 1952, and approved by the Legislature of the State of California by Concurrent Resolution No. 3 on March 5, 1952, and filed with the Secretary of State on March 6, 1952.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of the City of Mountain View, by its Resolution No. 4028, adopted on the 8th day of February, 1960, duly and regularly submitted to the qualified electors of said City of Mountain View eight (8) certain proposals to amend the

Charter of the City of Mountain View and to be voted upon by said qualified electors at a Special Municipal Charter Amendment Election by said resolution called for said purpose in said City on the 12th day of April, 1960, and consolidated with the General Municipal Election of the City of Mountain View to be held in said City of Mountain View on said 12th day of April, 1960.

That said proposals were published and advertised, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 15th day of February, 1960, in the Palo Alto Times, the official newspaper of the City of Mountain View, and in each edition thereof during said day of publication.

That said Special Municipal Charter Amendment Election consolidated with the General Municipal Election of the City of Mountain View was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 12th day of April, 1960, which day was not less than forty (40) days and not more than sixty (60) days after the completion of said publication and advertisement of said proposals in said Palo Alto Times.

That the Council of said City of Mountain View did, in the manner provided by law, duly and regularly canvass all ballots cast at said Special Municipal Charter Amendment Election consolidated with the General Municipal Election of the City of Mountain View, as aforesaid, and did by Resolution duly adopted on April 19, 1960, duly find and declare that a majority of the qualified electors voting on each of the separate proposals numbered Proposal No. 2 through Proposal No. 8, voted in favor thereof and that all of said proposals to amend the Charter of said City were ratified; that a majority of the qualified electors voting on the separate proposal numbered Proposal No. 1 voted against said proposal.

That a majority of the qualified voters voting on each of said proposals numbered Proposal No. 2 through Proposal No. 8 voted in favor of the ratification of and did ratify said proposals to amend said Charter of said City of Mountain View.

That said Charter Amendments so ratified by the majority of the qualified electors of said City voting at said Special Municipal Charter Amendment Election are in words and figures following, to wit:

Proposal No. 2:

By amending Section 504 of Article V of the Charter of the City of Mountain View, to read as follows:

Vacancies in Council

"Section 504. Vacancies. Vacancies in the Council from whatever cause arising shall be filled by appointment by the Council, and the person so appointed shall hold office until the first Tuesday following the next General Municipal Election and until his successor qualifies. At the next General Municipal Election following any vacancy, a Councilman shall be elected to serve for the remainder of any unexpired term.

"In the event that the Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy. The person so elected shall hold office for the unexpired term of the former incumbent and until his successor qualifies."

Proposal No. 3:

By amending Section 522 of Article V of the Charter of the City of Mountain View, to read as follows:

"Section 522. Ordinances Publication. Except as otherwise provided in this Charter, the City Clerk shall cause each proposed ordinance, other than an emergency ordinance or an ordinance which takes effect upon adoption, to be published at least once in the official newspaper at least two (2) days prior to its adoption; or, as an alternative method of publication, the Council may order copies of any proposed ordinance to be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and cause a single publication in the official newspaper of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted. Ordinances Publication

"The City Clerk shall cause each emergency ordinance or ordinance which takes effect on adoption to be published at least once in the official newspaper within fifteen (15) days after its adoption."

Proposal No. 4:

By amending Section 701 of Article VII of the Charter of the City of Mountain View, to read as follows:

"Section 701. Appointment and Removal. The City Manager, City Clerk, City Auditor and City Attorney shall be appointed by and may be removed by the affirmative votes of at least five (5) members of the Council. Except as otherwise provided in Section 712 of this Charter, all other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager." Appointment and removal of officials

Proposal No. 5:

By amending Section 714 of Article VII of the Charter of the City of Mountain View, to read as follows:

"Section 714. Director of Public Works and Utilities. Powers and Duties. There shall be a Department of Public Works and Utilities, the head of which shall be the Director of Public Works and Utilities, who shall be, or be appointed by, the City Manager. The Director of Public Works and Utilities shall have charge of the administration of all matters pertaining to the public works and the utilities of the City, and he shall have power and be required to: Director of Public Works and Utilities Powers

"(a) Supervise and be responsible for all City engineering work, including the preparation of engineering maps, surveys and designs, and construction of all public works and utilities;

"(b) Supervise and be responsible for the general care, maintenance, inspection and repair of streets, sidewalks, sewers and storm drains, and related activities;

"(c) Supervise and be responsible for the inspection and regulation of: (1) building construction and alteration; (2) plumbing installations; and (3) electrical installations; and enforce all ordinances and laws pertaining thereto;

"(d) Supervise and be responsible for the maintenance and operation of all public utilities owned and operated by the City, including, but not limited to, the municipal water system;

"(e) On vacating the office surrender to his successor all maps, plans, field notes and other records and memoranda belonging to the City and pertaining to his office and work thereof; and

"(f) Perform such other duties consistent with this Charter as may be required of him by the Council.

"To be eligible for appointment as Director of Public Works and Utilities, the appointee shall be a Registered Civil Engineer in the State of California"

Proposal No. 6:

By amending Section 907 of Article IX of the Charter of the City of Mountain View, to read as follows:

Personnel Commission

"Section 907. Personnel Commission. There shall be a Personnel Commission, consisting of five (5) members, none of whom shall hold any salaried City office or employment while a member of the Commission nor for a period of one (1) year after he has ceased for any reason to be a member, nor be eligible for appointment to any salaried office or employment in the services of the City. Except as otherwise provided in this Charter, the limitations herein provided shall not apply to any City elective office."

Proposal No. 7:

By amending Section 911 of Article IX of the Charter of the City of Mountain View, to read as follows:

Board of Library Trustees Powers

"Section 911. Board of Library Trustees. There shall be a Board of Library Trustees consisting of five (5) members. The Board of Library Trustees shall have the power and duty to:

"(a) Adopt such rules and regulations as it may deem necessary for the administration and protection of the City Library;

"(b) Act in an advisory capacity to the Council in all matters pertaining to the City Library;

"(c) Consider provisions for the actual budget for library purposes during the process of the preparation of the budget, and make recommendations with respect thereto to the City Manager and the Council;

"(d) Assist in the planning of the library program for the inhabitants of the City, and promote and stimulate public interest therein;

"(e) Accept money, personal property, or real estate donated to the City for library purposes, subject to the approval of the Council;

"(f) Contract with school, county, or other government agencies to render or receive library services or facilities, subject to the approval of the Council."

Proposal No. 8:

By amending Section 1110 of Article XI of the Charter of the City of Mountain View, to read as follows:

"Section 1110. Actions Against the City. No suit suit shall be brought on any claim for money or damages against the City or any Board, or officer thereof until a written verified demand for the same has been presented as herein provided, or as provided by ordinance, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except by law, all claims for damages against the City must be presented to the City Manager within ninety (90) days after the occurrence, event or transaction from which the damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence, and the extent of the injuries or damages received; all other claims or demands shall be presented within ninety (90) days after the last item of the account or claim accrued, and shall set forth in detail the name and address of the claimant, the time, date, place, circumstances, and amount of the account or claim, and the date the last item accrued. Actions against city

"In all cases such claims shall be approved or rejected in writing and the date thereof given. Failure to complete the action approving or rejecting any claim or demand within sixty (60) days from the day the same is filed with the City Manager shall be deemed a rejection thereof."

and we, and each of us further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Mountain View with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said Amendments.

The foregoing proposed and ratified amendments to the Charter of the City of Mountain View are hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to all of said Amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In Witness Whereof, we have hereunto set our hands and caused the Seal of the City of Mountain View to be affixed hereto this 20th day of April, 1960.

JOHN W. ANDERSON
(SEAL) Mayor of the City of Mountain View
JEAN HIXSON
City Clerk of the City of Mountain View

and

WHEREAS, said proposed charter amendments have been and are now submitted to the Legislature of the State of California for approval or rejection as a whole, without the power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to said charter, herein set forth, as submitted to and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the charter of the said City of Mountain View.

CHAPTER 15

Senate Concurrent Resolution No. 8—Relative to the 35th anniversary of the California Taxpayers' Association.

[Filed with Secretary of State January 23, 1961.]

WHEREAS, Organized in 1926, the California Taxpayers' Association is a nonprofit organization whose purpose is "to aid in bringing about, through nonpartisan and nonpolitical means, the greatest possible economies consistent with efficiency in the expenditure of public monies throughout California"; and

WHEREAS, In its 35 years of existence, the California Taxpayers' Association, consistently with this purpose, has greatly benefited the people and the various levels of government of this State through its research activities, its general informational services and its suggestions for the institution of sound and businesslike accounting and budgeting practices; and

WHEREAS, The members of this legislative body are cognizant of the activities and accomplishments of the California Taxpayers' Association, and have benefited immeasurably from the assistance and suggestions of that organization in the consideration of legislative proposals; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of this State, on behalf of all Californians, hereby publicly commends and con-

gratulates the California Taxpayers' Association on its 35 years of unselfish and devoted public service, and hopes in all sincerity for the continuation of the fine work of that organization throughout the future; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the California Taxpayers' Association prior to the occasion of its annual meeting to be held on February 14, 1961, in Los Angeles, California.

CHAPTER 16

Senate Concurrent Resolution No. 10—Approving an amendment to the charter of the County of Sacramento, State of California, ratified by the qualified electors of the county at a special election held therein on the eighth day of November, 1960.

[Filed with Secretary of State January 23, 1961]

County of Sacramento: Charter amendment

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the charter of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and the clerk of the board of supervisors of the county, as follows:

CERTIFICATE OF FACTS

Certificate

WHEREAS, The County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the 1st day of July, 1933, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 27th day of April, 1933, and subsequently approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 11th day of May, 1933; and

WHEREAS, The Board of Supervisors of said County, pursuant to the provisions of Section 7½ of Article XI of said Constitution, did by Resolution adopted the 31st day of August, 1960, duly propose to qualified electors of said County of Sacramento, an amendment to the Charter of said County, designated as Proposed County Charter Amendment A, and ordered that said proposed amendment be submitted to the said qualified electors of said County at a special election to be held on the 8th day of November, 1960; and

WHEREAS, Said amendment so proposed was published ten times, to-wit: September 19, 20, 21, 22, 23, 25, 26, 27, 28, and 29, 1960, inclusive, in The Sacramento Union, a daily news-

paper of general circulation in said County, printed, published and circulated in said County of Sacramento; and

WHEREAS, Said Board of Supervisors of said County did, by Ordinance designated as Ordinance No 717, which was duly adopted on the 31st day of August, 1960, order the holding of a special county election on the 8th day of November, 1960, which said Ordinance was published for five times in the North Sacramento Journal, a weekly newspaper, printed, published and circulated in said County, on the following dates, to-wit: September 15, 22, 29, October 6, 13, 1960; and

WHEREAS, Said special election was held in said County of Sacramento on the 8th day of November, 1960, which said day was not less than thirty days nor more than sixty days after said proposed amendment to said County Charter had been published for ten times in The Sacramento Union; and

WHEREAS, The Board of Supervisors of said County of Sacramento did, in the manner provided by law, duly and regularly canvass the returns of said election, and did duly declare the result of said special election, as determined from the canvass of the returns thereof; and

WHEREAS, At said special election held on the 8th day of November, 1960, said proposed County Charter Amendment A was ratified by a majority of the electors of said County voting thereon; and

WHEREAS, Said Charter Amendment A, so ratified by the electors of said County of Sacramento, is now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and is and shall, if so approved by said Legislature, be in the words and figures as follows:

PROPOSED COUNTY CHARTER AMENDMENT A

That a new section be added to Article IX of the Charter of the County of Sacramento, to be designated Section 40A, providing for the preparation of plat books by the Assessor, to read as follows:

Duty of Assessor: Plat books

Notwithstanding any provision of this Charter to the contrary, it shall be the duty and responsibility of the Assessor to prepare all plat books for the use of his office.

That as to said Amendment to the Charter of the County of Sacramento, State of California, this Certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

State of California }
County of Sacramento } ss.

We, the undersigned, Fred A. Barbaria, Chairman of the Board of Supervisors of the County of Sacramento, State of

California, and Betty L. George, Clerk of the Board of Supervisors of said County of Sacramento, do hereby certify:

That the foregoing proposed and ratified amendment to the Charter of said County of Sacramento, submitted to the electors of said County at a special election held on the 8th day of November, 1960, has been compared by us, and each of us, with the proposed amendment set forth in the said Resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento, this 28th day of December, 1960.

FRED A. BARBARIA
(SEAL) Chairman of the Board of Supervisors of Sacramento County, California

Attest: BETTY L. GEORGE
Clerk of the Board of Supervisors of the County of Sacramento, State of California

State of California }
County of Sacramento } ss.

I, Betty L. George, Clerk of the Board of Supervisors of the County of Sacramento, in and for the said County and State aforesaid, hereby certify that I have compared the foregoing copy with the original on file and of record in my office, and that the same is a full, true and correct copy of such original with the endorsements thereon, and of the whole thereof.

Attest my hand and the seal of said Board of Supervisors this Dec. 28 1960.
BETTY L. GEORGE
Clerk of the Board of Supervisors

WHEREAS, The said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the charter of the County of Sacra-

mento, as presented to and adopted and ratified by the electors of the county, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as a part of, the charter of the County of Sacramento.

CHAPTER 17

Senate Concurrent Resolution No. 2—Relative to adoption of the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State January 23, 1961.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the following rules be adopted as the Joint Rules for the 1961 Regular Session:

JOINT RULES OF THE SENATE AND ASSEMBLY

Committees and Committee Meetings

Standing Committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number of members and the manner of selection to be determined by the rules of each house.

Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

Effect of Adoption of Joint Rules

3.5. The adoption of the Joint Rules for any budget session or extraordinary session shall not be construed as modifying or rescinding the Joint Rules of the Senate and Assembly for any previous session, nor as affecting in any way the status or powers of the interim committees created by those rules.

Bills and Resolutions

Definition of Word Bill

4. Whenever the word "bill" is used in these rules, it shall include constitutional amendments, concurrent and joint resolutions.

Concurrent and Joint Resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions are those which relate to matters connected with the federal government.

Resolutions Treated as Bills

6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of Section 2 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and except as provided in Rule 24. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

Preparation and Introduction of Bills

Title of Bill

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

Division of Bill Into Sections

8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

Introduction of Bills

8.3. No bill shall be introduced after the 110th calendar day of a general session except as follows:

(a) A written notice of intention to introduce a bill, a copy of the bill and a digest prepared pursuant to Rule 8.5 shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, and shall be transmitted to the Rules Committee of the appropriate house. The notice and digest shall be printed in the Journal of that house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for the introduction of the proposed bill.

(c) If the Rules Committee recommends that introduction of the proposed bill be permitted, the member may offer a resolution, without further reference thereof to committee, granting permission to introduce the bill. The adoption of the resolution granting such permission shall require an affirmative recorded vote of two-thirds of the elected members of the house in which the request is made.

As used in this rule "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

Digest of Bills Introduced

8.5. No bill shall be introduced unless it is contained in a cover attached by the Legislative Counsel and unless it is accompanied by a digest, prepared and attached to the bill by the Legislative Counsel, showing the changes in the existing law which are proposed by the bill. If any bill is presented to the Secretary of the Senate or Chief Clerk of the Assembly for introduction which does not comply with the foregoing requirements of this rule the Secretary or Chief Clerk shall return it to the member who presented it.

The digest shall be printed on the bill as introduced in distinctive type upon the lower part of the first page thereof. If a material error in the printed digest is brought to the attention of the Legislative Counsel, he shall prepare a corrected digest which shall show the changes made in the digest as provided in Joint Rule 10 for amendments to bills. He shall deliver the corrected digest to the Secretary or the Chief Clerk, as the case may be. If the correction warrants it in the opinion of the President pro Tempore of the Senate or the Speaker of the Assembly, a corrected print of the bill as introduced shall be ordered with the corrected digest printed thereon.

Restrictions as to Amendments

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment or resolution under consideration.

Changes in Existing Law to Be Marked by Author

10. In a bill amending or repealing a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

In any amendment to a bill which sets out for the first time a section being amended or repealed, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the

section as amended or repealed were a part of the original bill and was being printed for the first time.

When an entire code is repealed as part of a codification or recodification or when an entire title, part, division, chapter or article of a code is repealed, the sections comprising such code, title, part, division, chapter, or article shall not be set forth in the bill or amendment in strikeout type.

Introduction of Departmental Bills

10.5. No departmental bill shall be introduced at the request of or on behalf of any state officer or agency except the Governor after the 30th calendar day of any general session. No departmental bill shall be introduced in both houses of the Legislature at any session.

The Secretary of the Senate and the Chief Clerk of the Assembly shall have distinctive covers or backs prepared for departmental bills that are introduced at the request of or on behalf of any state officer or agency, which shall show at whose request the bill is introduced. Any such bill when printed shall include in its heading a statement that the introduction of the bill was requested by a state officer or agency and setting forth the title of the officer or agency that made the request. Only those bills which are so identified shall be construed to be departmental bills within the provisions of this rule.

Consideration of Bills

10.8. At a general session, no bill shall be heard by any committee or acted upon by either house until 30 calendar days have elapsed following the date the bill was first introduced, except this provision and the limitation contained in Section 2(a) of Article IV of the Constitution may be dispensed with as follows:

(a) A written request for such dispensation entitled "Request to Consider and Act on Bill Within 30 Calendar Days" shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, printed in the Journal and transmitted to the Rules Committee of the appropriate house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for dispensing with the 30-calendar-day waiting period following the bill's introduction.

(c) If the Rules Committee recommends that said waiting period be dispensed with, the member may offer a resolution, without further reference thereof to committee, authorizing hearing and action upon the bill before the 30 calendar days have elapsed. The adoption of the resolution shall require an

affirmative recorded vote of three-fourths of the elected members of the house in which the resolution is presented.

As used in this rule "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

Printing of Amendments

11. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted.

Printing and Distribution of Bills—Manner of Printing Bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions:

(a) The body of such bills shall be printed in solid unspaced form in 10-point roman type so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

Distribution of Legislative Publications

13. All requests by members for mailing or distribution of copies of the Weekly Histories, the Legislative Digest and the Legislative Index shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Except as otherwise provided by either the Assembly or Senate, each Member of the Senate and Assembly shall be permitted to submit a list of 10 organizations or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of copies of the Weekly Histories, the Legislative Digest and the Legislative Index to supply this list together with such number of bills and legislative publications as may be necessary for legislative requirements.

No complete list of bills shall be delivered except upon payment therefor of the sum of one hundred seventy-five dollars ($175) at a general session or twenty-five dollars ($25) at a budget session. Not more than two copies of any bill or other legislative publication, nor more than a total of 100 bills or other legislative publications during a session, shall be distrib-

uted free to any person, office, or organization. The limitations imposed by this paragraph do not apply to Members of the Legislature, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's office; Secretary of State's office; Controller's office; Governor's office; the Clerk of the Supreme Court; the clerk of the district court of appeal for each district; the Judicial Council; the State Library; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500.

13.1. The Legislative Counsel shall provide for the compilation and periodic publication of the digests mentioned in Rule 8 5 in separate pamphlets for each house. He shall also provide for the periodic publication of a cumulative Legislative Index which shall include tables of sections affected by pending legislation. The State Printer shall print the pamphlet digests (comprising the Legislative Digest) and the Legislative Index in such quantities, and at such times, as are determined by the Secretary of the Senate and the Chief Clerk of the Assembly. The costs of such printing shall be paid from the legislative printing appropriation.

Other Legislative Printing

Printing of the Daily Journal

14 The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the Journal of each day's proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the Journal of the respective houses of the Legislature.

What Shall Be Printed in the Journal

15. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

Printing of the Daily File

16. A Daily File of bills ready for consideration shall be printed each legislative day for each house.

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

Printing of History

17. Each house shall cause to be printed, once each week, during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History.

Authority for Printing Orders

18. The State Printer shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate and the Chief Clerk of the Assembly are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

Record of Bills

Secretary and Chief Clerk to Keep Records

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill

Secretary and Chief Clerk Shall Endorse Bills

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill.

Action in One House on Bill Transmitted From the Other

After a Bill Has Been Passed by the Senate or Assembly

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

21.5. Whenever a bill or the subject matter of a bill is referred to the Rules Committee of either house for assignment to an appropriate interim committee for study or for reassignment to an appropriate interim committee for study, and the bill is not in the house in which it originated, it shall be transmitted to the house of origin for referral to the Rules Committee of that house for assignment or reassignment to an appropriate interim committee for study.

Messages to Be in Writing Under Proper Signatures

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed A receipt shall be taken from the officer to whom such message is delivered.

Uncontested Bills

22.1. Each standing committee may report an uncontested bill out of committee with the recommendation that it be placed on the consent calendar. The Secretary of the Senate and the Chief Clerk of the Assembly shall provide to each committee chairman appropriate forms for such report. As used in this rule, "uncontested bill" means a bill, except a revenue measure, which: (a) receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present; and (b) has no opposition expressed by any person present at the committee meeting with respect to the final version of the bill as approved by the committee; and (c) prior to final action by the committee has been requested, by the author, to be placed on the consent calendar.

Consent Calendar

22.2. Following their second reading and the adoption of any committee amendments thereto, if any, all bills certified by the committee chairman as uncontested bills shall be placed by the Secretary of the Senate or the Chief Clerk of the Assembly on the consent calendar, and shall be known as "consent calendar bills." Any consent calendar bill which is amended from the floor shall cease to be a consent calendar bill and shall be replaced on the second reading file. Upon objection of any member to the placement or retention of any bill on the consent calendar, such bill shall cease to be a consent calendar bill and shall be replaced on the second reading file. No consent calendar bill shall be considered for adoption until the second legislative day following the day of its placement on the consent calendar.

Consideration of Bills on Consent Calendar

22.3. Bills on the consent calendar are not debatable, except that the President of the Senate or the Speaker of the Assembly shall allow a reasonable time for questions from the floor and shall permit the proponents of such bills to answer such questions. Immediately prior to voting on the first bill on the consent calendar, the President of the Senate or the Speaker of the Assembly shall call to the attention of the members the fact that the next rollcall will be the rollcall on the first bill on the consent calendar.

The consent calendar shall be considered as the last order of business on the Daily File.

Passage and Enrolling of Bills

Passage of Bills Preceding Final Adjournment

23. No Senate bill shall be passed by the Senate within 15 days, and no Assembly bill shall be passed by the Assembly within 10 days prior to the adjournment sine die of the two houses of the Legislature at a general session or within one day prior to the adjournment sine die of the two houses of the Legislature at a budget session, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill).

Enrollment of Bill After Passage

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to

determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the presiding officers of both houses and the Secretary of the Senate and Chief Clerk of the Assembly and presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the Journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, concurrent and joint resolutions shall be filed without delay in the Office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the Journal.

AMENDMENTS AND CONFERENCES

Amendments to Amended Bills Must Be Attached

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments Two copies of such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "concurred in," and such endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

To Concur or Refuse to Concur in Amendments

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

Concurring in Amendments Adding Urgency Section

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency measure, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

When Senate or Assembly Refuse to Concur

28. If the Senate or the Assembly refuse to concur in the amendments, the Committee on Rules (if it be a Senate bill) or the Speaker of the Assembly (if it be an Assembly bill) shall appoint a committee of three (3) on conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the conference committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The committee on conference shall report to both the Senate and the Assembly.

Report of Committee on Conference

29. The report of the committee on conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed; provided, however, that no more than three different conference committees shall be appointed on any one bill.

It shall require the affirmative vote of not less than two of the Senate Members and two of the Assembly Members constituting the committee to agree upon a report. No member who has served on a committee on conference shall be appointed a member of another committee on conference on the same bill.

The report of a conference committee shall be in writing, and a copy of any amendments proposed in the report shall be placed on the desk of each member of the house before it is acted upon by the house.

When Conference Committee Report Is in Order

30. The presentation of the report of a committee on conference shall always be in order, except when a question of order or a motion to adjourn is pending, or during rollcall, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Conference Committee Reports on Urgency Measures

30.5. When the report of a committee on conference recommends the amendment of a bill by the addition of a section providing that the act shall take effect immediately as an urgency measure, the procedure and the vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall adopt the report of the committee on conference shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, the adoption of the report and the amendments proposed thereby shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to adopt the report of the committee on conference.

MISCELLANEOUS PROVISIONS

Authority When Rules Do Not Govern

31. All relations between the houses which are not covered by these rules shall be governed by Mason's Manual.

Press Rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the Assembly, as required by Rule 24 of Assembly Rules, and to the Committee on Rules of the Senate, as required by Rule 13 of Senate Rules; and shall state in writing the names of the daily newspapers or news associations by which they are employed, and what other occupations or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privilege of accredited press representatives.

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the Standing Committee of the Capitol Correspondents Associa-

tion which shall see that occupation of seats and desks in the Senate and the Assembly Chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who represent news associations requiring daily telegraphic or radio service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to newspaper associations requiring telegraphic service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

Dispensing With Joint Rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dispensed with only in the manner provided for in said joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the Rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in conference committee.

Opinions of Legislative Counsel

34. Whenever the Legislative Counsel issues an opinion to any person other than the first named author analyzing the

constitutionality, operation or effect of a pending bill or other legislative measure, he is authorized and instructed to deliver two copies of the opinion to the first named author as promptly as feasible after the delivery of the original opinion and also to deliver a copy to any other author of the bill or measure who so requests.

Resolutions Prepared by Legislative Counsel

34.1. Whenever the Legislative Counsel has been requested to draft a resolution commemorating or taking note of any event, or a resolution congratulating or expressing sympathy toward any person, and subsequently receives a similar request from another Member of the Legislature, he shall inform each subsequent requester that such a resolution is being, or has been, prepared, and shall furnish such subsequent requester with the name of the member for whom the resolution was, or is being, prepared.

Memorial Resolutions Regarding Members and Former Members of the Legislature

34.2. Whenever the death of a Member of the Legislature occurs during his term of office, or whenever the death of a former member who had served in both houses of the Legislature occurs, a concurrent resolution may be used as a memorial resolution in respect thereto. In all other instances a Senate resolution or a House resolution, or both, shall be used as memorial resolutions with respect to the deaths of former Members of the Legislature or other persons. In all cases a Senate resolution or a House resolution, or both, shall be used to congratulate any person or organization upon the occurrence of any significant event or achievement.

Expense of Members

35. As provided in Section 23b of Article IV of the Constitution, each Member of the Legislature is allowed and reimbursed as the expenses necessarily incurred by him while attending regular and special and extraordinary sessions of the Legislature (including any recess of three days or less) an allowance authorized for other elected state officers at the time the expense is incurred.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate or the Chief Clerk of the Assembly respectively, weekly or as otherwise directed by either house, and upon certification by the Secretary or the Chief Clerk the Controller shall draw his warrants in payment of the allowances to the respective members.

Investigating Committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or, when such authorization may lawfully be made, after final adjourment.

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt and amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may appear necessary and proper to carry out the powers granted and duties imposed under this rule It may employ such clerical, legal and technical assistants as may appear necessary.

Each such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4, Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees

The Sergeant at Arms of the Senate or Assembly, or such other person as may be designated by the chairman of the committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee.

Every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this State, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each such committee may meet at any time during the period in which it is authorized to act, even though the Legislature is in session, either, at the State Capitol or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable

it to exercise the powers and perform the duties herein granted to it or accomplish the objects and purposes of the resolution creating it. Each such committee may expend such money as may be made available to it for such purpose but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Members shall not be entitled to any salary because of membership on any such committee but shall be allowed mileage at the rate of fifteen cents ($0.15) per mile each way for travel within the State and ten cents ($0 10) per mile each way for travel outside the borders of the State incurred in connection with their services upon the committee and actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals, an allowance of twenty dollars ($20) per day. No expenses for accommodations or meals or any allowance in lieu thereof shall be allowed for a day when the member is entitled to reimbursement for expenses under Joint Rule No. 35. The chairman of each committee shall audit and approve the expense claims of the members of the committee and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

The chairman of any such committee may appoint subcommittees and chairman thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairman thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the State, have the same authority as if it were acting and functioning within the State, and the members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the State.

Notwithstanding any provision of this rule, if the standing rules of either house require that expense claims of members of committees be audited or approved, after approval of the committee chairman, by another agency of either house, the Controller shall draw his warrants only upon the certification of such other agency.

Except salary claims of employees clearly subject to federal withheld tax and the requirement as to loyalty oaths, claims presented for services or pursuant to contract shall refer to

the agreement, the terms of which shall be made available to the Controller.

Expenses of Interim Committee Employees

36.1. Unless otherwise provided by respective house or committee rule or resolution, employees of legislative committees shall, when entitled to traveling expenses, be entitled to allowances in lieu of actual expenses for hotel accommodations, breakfast, lunch, and dinner, at the rates fixed by the Board of Control from time to time in limitation of reimbursement of expenses of state employees generally; provided, that if an allowance for hotel accommodations, breakfast, lunch and dinner is made by a committee at a rate in excess of those fixed by the Board of Control the chairman of the committee shall notify the Controller of that fact in writing.

Appointment of Committees

36.5. The provisions of this rule shall apply whenever a joint interim committee is created by a statute or resolution which either provides that appointments be made and vacancies be filled in the manner provided for in the Joint Rules, or which makes no provision for the appointment of members or the filling of vacancies.

The Senate members of the committee shall be appointed by the Senate Committee on Rules; the Assembly members of the committee shall be appointed by the Speaker; and vacancies occurring in the membership of the committee shall be filled by the respective appointing powers. The members appointed shall hold over until their successors are regularly selected.

Legislative Budget Committee

37. In addition to any other committee provided for by these Rules, there shall be a joint committee to be known and called the Legislative Budget Committee, which is hereby declared to be a continuing body.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the State, and of the organization and functions of the State, its departments, subdivisions and agencies, with a view of reducing the cost of the State Government, and securing greater efficiency and economy.

The committee shall consist of seven Members of the Senate and seven Members of the Assembly. The Senate members of the committee shall consist of seven Members of the Senate appointed by the Committee on Rules. The Assembly members of the committee shall consist of seven Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between general sessions, in the Senate membership of the Legislative Budget Committee, shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not re-elected at the general election.

Any vacancies occurring between general sessions, in the Assembly membership of the Legislative Budget Committee, shall be filled by the Speaker of the Assembly, and the Members of the Assembly appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Member of the Assembly whose term is expiring whenever he is not re-elected at the general election.

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Legislative Budget Committee and the committee for which the services are to be performed. The contract may provide for payment to the Legislative Budget Committee of the cost of such services from the funds appropriated to the contracting investigating committee. All legislative investigating committees are authorized to enter such contracts with the Legislative Budget Committee. Money received by the Legislative Budget Committee pursuant to any such agreement shall be in augmentation of the current appropriation for the support of the Legislative Budget Committee.

The provisions of Joint Rule 36 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

The committee shall have authority to appoint a Legislative Analyst, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The duties of the Legislative Analyst shall be as follows:

(1) To ascertain the facts and make recommendations to the Budget Committee and under their direction to the committees of the Legislature concerning:

(a) State Budget.

(b) Revenues and expenditures of the State.

(c) The organization and functions of the State, its departments, subdivisions and agencies.

(2) To assist the Senate Finance Committee and the Assembly Ways and Means Committee in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee, and to assist any other legislative committees upon instruction by the Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Analyst under the direction of the Legislative Budget Committee and to keep and make available all documents, data and reports submitted to him by any Senate, Assembly or joint committee. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to the same allowance as members of other committees authorized to function after adjournment. The chairman of the committee or, in the event of his inability to act, the vice chairman shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

On and after the commencement of a succeeding general session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Analyst for use and custody, available to the Members of the Legislature, all documents, data, reports

and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be.

The Legislative Analyst with the consent of the committee shall make available to such members or committees any records, documents or other data under his control or shall secure and provide any information falling within the scope of his employment or which concerns the administration of the government of the State of California. But, except as hereinabove provided, neither the Legislative Analyst nor any employee of the committee shall reveal to any person not a member of or employed by the committee the contents or nature of any matter or the author of any request, except with the permission of the committee or legislator making such request, or under the express direction of the Legislative Budget Committee.

The Legislative Analyst, upon the receipt of a request from any committee or Member of the Legislature, shall at once secure the consent of the committee without disclosing the nature of the request or the name of the requester to provide the requesting committee or legislator with the service or information requested, and thereupon shall notify the requester or committee or legislator that he is authorized to provide the information, and shall inform the committee or legislator the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requester. In the event the committee refuses such authorization, he shall inform such requester forthwith

Registration of Legislative Representatives

37.5. In addition to the duties hereinabove prescribed the Legislative Analyst is directed, so long as he is designated to be "clerk" or "secretary" pursuant to; Section 9900(d) of the Government Code, to assign one or more members of his staff to carry out the filing duties imposed by Sections 9900 through 9907 of the Government Code, but he shall undertake no duties which are not specifically authorized by the Joint Rules, by contracts entered into pursuant to such rules, or by direction of the Legislative Budget Committee.

Adjournment

38. Adjournment sine die shall be made only by concurrent resolution.

Designating Legislative Sessions

39. All regular sessions of the Legislature shall be designated by the year in which held, and all extraordinary sessions shall be designated in numerical order by the year in which convened.

Joint Committee on Legislative Organization

40. The Joint Committee on Legislative Organization is hereby created. The committee has a continuing existence and may meet, act, and conduct its business during sessions of the Legislature or any recess thereof, and in the interim period between sessions.

The committee shall consist of seven members of the Assembly Committee on Rules and five members of the Senate Committee on Rules, and two Members of the Senate to be appointed by the Senate Committee on Rules. Vacancies occurring in the membership shall be filled by the appointing power.

The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

The committee shall ascertain facts and make recommendations to the Legislature and to the houses thereof concerning:

(a) The relationship between the two houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship.

(b) The legislative branch of the state government and any defects or deficiencies in the law governing that branch.

(c) Methods whereby legislation is proposed, considered and acted upon.

(d) The operation of the Legislature, and the committees thereof, and the means of co-ordinating the work thereof and avoiding duplication of effort.

(e) Aids to the Legislature.

(f) Information and statistics for the use of the Legislature, the respective houses thereof, and the members.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is in session, and shall be referred to the committee for action if the Legislature is not in session.

The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To allocate space in the State Capitol Building and all annexes and additions thereto as provided by law.

(c) To approve, as provided by law, the appearance of the Legislative Counsel in litigation.

(d) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(e) To co-operate with and secure the co-operation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(f) To report its findings and recommendations, including recommendations for the needed revision of any and all laws and constitutional provisions relating to the Legislature, to the Legislature and to the people from time to time and at any time.

(g) The committee, and any subcommittee when so authorized by the committee, may meet and act without as well as within the State of California, and is authorized to leave the State in the performance of its duties.

(h) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

The committee shall succeed to, and is vested with all of the powers and duties of the State Capitol Committee, the Joint Committee on Interhouse Co-operation, and the Joint Standing Committee on the Joint Rules of the Senate and the Assembly.

40.1. In addition to the powers and duties otherwise vested in it, the Joint Committee on Legislative Organization shall succeed to, and is vested with, all the powers and duties of the Joint Legislative Committee for School Visitations, created by Senate Concurrent Resolution No. 8 of the 1955 Regular Session and continued by the 1957 and 1959 Regular Sessions of the Legislature.

Second, that the Joint Legislative Committee for School Visitations, as last continued by Assembly Concurrent Resolution No. 1 of the 1959 Regular Session, is abolished.

Third, that the powers, duties, function, responsibilities, property, employees, and funds of the Joint Legislative Committee for School Visitations are transferred to the Joint Committee on Legislative Organization.

Claims for Workmen's Compensation

41. The Chairman of the Rules Committee of each house of the Legislature shall sign any required workmen's compensation report regarding injuries or death arising out of and within the course of employment suffered by any member, officer or employee of the house, or any employee of a standing or interim committee thereof. In the case of a joint committee, the Chairman of the Rules Committee of either house may sign any such report in respect to a member or employee of such joint committee.

Information Concerning Interim Committees

42. The Rules Committee of each house shall provide for a continuous cumulation during interim periods between sessions of the Legislature of information concerning the membership, organization, meetings and studies of legislative investigating committees. Each Rules Committee shall be responsible for information concerning the investigating committees of its own house and concerning joint investigating committees under the chairmanship of a member of that house. To the extent possible, each Rules Committee shall seek to insure that the investigating committees for which it has responsibility under this rule have organized, including the organization of any subcommittees, and have had all topics for study assigned to them within 30 days after the adjournment of each regular session of the Legislature.

The information thus cumulated shall be made available to the public by the Rules Committee of each house and shall be published periodically under their joint direction.

CHAPTER 18

Senate Joint Resolution No 5—Relative to the ratification of an amendment to the Constitution of the United States, proposed by the Congress of the United States, relating to the granting of representation in the Electoral College to the District of Columbia

[Filed with Secretary of State January 23, 1961]

WHEREAS, The 86th Congress of the United States of America has adopted Senate Joint Resolution No 39, two-thirds of each house concurring therein, proposing an amendment to the Constitution of the United States, in the following words, to wit:

SENATE JOINT RESOLUTION 39

Proposing an amendment to the Constitution of the United States granting representation in the electoral college to the District of Columbia

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

ARTICLE

Section 1 The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.

WHEREAS, Said proposed amendment will be valid as part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several states; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, a majority of all the members elected to each house of the Legislature voting in favor thereof, That the proposed amendment be and the same is hereby ratified by the Legislature of the State of California; and be it further

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the Governor of the State of California to the President of the United States, the Secretary of State of the United States, the President pro Tempore of the Senate of the United States, and the Speaker of the House of Representatives of the United States

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CHAPTER 19

Assembly Concurrent Resolution No. 13—Approving amendments to the charter of the City of Redwood City, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on April 12, 1960.

[Filed with Secretary of State January 24, 1961]

City of Redwood City Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments hereinafter set forth to the charter of the City of Redwood City, a municipal corporation in the County of San Mateo, State of California, as set out in the certificate of the mayor and city clerk of said city as follows, to wit:

State of California }
County of San Mateo } ss.

Certificate

We, the undersigned, Ray A. Weymouth, Mayor of the City of Redwood City, State of California, and Helen C. Moore, City Clerk of said City, do hereby certify as follows:

That the City of Redwood City, a municipal corporation in the County of San Mateo, State of California, now is and at

all times herein mentioned, was a city containing a population of more than 3,500 inhabitants, and has been and now is organized and existing and acting under a freeholder's charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City and approved by the legislature of the State of California.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on its own motion, the Council of Redwood City, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City certain proposals designated as "Charter Amendments" to amend the Charter of said City and to be voted upon by said qualified electors at the regular municipal election held in said City on April 12, 1960.

That said proposed amendments were duly and regularly submitted to the qualified electors of the City of Redwood City in the manner provided in Section 8 of Article XI of the Constitution of the State of California, and that said regular municipal election was duly and regularly held in the City of Redwood City, after due notice given and published, on April 12, 1960, which day was not less than forty (40) days, nor more than sixty (60) days after the completion of the publication and advertisement of the proposed Charter Amendments in the manner required by Section 8 of Article XI of the Constitution of the State of California.

That the returns of said election were duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized that all of the amendments to the Charter of the City of Redwood City hereinafter set forth were ratified by a majority of the electors of said City voting thereon; that the Council of said City did by its Resolution No. 3048 duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter Amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Charter Amendments to the Charter of the City of Redwood City so ratified by the electors of said City are in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 1

Section 3½ of the Charter of the City of Redwood City is hereby amended to read as follows:

"Section 3½. Acquisition and Disposal of Property.

Acquisition of property

Public notice shall be given by publication in the official newspaper once at least five (5) days prior to the acquisition of any real property when the purchase price to be paid by the City equals or exceeds the sum of Two Thousand Dollars ($2,000), unless such acquisition is to be accomplished pursu-

ant to the general laws of the State by condemnation in eminent domain proceedings, or unless such acquisition is necessary in connection with public improvement proceedings accomplished pursuant to law.

Disposal of property

Any sale or lease of City owned property shall be accomplished in accordance with the following procedure:

(a) Public notice of any proposed sale or lease of City property shall be given at least once a week for two weeks in the official newspaper. Such notice shall contain a statement that any and all bids may be rejected and the property may be readvertised. If the property is to be leased the notice shall state generally the term and conditions of such lease.

(b) Prior to the sale of any City property, the City Assessor shall appraise the same and determine the current market value thereof. With the approval of the City Council or the Board of Port Commissioners, as the case may be, the City Assessor may obtain the services of other qualified persons to assist him in such appraisal.

(c) Sale or lease of City property may be made only to the highest responsible bidder at public auction or upon sealed bids to the City Council or the Board of Port Commissioners as the case may be. Any and all bids may be rejected and the property readvertised or removed from the market. No sale of any City property shall be made for less than ninety per cent (90%) of the appraised value thereof.

(d) Any City property having an appraised value of Two Hundred Fifty Dollars ($250) or less may be sold without public notice or public bid as required by this section; provided, however, that no such property shall be sold for less than ninety per cent (90%) of the appraised value thereof.

(e) Any sale by the City Council of real property having an appraised value of less than Seventy-five Thousand Dollars ($75,000) shall be authorized only by resolution adopted by the affirmative vote of at least five sevenths (5/7ths) of all members of the Council. Any such sale of real property having an appraised value in excess of Seventy-five Thousand Dollars ($75,000) shall be authorized only by ordinance of the City Council adopted by the affirmative vote of at least five sevenths (5/7ths) of all members of the Council. Any such ordinance shall be subject to the referendum provisions of this charter.

(f) Any lease of real property for a term of more than one (1) calendar month shall be authorized by resolution of the Council or the Board of Port Commissioners, as the case may be. Any lease of real property for a lesser period shall be authorized by the City Council or the Board of Port Commissioners, as the case may be, by motion duly made and carried.

(g) No lease of City or Port property shall be made for a term longer than fifty (50) years.

(h) No City property shall be exchanged for other property until an appraisal of all property included in the exchange has been made by the City Assessor and the value of the

property to be received by the City equals or exceeds the value of the property to be disposed of by the City."

CHARTER AMENDMENT No. 2

Section 76 of the Charter of the City of Redwood City is hereby amended to read as follows:

"Section 76. Citizenship and Residence:

Requirements for employment

All officers and employees of the City and every department thereof, except those employed for limited, temporary, seasonal, or special purposes, shall be citizens of the United States at the time of their appointment and shall comply with such residence requirements as shall be established by ordinance."

CHARTER AMENDMENT No. 3

Section 77 of the Charter of the City of Redwood City is hereby amended to read as follows:

"Section 77 Prohibited Financial Interests:

Prohibited interests

No City officer shall be financially interested in any contract, sale or purchase contrary to the provisions of the general laws of the State as the same now exist or may hereafter be amended."

And we further certify that the foregoing proposed and ratified amendments to the Charter of the City of Redwood City are a full, true and correct copy of the Charter Amendments approved by the voters of the City of Redwood City.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Redwood City to be affixed hereto this 9th day of December, 1960

(SEAL)

RAY A. WEYMOUTH
Mayor of the City of Redwood City
HELEN C. MOORE
City Clerk of the City of Redwood City

WHEREAS, The said proposed amendments, as ratified, as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Redwood City as presented to and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to, and as a part of, the charter of the said City of Redwood City.

CHAPTER 20

Assembly Concurrent Resolution No. 17—Approving a certain amendment to the charter of the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the 12th day of April, 1960.

[Filed with Secretary of State January 24, 1961.]

City of San Jose: Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment, hereinafter set forth, to the charter of the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, as set out in the certificate of the mayor and of the city clerk of said city, as follows, to wit:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF SAN JOSE, CALIFORNIA

State of California
County of Santa Clara } ss.
City of San Jose

Certificate

We, the undersigned, Paul Moore, Mayor of the City of San Jose, State of California, and Francis L. Greiner, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two hundred four thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized, existing and acting under a freeholders' charter, adopted under the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the qualified electors of said City at a municipal election held for that purpose on the 19th day of April, 1915, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 12th day of May, 1915 (Senate Concurrent Resolution No. 21, Chapter 49, Statutes 1915, p. 1869).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Jose, being the legislative body of said City, on its own motion, duly and regularly proposed and submitted to the qualified electors of said City of San Jose a certain proposal for the amendment of the Charter of said City to be voted upon by the said qualified electors at a certain general municipal election held in said City on the twelfth day

of April, 1960, all as required by law, which said proposal was designated as "Charter Amendment Proposition A".

That the said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, on the twenty-sixth day of February, 1960 in the "San Jose News", a daily newspaper of general circulation published, printed and circulated in said City, and being the official newspaper of said City for said purpose, and in each edition thereof during the day of publication.

That copies of said proposed charter amendment were printed in convenient pamphlet form, in type of not less than ten-point, and were mailed to each of the qualified electors of said City in accordance with the Constitution of the State of California; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of San Jose was published in said "San Jose News", being a daily newspaper of general circulation published, printed and circulated in said City, on the first day of March, 1960, and on each day thereafter to and including the eleventh day of April, 1960, all as required by Section 8 of Article XI of the Constitution of the State of California; that copies of said pamphlet containing said proposed charter amendment could be had upon application therefor at the office of the City Clerk of said City on and after the first day of March, 1960, to and including the twelfth day of April, 1960, the date fixed for said election.

That such proposed charter amendment was submitted to the electors of said City for adoption and ratification at a general municipal election duly and regularly held in said City of San Jose on the twelfth day of April, 1960, which said date was not less than forty, nor more than sixty, days after the completion of the advertising in the above-mentioned official paper of the proposed charter amendment aforesaid.

That in accordance with the law in such cases made and provided, the Council of the City of San Jose, on the nineteenth day of May, 1960, at a meeting duly and regularly held at its usual place of meeting, duly canvassed the returns of said election as certified by the election boards, and duly found, determined and declared that said proposed amendment to the Charter of the City of San Jose, hereinafter set forth, was ratified and adopted by a majority of the electors of said City voting thereon.

That the said amendment to the Charter of the City of San Jose, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows, to wit:

CHARTER AMENDMENT PROPOSITION A

That Article X of the Charter of the City of San Jose be amended by adopting and adding thereto a new section, said new section to be numbered and to read as follows:

DISCRETIONARY POWERS OF COUNCIL RESPECTING RETIREMENT

Changes in retirement plan

78b. Anything in Section 78a of the Charter to the contrary notwithstanding, the Council in its discretion may at any time, or from time to time, by ordinance, amend or otherwise change the retirement plan established by said Section 78a or any retirement plan or plans established pursuant to said Section 78a, or adopt or establish a new or different plan or plans for eligible members of the police or fire departments of the City of San Jose, for the purpose of providing benefits for members of any such plan or plans in excess of those benefits authorized or required by the provisions of said Section 78a, including service retirement allowances, disability retirement allowances and death, survivorship and other such benefits payable to deceased members' surviving spouses, dependents or estates, all as the Council may deem proper and subject to such conditions, restrictions, limitations, terms and other provisions as the Council may deem proper; provided, however, that:

Limitations

(1) The Council shall not decrease any of said benefits below those which Section 78a makes mandatory, nor otherwise deprive any member of any such plan of any rights to which he would be entitled under Section 78a.

(2) Each and every such plan, as adopted or amended, and its retirement fund, shall be actuarially sound. Provision shall be made for the payment of monthly contributions into a retirement fund by both members of the plan and by the City of San Jose. The amount of monthly contribution required of members and of the City, respectively, shall be fixed, and from time to time changed, by the administering board of the plan, so that the same will be sufficient to make or keep the plan and fund at all times actuarially sound. Monthly contributions required of members, as compared to monthly contributions required of the City, shall at all times be in the ratio of three to eight provided and excepting, however, that if provision should be made for the payment of any benefits on account of service rendered by members prior to the effective date of the ordinance which provides such prior service benefits, then in that event the Council, subject to the provisions of the above sub-paragraph (1), may in its discretion provide for the payment by the City of San Jose of all of such amounts as must be contributed to the retirement fund on account of such prior service benefits to render the plan and fund actuarially sound to the extent that such amounts are not provided by members' accumulated prior service contributions,

or may require contributions for such purpose by both City and members provided that contributions required of members for such purpose shall never exceed $3 for each $8 contributed for such purpose by the City.

(3) Anything hereinabove in this section or in Section 78a to the contrary notwithstanding, the Council in its discretion may at any time or times, or from time to time, restrict or limit membership in all or any of said plans, and may restrict or limit the right to or eligibility for all or any benefits provided for in all or any of such plans, to members of the police or fire departments of the City of San Jose other than and excepting all or any of the following persons, to wit: (a) Persons in City service principally for training or educational purposes, whether or not they receive any compensation; (b) auxiliary or volunteer policemen or firemen, whether or not they receive any compensation; (c) persons serving or employed on a part-time basis, or on a per-diem, per-hour or any other basis other than a monthly basis; and (d) officers or employees whose principal duties are those of a telephone operator, clerk, stenographer, secretary, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active law enforcement or active fire fighting and prevention service even though such an officer or employee is subject to occasional call or is occasionally called upon to perform duties within the scope of active law enforcement service or active fire fighting or prevention service, excepting persons employed and qualifying as patrolmen or equal or higher rank in the police department irrespective of the duties to which they are assigned, or persons employed and qualifying as firemen, firefighters, hosemen or equal or higher rank in the fire department irrespective of the duties to which they are assigned.

(4) Nothing herein contained shall be deemed to deprive any person who is a member of any such plan immediately prior to the effective date of this section, or who has been retired prior to the effective date of this section pursuant to the provisions of any such plan, of any rights or benefits to which he has become entitled prior to the effective date of this section.

We further certify that we have compared the text of the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct, complete and exact copy thereof. That as to all of said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of San Jose to be affixed hereto this 27th day of December, 1960.

PAUL MOORE
(SEAL) Mayor of the City of San Jose
FRANCIS L. GREINER
City Clerk of the City of San Jose

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of San Jose as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as a part of the charter of the said City of San Jose. Approval

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CHAPTER 21

Assembly Concurrent Resolution No. 18—Approving a certain amendment to the charter of the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, voted for and ratified by the electors of said city at a special municipal election held therein on the eighth day of November, 1960.

[Filed with Secretary of State January 24, 1961.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment, hereinafter set forth, to the charter of the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, as set out in the certificate of the mayor and of the city clerk of said city, as follows, to wit: City of San Jose Charter amendment

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF SAN JOSE, CALIFORNIA

State of California
County of Santa Clara } ss.
City of San Jose

We, the undersigned, Paul Moore, Mayor of the City of San Jose, State of California, and Francis L. Greiner, City Clerk of said City, do hereby certify and declare as follows: Certificate

That the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two hundred four thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and (b) a city organized, existing and acting under a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the qualified electors of said City at a municipal election held for that purpose on the 19th day of April, 1915, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 12th day of May, 1915 (Senate Concurrent Resolution No. 21, Chapter 49, Statutes 1915, p. 1869).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Jose, being the legislative body of said City, on its own motion, duly and regularly proposed and submitted to the qualified electors of said City of San Jose a certain proposal for the amendment of the Charter of said City to be voted upon by the said qualified electors at a certain special municipal election called for such purpose and held in said City on the eighth day of November, 1960, all as required by law, which said proposal was designated as "Charter Amendment-Proposition A".

That the said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, on the fourteenth day of September, 1960 in the "San Jose News", a daily newspaper of general circulation published, printed and circulated in said City, and being the official newspaper of said City for said purpose, and in each edition thereof during the day of publication.

That copies of said proposed charter amendment were printed in convenient pamphlet form, in type of not less than ten-point, and were mailed to each of the qualified electors of said City in accordance with the Constitution of the State of California; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of San Jose was published in said "San Jose News", a daily newspaper of general circulation published, printed and circulated in said City, on the fourteenth day of September, 1960, and on each day thereafter to and including the seventh day of November, 1960, all as required by Section 8 of Article XI of the Constitution of the State of California; that copies of said pamphlet containing said proposed charter amendment could be had upon application therefor at the office of the City Clerk of said City on and after the fourteenth day of September, 1960, to and including the eighth day of November, 1960, the date fixed for said election.

That such proposed charter amendment was submitted to the electors of said City for adoption and ratification at a special municipal election duly and regularly held in said City of San Jose on the eighth day of November, 1960, which said date was not less than forty, nor more than sixty, days after the completion of the advertising in the above-mentioned official paper of the proposed charter amendment aforesaid. That, in accordance with the provisions of the Election Code of the State of California, the Council of the City of San Jose had adopted, on September 6, 1960, a Resolution No. 19295 wherein it requested the Board of Supervisors of Santa Clara County, California, to order the consolidation of said special municipal election with the state-wide general election held in said county on November 8, 1960, and had authorized said Board of Supervisors to canvass the returns of said special municipal election; that said consolidation had been so ordered by said Board of Supervisors; and that said special municipal election was so consolidated with said state-wide general election held in said county on said date.

That at said special municipal election a majority of the qualified electors voting upon said proposed charter amendment voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Registrar of Voters of Santa Clara County, California, heretofore certified by him to the Board of Supervisors of Santa Clara County and to the City of San Jose, and the declaration of the Board of Supervisors of Santa Clara County which pursuant to law met on November 28, 1960, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said special municipal election as certified by the said Registrar of Voters.

That the said amendment to the Charter of the City of San Jose, so adopted and ratified by the qualified electors of said City, is in words and figures as follows, to wit:

CHARTER AMENDMENT—PROPOSITION A

That Section 141 of Article XXI of the Charter of the City of San Jose be amended to read as follows:

GRANT OF POWER

141. Without limiting the generality of Section 139, the city council of the City of San Jose has power for any of the purposes of this Article: Powers of the city council

(a) To acquire, by grant, purchase, gift, devise, lease or by the exercise of right of eminent domain, and to hold, use, sell, lease, sublease or dispose of any real or personal property or any interest in any thereof, including rights-of-way, necessary or appropriate for the full exercise, or convenient or useful for the carrying on, of any of its powers pursuant to this Article;

(b) To acquire, by any of the means specified in the foregoing clause (a), any lands, property or rights-of-way necessary or convenient for the opening, widening, straightening and extending of streets or alleys necessary or convenient for ingress to or egress from any project;

(c) To improve any lands so acquired by the construction thereon of garages or other buildings or improvements necessary or convenient for any project;

(d) To construct, establish, improve, extend, maintain, operate, administer, lease and sublease any project;

(e) To fix rates, fees or charges for the use of facilities provided by any project, or for any services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the city with respect to the fixing of such rates, fees or charges; and, by a resolution of issue or otherwise, to enter into covenants to increase rates, fees or charges from time to time; provided, however, that any person shall be permitted to use or operate any facilities provided by any project only upon payment of the regularly established charge therefor, except as may be otherwise specifically provided in a resolution of issue in the case of firemen, policemen and other essential public employees. All rates, fees and charges shall be paid only in such coin or currency as on the date of payment is legal tender for public and private debts, or in scrip or tokens issued only upon payment of the face value thereof in such coin or currency.

(f) At any time and from time to time to issue revenue bonds in order to raise funds for the purpose of establishing any project or of acquiring lands for any project or of acquiring, constructing, completing, improving, extending, maintaining, operating or administering any project, or of refinancing any project, or for any combination of such purposes, which bonds may be secured as hereinafter provided;

(g) To make contracts, leases, subleases and agreements relative to the acquisition, operation or maintenance of any project or any part of any project with any person or public corporation, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency of any thereof, subject to any contractual obligation which may be entered into by the city with respect to the issuance of bonds;

(h) To lease for any commercial purpose or purposes any space in any project, provided that provision is made for both of the following: (1) off-street vehicular parking facilities reasonably sufficient, as determined by the city council, to provide sufficient off-street vehicular parking spaces for tenants, users and customers of any commercial establishment for which such space is leased, and (2) a number of public off-street vehicular parking spaces, at least equal to the number of such spaces existing in such project as of the effective date of this sub-section (h), situate at, above or below ground level within

such project and/or at, above or below ground level on lands adjacent to or across any street from any such project; provided, however, that nothing herein contained shall be deemed to prohibit a temporary reduction in the number of public vehicular off-street parking spaces, below the minimum above required, during the construction of any commercial establishment within or upon any such project.

(i) To sell, lease, convey or otherwise dispose of any rights, interests or properties acquired under this Article, subject to any contractual obligation which may be entered into by the city with respect to the issuance of bonds;

(j) To exercise the right of eminent domain for the condemnation of private property or any right or interest therein for any of the purposes of this Article;

(k) To adopt such rules and regulations as may be necessary regarding the operation and maintenance of any project and to enable the city to exercise the powers and perform the duties conferred or imposed by this Article; and

(*l*) To do any and all acts or things necessary or appropriate to carry out the purposes of this Article and the provisions, covenants and agreements contained in any resolution of issue adopted pursuant to the authority conferred by this Article; provided that nothing in this Section or elsewhere in this article contained shall be construed directly or by implication to be in any way in derogation or in limitation of any powers conferred upon or existing in the city by virtue of the provisions of the Constitution of the State of California or any other provision of this Charter.

We further certify that we have compared the text of the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct, complete and exact copy thereof. That as to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of San Jose to be affixed hereto this 27th day of December, 1960.

PAUL MOORE
(SEAL) Mayor of the City of San Jose
FRANCIS L. GREINER
City Clerk of the City of San Jose

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to Approval

each house voting therefor and concurring therein, That said amendment to the charter of the City of San Jose as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as a part of the charter of the said City of San Jose.

CHAPTER 22

Assembly Joint Resolution No. 4—Relative to ratification of a proposed federal constitutional amendment providing electoral college representation for the District of Columbia.

[Filed with Secretary of State January 24, 1961]

WHEREAS, The 86th Congress of the United States of America has adopted Senate Joint Resolution No. 39, two-thirds of each house concurring therein, proposing an amendment to the Constitution of the United States, in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States granting representation in the electoral college to the District of Columbia.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within 7 years from the date of its submission by the Congress:

"ARTICLE ___

"SECTION 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

"A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation"; and

WHEREAS, Said proposed amendment will be valid as part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several states; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, a majority of all the members elected to each house of said Legislature voting in favor thereof, That the proposed amendment be and the same is hereby ratified by the Legislature of the State of California; and be it further

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the Governor of the State of California to the President of the United States, the Secretary of State of the United States, the President pro Tempore of the Senate of the United States and the Speaker of the House of Representatives of the United States.

CHAPTER 23

Senate Concurrent Resolution No. 9—Approving amendments to the charter of the County of Tehama, State of California, ratified by the qualified electors of the county at a general election held therein on the eighth day of November, 1960.

[Filed with Secretary of State January 25, 1961]

County of Tehama: Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the charter of the County of Tehama, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and county clerk of the county, as follows:

CERTIFICATE OF FACTS

Certificate

WHEREAS, The County of Tehama at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the 9th day of March, 1917, Organized and acting under and by virtue of a Charter adopted pursuant to Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 26th day of October, 1915, and subsequently approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 9th day of March, 1917; and

WHEREAS, The Board of Supervisors of said County, pursuant to the provisions of Section 7½ of Article XI of said Constitution did by Resolution adopted the 29th day of August, 1960, duly propose to qualified electors of said County of Tehama amendments to the Charter of said County, designated as proposed County Charter Amendments A through V, and ordered that said proposed amendments be submitted to the qualified electors of said County at the general state election to be held on the 8th day of November, 1960; and

WHEREAS, Said amendments so proposed were published ten times, to-wit: beginning September 9, 1960, and ending Sep-

tember 20, 1960, inclusive, in the Red Bluff Daily News, a daily newspaper of general circulation in said County, printed, published and circulated in said County of Tehama; and

WHEREAS, The Board of Supervisors of said County of Tehama, did, in the manner provided by law, duly and regularly canvass the returns of said election, and, on the 21st day of November, 1960, did duly declare the result of said general state election, as determined from the canvass of the returns thereof; and

WHEREAS, At said general state election held on the 8th day of November, 1960, said proposed County Charter Amendments B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, and V, were ratified by a majority of the electors of said County voting thereon; whereas proposed County Charter Amendment A failed of ratification by the voters; and

WHEREAS, Said Charter amendments, so ratified by the electors of said County of Tehama, are now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and are and shall, if so approved by said Legislature, be in the words and figures as follows:

PROPOSED COUNTY CHARTER AMENDMENT B

That the Charter of the County of Tehama be amended by amending Section 2 of Article II of the said Charter relating to the manner in, terms for and times at which the original Board of Supervisors, under the 1916 Charter, should be elected at the general elections in November, 1916 and 1918 at each general election subsequent thereto, by substituting therefor a section which provides for a continuation of the present sequence of selection of the Supervisors, to read as follows:

Present supervisors

Ratification of these charter amendments by the legislature shall not affect the time of expiration of the term of an Supervisor nor the existing sequence of selection wherein Supervisors for districts 3 and 4 are elected at one general election and Supervisors for districts 1, 2, and 5 at the next.

PROPOSED COUNTY CHARTER AMENDMENT C 1

That the Charter of the County of Tehama be amended by amending Section 1, Article III thereof which provides for certain county officers other than Supervisors, by deleting therefrom the title Road Engineer and substituting therefor the title Road Commissioner, to read as follows:

County Officers

The County Officers other than Supervisors shall be a Sheriff, a County Clerk, a Treasurer, a Recorder, a License Collector, a Tax Collector, a Public Administrator, a Coroner, a Surveyor, a Road Commissioner, a District Attorney, an Auditor, an Assessor, a Superintendent of Schools, an Agri-

cultural Commissioner, a Bee Inspector, a Sealer of Weights and Measures, a County Physician, a Health Officer, a Probation Officer, and such others as are or shall be provided for by the Constitution, or by General Law, or by this Charter.

PROPOSED COUNTY CHARTER AMENDMENT C 2

That the Charter of the County of Tehama be amended by amending Section 2 of Article VIII thereof, by deleting the word "Engineer" and substituting the word "Commissioner" and renumbering it as Section 6 of Article III to read as follows:

Road Commissioner

The Road Commissioner shall be appointed by the Board of Supervisors for a term of four years. He may be removed from office at any time by the Board of Supervisors for inefficiency, neglect of duty, misconduct in office, or other good cause shown.

PROPOSED COUNTY CHARTER AMENDMENTS C 1 AND 2 WERE PRESENTED TO THE VOTERS AS PROPOSITION C PURSUANT TO THE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA.

PROPOSED COUNTY CHARTER AMENDMENT D 1

That the Charter of the County of Tehama be amended by amending Section 2 of Article III thereof relating to the consolidation of certain county officers by deleting therefrom the provision that the Road Engineer shall be ex-officio Surveyor, to read as follows:

Consolidation of offices

The following County officers are hereby consolidated:

(a) The Public Administrator shall be ex-officio Coroner.

(b) The Clerk shall be ex-officio Recorder.

(c) The Assessor shall be ex-officio Tax Collector and License Collector.

(d) The County Physician shall be ex-officio County Health Officer.

(e) The Agricultural Commissioner shall be ex-officio Sealer of Weights and Measures and Bee Inspector.

PROPOSED COUNTY CHARTER AMENDMENT D 2

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 1 of Article VIII thereof which provides as follows:

The County Road Engineer shall be ex-officio County Surveyor.

PROPOSED COUNTY CHARTER AMENDMENTS D 1 AND 2 WERE PRESENTED TO THE VOTERS AS PROPOSITION D PURSUANT TO THE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA.

PROPOSED COUNTY CHARTER AMENDMENT E

That the Charter of the County of Tehama be amended by amending Section 3 of Article III thereof, relating to the election and terms of certain named county officers, by omitting such provisions as simply duplicate the general state law, to read as follows:

Elected officers

A Sheriff, a Clerk and ex-officio Recorder, a Treasurer, an Assessor and ex-officio Tax Collector and License Collector, a District Attorney, an Auditor, a Coroner and ex-officio Public Administrator, and a Superintendent of Schools shall be elected as provided by general law.

PROPOSED COUNTY CHARTER AMENDMENT F 1

That the Charter of the County of Tehama be amended by amending Section 1 of Article VI thereof, which requires the filing of a property inventory by each officer within 15 days after entering upon the discharge of the duties of his office, by extending the time for filing to 60 days and to renumber it as Section 1 of Article V, to read as follows:

Inventories

Every county officer, other than the auditor, and every District Officer, shall within sixty days after entering upon the discharge of the duties of his office, make and file with the Auditor, a complete detailed inventory of all property belonging to, possessed by or in the control of his office, received by him from his predecessor; and the Auditor, within the same time, shall file a like inventory as to his office with the Clerk of the Board of Supervisors.

PROPOSED COUNTY CHARTER AMENDMENT F 2

That the Charter of the County of Tehama be amended by amending Section 5 of Article VI thereof, which forbids payment of salary to any officer until he files with the Auditor a monthly report of moneys received, to deny payment of salary so long as any report to the Auditor which is required by law is overdue and to renumber it as Section 2 of Article V, to read as follows:

Overdue reports

The Auditor shall not audit nor shall the Treasurer pay the monthly salary of any officer whose duty it is to make reports and accounts to the Auditor as required by general law or this Charter, which are overdue, until after such reports and accounts shall have been made to the Auditor and accepted by him.

PROPOSED COUNTY CHARTER AMENDMENTS F 1 AND 2 WERE PRESENTED TO THE VOTERS AS PROPOSITION F PURSUANT TO THE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA.

PROPOSED COUNTY CHARTER AMENDMENT G

That the Charter of the County of Tehama be amended by amending Section 6 of Article VI thereof which requires the Auditor at least once every three months to inspect the books and accounts of certain officers and to prescribe procedures in relation thereto, by providing that this be done at least once each year as to all County and District officers and renumbering it as Section 3 of Article V, to read as follows:

Inspections by the Auditor

It shall be the duty of the Auditor to make thorough inspection and examination from time to time and at least once each year of the books and accounts of all County and District officers and of the methods of keeping the accounts and transacting the business of such officers, and to prescribe in writing as to any or all of the offices such rules, regulations, forms and methods as to keeping the accounts thereof, and as to making the reports and accounts hereinbefore provided for, as to the Auditor shall seem proper; and it shall be the duty of each and all of such officers to comply with such requirements of the Auditor.

PROPOSED COUNTY CHARTER AMENDMENT H 1

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting Section 1 of Article VII thereof, which provides as follows:

The Board of Supervisors shall divide the County of Tehama into Judicial Townships not exceeding two in number and in one of which shall be situated the entire city in which the County Seat is situated.

PROPOSED COUNTY CHARTER AMENDMENT H 2

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting Section 2 of Article VII thereof, which provides as follows:

There shall be one Justice of the Peace in each Judicial Township of the County.

PROPOSED COUNTY CHARTER AMENDMENT H 3

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting Section 4 of Article VII thereof, which provides as follows:

The Justice of the Peace and Constables provided for by this Charter shall be nominated and elected at the time and in the manner and for the terms provided by General Law.

PROPOSED COUNTY CHARTER AMENDMENT H 4

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting Section 6 of Article VII thereof which provides as follows:

The Board of Supervisors may allow to each of the Justices of Peace in the County of Tehama, not to exceed the sum of $300.00 per year for rent and office expenses, payments therefor to be made only upon verified claims presented.

PROPOSED COUNTY CHARTER AMENDMENT H 5

That the Charter of the County of Tehama be amended by amending Section 3 of Article VII thereof, by deleting the word "Township" and substituting the word "District" and by deleting the provision for a Constable in the remaining Judicial "Township" which is now provided for in general state law and renumbering it as Section 5 of Article III, to read as follows:

Sheriff

The Sheriff of the County of Tehama shall perform the duties of the Constable in the Judicial District in which the County Seat is situated.

PROPOSED COUNTY CHARTER AMENDMENTS H 1, 2, 3, 4, AND 5 WERE PRESENTED TO THE VOTERS AS PROPOSITION H PURSUANT TO THE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA.

PROPOSED COUNTY CHARTER AMENDMENT I

That the Charter of the County of Tehama be amended by adding a new section to Article III thereof, relating to the consolidation and separation of offices, to be numbered Section 4 and to read as follows:

Further consolidation of offices

By ordinance the Board of Supervisors may consolidate the duties of those offices where consolidation is authorized by the general law. Where offices are consolidated pursuant to the Charter or ordinance the Board by ordinance may elect to separate the duties so consolidated, and reconsolidate them in any other manner permitted by the general law or separate the duties without reconsolidation, and provide that the duties of each office shall be performed by a separate person. When the duties are united and consolidated, the person elected to fill the united and consolidated offices shall take the oath and give the bond required for each and discharge all the duties pertaining to each. No consolidation or separation shall be effected except upon a 4/5th vote of the Board of Supervisors, after a public hearing held at least 90 days prior thereto, finding the change to be in the public interest. Provided, however, that if the duties of any of the offices specified in Article III, Section 3 are separated that each shall thereafter be an elective office; and provided further that no consolidation or separation

of elective county offices may be made effective before expiration of the terms provided by law.

PROPOSED COUNTY CHARTER AMENDMENT J 1

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 3 of Article II thereof, which provides as follows: Repeal

The Board of Supervisors shall elect a Chairman, who shall preside at all meetings. In the case of his absence or inability to act, the members present must, by an order entered of record, select one of their number to act as Chairman pro tempore. Any member of the Board may administer oaths when it is necessary in the performance of his duties. A majority of the members shall constitute a quorum, and no act of the Board shall be valid or binding unless the majority of the members concur.

PROPOSED COUNTY CHARTER AMENDMENT J 2

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 4 of Article II thereof, which provides as follows: Repeal

The Board of Supervisors shall have all the jurisdiction and power which are now or which may hereafter be granted by the General Laws of the State of California, except as otherwise provided by this Charter.

PROPOSED COUNTY CHARTER AMENDMENT J 3

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 5 of Article II thereof which provides as follows: Repeal

The Board of Supervisors may by a four-fifths vote of its members, change the boundaries of any Supervisorial District. No such boundaries shall ever be so changed as to effect the incumbency in office of any Supervisor. Any change in the boundaries of any Supervisorial District must be made within one year after a General Election.

PROPOSED COUNTY CHARTER AMENDMENT J 4

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 14 of Article II thereof, which provides as follows: Repeal

Vacancies on the Board of Supervisors shall be filled by the Governor, as provided by law, and such appointees shall hold office until the election and qualification of their successors. Such successor shall be elected at the next General election, and shall fill the unexpired term; provided that when such unexpired term shall end at noon on the first Monday after the first day of January next succeeding such election, the person elected shall hold office for the unexpired term, and an entire new term in addition.

PROPOSED COUNTY CHARTER AMENDMENT J 5

Repeal That the Charter of the County of Tehama be amended by repealing and deleting Section 4 of Article III thereof which provides as follows·

Each County officer shall have the powers and perform the duties now or hereafter prescribed by General Law as such officer, except as otherwise provided by this Charter, and shall have and perform such other powers and duties as are or shall be prescribed by this Charter.

PROPOSED COUNTY CHARTER AMENDMENT J 6

Repeal That the Charter of the County of Tehama be amended by repealing and deleting Section 6 of Article IX thereof which provides as follows:

Whenever a vacancy shall occur in an elective office in this County other than a member of the Board of Supervisors the Board of Supervisors shall fill such vacancy, except as otherwise provided in this Charter, until the election and qualification of his successor. In case of any such vacancy there shall be elected at the next General Election an officer to fill such vacancy for the unexpired term, unless such unexpired term ends on the first Monday after the first day of January next succeeding the election, in which case the election shall be for the unexpired term and for an entire new term in addition.

PROPOSED COUNTY CHARTER AMENDMENTS J 1, 2, 3, 4, 5, AND 6 WERE PRESENTED TO THE VOTERS AS PROPOSITION J PURSUANT TO THE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA.

PROPOSED COUNTY CHARTER AMENDMENT K 1

Repeal That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 10 of Article II thereof, which provides as follows:

The Supervisors shall not levy a tax to exceed one dollar and sixty-five cents per each one hundred dollars assessed valuation in any one year for County purposes, except such rate above one dollar and sixty-five cents shall be submitted to a vote of the people, and if such increased rate is adopted by a three-fifths vote of the voters submitted at a General or other election that may be held in the County, such increased rate may be levied.

PROPOSED COUNTY CHARTER AMENDMENT K 2

Repeal That the Charter of the County of Tehama be amended by repealing and deleting Section 5 of Article III thereof, which provides as follows:

No person shall be eligible for appointment as a Deputy, Clerk, Attache, Assistant or Employee, other than day labor,

who is related through consanguinity or affinity nearer than the fourth degree to any County Officer who shall have the power of making such appointment or who is a member of a Board or other body having such power.

PROPOSED COUNTY CHARTER AMENDMENT K 3

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 2 of Article IV thereof, which provides as follows: Repeal

The salary of the Agricultural Commissioner, Bee Inspector and Sealer of Weights and Measures shall be Five Dollars per day, and not to exceed One Thousand Dollars in any one year.

PROPOSED COUNTY CHARTER AMENDMENT K 4

That the Charter of the County of Tehama be amended by repealing and deleting Article V thereof, which provides as follows: Repeal

No person shall be elected Superintendent of Schools who has not had at least five years experience in teaching, two of which must have been within the State of California. At the time of election the Superintendent need not be a resident of the County but he must be such during the term for which he is chosen.

PROPOSED COUNTY CHARTER AMENDMENT K 5

That the Charter of the County of Tehama be amended by repealing and deleting Section 5½ of Article IX thereof, which provides as follows: Repeal

The necessary actual traveling expenses properly incurred by any officer or by any assistant, deputy, clerk or attache of such officer in the performance of his official duties while outside the County shall be a legal charge against the County; provided that such expenses shall not include meals and lodging.

PROPOSED COUNTY CHARTER AMENDMENTS K 1, 2, 3, 4, AND 5 WERE PRESENTED TO THE VOTERS AS PROPOSITION K PURSUANT TO THE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA.

PROPOSED COUNTY CHARTER AMENDMENT L

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 11 of Article II thereof, which provides as follows: Repeal

All bills against the County must be filed with the Auditor not later than the first Monday of each month, and after being approved by the Auditor he shall file them with the Clerk of the Board of Supervisors; provided, that no bills shall be al-

lowed by the Supervisors unless they are approved by the Auditor.

PROPOSED COUNTY CHARTER AMENDMENT M 1

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 12 of Article II thereof, which provides as follows:

When sealed bids are received and opened for any contract for any purposes where the contract is required to be let to the lowest bidder, any responsible bidder or bidders may at the time bids are opened, submit bids ten per cent, or more than ten per cent less than the bids received, and such bids shall be considered by the Supervisors to be the lowest bids to be received for the contract.

PROPOSED COUNTY CHARTER AMENDMENT M 2

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 13 of Article II thereof, which provides as follows:

Each County or District official or employee needing supplies or material during the fiscal year, must file with the Clerk of the Board of Supervisors on or before the first day of June of each year an estimate of all the supplies or material that will be needed during the fiscal year. Before the first day of July following, the Board of Supervisors must advertise for bids for the furnishing of any and all supplies or material or such thereof as may in the opinion of the Board of Supervisors be required, and at such times as such supplies or material may be needed. Such advertisement may be made in such manner as may be prescribed by the Board of Supervisors and shall state that itemized lists of such supplies or material are on file in the office of the County Clerk and there may be inspected. Contracts must be let to the lowest responsible bidder. The Board of Supervisors shall reserve the right to reject any or all bids and re-advertise, provided that if no bids are received, such materials and supplies for which no bids are received, may be bought on the open market.

PROPOSED COUNTY CHARTER AMENDMENT M 3

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 16 of Article II thereof, which provides as follows:

Before the Board of Supervisors shall call for bids for any construction work in excess of five thousand dollars they must first advertise for bids for plans and specifications for such work. Not more than 3 per centum of the estimated cost of such work shall be paid for such plans and specifications; Provided, that the Board of Supervisors may in its discretion require the County Surveyor to prepare plans and specifications

of the proposed construction work and if satisfied that the public interest will be best subserved by the adoption of such plans and specifications the Board of Supervisors may adopt the same without advertising for bids.

PROPOSED COUNTY CHARTER AMENDMENTS M 1, 2 AND 3 WERE PRESENTED TO THE VOTERS AS PROPOSITION M PURSUANT TO THE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA.

PROPOSED COUNTY CHARTER AMENDMENT N 1

That the Charter of the County of Tehama be amended by repealing and deleting Section 6 of Article III thereof, which provides as follows: Repeal

This amendment shall go into effect on the first Monday in January, 1935.

PROPOSED COUNTY CHARTER AMENDMENT N 2

That the Charter of the County of Tehama be amended by repealing and deleting Section 7 of Article VII thereof, which provides as follows: Repeal

This amendment shall go into effect on the first Monday in January, 1935.

PROPOSED COUNTY CHARTER AMENDMENT N 3

That the Charter of the County of Tehama be amended by repealing and deleting Section 9 of Article VIII thereof, which provides as follows: Repeal

This amendment shall go into effect on the first Monday in January, 1935, provided, however, that in the event of the death or removal from office of the present elected County Surveyor, after the ratification of this amendment by the State Legislature and prior to the first Monday in January, 1935, a vacancy shall occur in the office of the County Surveyor, the provisions of this article shall immediately go into effect.

PROPOSED COUNTY CHARTER AMENDMENT N 4

That the Charter of the County of Tehama be amended by repealing and deleting Section 10 of Article IX thereof, which provides as follows: Repeal

This Charter shall go into effect immediately upon its ratification by the State Legislature, except as otherwise provided in this Charter.

PROPOSED COUNTY CHARTER AMENDMENT N 5

That the Charter of the County of Tehama be amended by repealing and deleting Section 7 of Article IX thereof, which provides as follows: Repeal

If any section, subsection, sentence, clause, or phrase of this Charter is for any reason held to be invalid such decision shall not affect the validity of the remaining portions of the Charter.

PROPOSED COUNTY CHARTER AMENDMENTS N 1, 2, 3, 4 AND 5 WERE PRESENTED TO THE VOTERS AS PROPOSITION N PURSUANT TO THE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA.

PROPOSED COUNTY CHARTER AMENDMENT O 1

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 4 of Article IV thereof, which provides as follows:

Subject to the provisions of this Charter it shall be the duty of the Board of Supervisors, by ordinance adopted to provide for the manner of appointment, for the term of office, and for the amount of compensation and the manner and times of payment of such compensation of all officers whose compensation is not provided for in this Charter.

PROPOSED COUNTY CHARTER AMENDMENT O 2

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 4a of Article IV thereof, which provides as follows:

Prior to the fixing of the compensation of any county officer, the Board of Supervisors shall request the Grand Jury through its Foreman to investigate and report upon the needs of all county offices, including increase or decrease in salaries, the abolition or creation of offices and the equipment for or the method or system of performing the duties of the several offices, copy of such report to be transmitted to each member of the Board of Supervisors.

PROPOSED COUNTY CHARTER AMENDMENT O 3

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 5 of Article IV thereof, which provides as follows:

Subject to the provisions of this Charter it shall be the duty of the Board of Supervisors, by ordinance adopted from time to time to provide for and limit the amount of mileage, transportation and the traveling expenses of the several County Officers, Assistants, Clerks, Attaches and other persons to be employed, provided, however, that the compensation provided in this Charter for each Supervisor and for the County Physician and Health Officer shall be in full for all services, mileage, transportation and expenses within the County of Tehama.

PROPOSED COUNTY CHARTER AMENDMENTS O 1, 2, AND 3 WERE PRESENTED TO THE VOTERS AS PROPOSITION O PURSUANT

TO THE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA.

PROPOSED COUNTY CHARTER AMENDMENT P

That the Charter of the County of Tehama be amended by repealing and deleting Section 4 of Article IX thereof, which provides as follows: Repeal

No attorney, agent, stockholder, or employee of any person, firm, association, or corporation doing business under or by virtue of any franchise granted by or contract made with the County, shall, nor shall any person doing such business, nor shall any person financially interested in such franchise or contract, be eligible to or hold any appointive County office.

PROPOSED COUNTY CHARTER AMENDMENT Q 1

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 6 of Article IV thereof, which provides as follows: Repeal

It shall be the duty of the Board of Supervisors to remove from office any County or Township Officer, or any Assistant, Deputy, Clerk, Attache or employee who shall upon complaint made by any person in writing, and after written notice to such Officer, Assistant, Deputy, Clerk, Attaches or employees in such manner and form as may be directed by such Board of Supervisors and upon hearing of such charges by such Board of Supervisors be found by such Board of Supervisors to have used or taken for his personal gain, use, benefit, pleasure or enjoyment any County Equipment, Supplies, Property or other thing of value, including Automobiles, Petroleum Products and other supplies purchased by or charged to the said County of Tehama, or which may have been after such use or taking charged to said County or paid by said County, anything to the contrary in this Charter notwithstanding.

PROPOSED COUNTY CHARTER AMENDMENT Q 2

That the Charter of the County of Tehama be amended by repealing and deleting Section 3 of Article IX thereof, which provides as follows: Repeal

All elective officers and appointive officers shall be subject to recall as provided by law.

PROPOSED COUNTY CHARTER AMENDMENTS Q 1 AND 2 WERE PRESENTED TO THE VOTERS AS PROPOSITION Q PURSUANT TO THE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA.

PROPOSED COUNTY CHARTER AMENDMENT R 1

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 7 of Article IV thereof, which provides as follows:

The Board of Supervisors shall meet on each Monday at 10 o'clock in the morning at the Court House of the County of Tehama.

PROPOSED COUNTY CHARTER AMENDMENT R 2

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting Section 1 of Article IX thereof, which provides as follows:

For the purpose of estimating time not less than eight hours actual service shall constitute a days work for the County in any capacity, but the time going to and from place of work shall not be included.

PROPOSED COUNTY CHARTER AMENDMENTS R 1 AND 2 WERE PRESENTED TO THE VOTERS AS PROPOSITION R PURSUANT TO THE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA.

PROPOSED COUNTY CHARTER AMENDMENT S 1

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting Section 2 of Article VI thereof, which provides as follows:

Every such officer, other than the Auditor, shall monthly, within five days after the expiration of each calendar month, make and file with the Auditor a report for such month, showing in detail all accessions to property, of or pertaining to his office during such month, and how and from whom acquired, and also showing in detail what property of or pertaining to his office has, during such month, been lost, destroyed, consumed, or otherwise disposed of, and the Auditor within the same time, shall make and file a like monthly report as to his office with the Clerk of the Board of Supervisors.

PROPOSED COUNTY CHARTER AMENDMENT S 2

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting Section 3 of Article VI thereof, which provides as follows:

Every such officer, other than the Auditor, shall monthly within five days after the expiration of each calendar month, make and file with the Auditor an account for such month, showing in detail all moneys received by him as such officer, from any and all sources, during such month, and also, in detail, the amounts of all moneys, if any, that shall during such month have become due or payable to such officer upon

any and all accounts, but not received or collected by such officer, and also showing in detail all expenditures, payment or other disposition of any and all moneys made by him during such month; and the Auditor, within the same time, shall make and file a like monthly account as to his office with the Clerk of the Board of Supervisors.

PROPOSED COUNTY CHARTER AMENDMENT S 3

That the Charter of the County of Tehama be amended by repealing and deleting Section 4 of Article VI thereof, which provides as follows: Repeal

It shall be the duty of the Auditor to examine and audit each and all of such reports and accounts as received by him and if it shall appear to him that any such report or account is erroneous, or not sufficiently full, complete or detailed he shall forthwith, in writing, direct the attention of the officer making such report or account to such apparent error or insufficiency, and require from such officer such correction of such new or supplemental or further report or account as to the Auditor shall seem proper; and it shall be the duty of such officer to comply forthwith with such requirements of the Auditor.

PROPOSED COUNTY CHARTER AMENDMENT S 4

That the Charter of the County of Tehama be amended by repealing and deleting Section 7 of Article VI thereof which provides as follows: Repeal

It shall be the duty of the Auditor to make a written report, quarterly, to the Board of Supervisors, as to the condition, affairs, business and accounts of each and all County, Township and District Officers, with such criticism, commendation, suggestions and recommendations as he shall deem proper as tending to the corrections of defects or abuse, or the promotion of efficiency or economy in the administration of all or any of such offices; and it shall be his duty in such report to point out particularly any known or apparent misconduct, neglect or failure in regard to official duty as to all or any such offices. It shall be the duty of the Auditor to make special examination and report as to any particular office or officer, or as to any matter relating to any particular office or officer, whenever directed so to do by the Board of Supervisors.

PROPOSED COUNTY CHARTER AMENDMENT S 5

That the Charter of the County of Tehama be amended by repealing and deleting Section 8 of Article VI thereof, which provides as follows: Repeal

It shall be the duty of the Board of Supervisors to employ from time to time, and at least once every twelve months, an expert accountant, whose duty shall be to make thorough examination and report as to the condition, business and af-

fairs of the Auditor's office, and particularly as to the books and accounts of that office; and the Board may, whenever it shall deem it necessary or expedient so to do, employ an expert accountant to make examination and report as to any other officer, independent of and in addition to any report or account made, or required to be made, by the Auditor.

PROPOSED COUNTY CHARTER AMENDMENT S 6

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting Section 9 of Article VI, thereof, which provides as follows:

The Auditor shall keep a "Property account" with each County, Township and Road District officer in which account such officer shall be charged with all property received by him from his predecessor, as shown by the inventory and report hereinbefore provided for, and shall be charged with all property thereafter received by such officer, as shall appear from the monthly reports of such officer or from the duplicate inventories filed with the Auditor; and such officer shall be officially responsible for all property so charged to him until the same shall properly be consumed or be delivered to his successor, or be disposed of or accounted for as authorized or provided for by the Board of Supervisors.

PROPOSED COUNTY CHARTER AMENDMENT S 7

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting Section 10 of Article VI thereof, which provides as follows:

All reports and accounts hereinafter provided for in this Charter shall be kept on file in the proper office and shall be open to inspection there during office hours by any citizen or taxpayer of the County.

PROPOSED COUNTY CHARTER AMENDMENTS S 1, 2, 3, 4, 5, 6, AND 7 WERE PRESENTED TO THE VOTERS AS PROPOSITION S PURSUANT TO THE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA.

PROPOSED COUNTY CHARTER AMENDMENT T

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting Section 9 of Article IX thereof, which provides as follows:

That names of all persons receiving money from the County and the purposes for which, and the amounts thereof must be entered in the minutes of the Board of Supervisors each month.

PROPOSED COUNTY CHARTER AMENDMENT U 1

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 3 of Article VIII thereof, which provides as follows:

The County Road Engineer shall:

(a) Have all the powers and perform all the duties of the County Surveyor, and Road Commissioner prescribed by law or the provisions of this Charter.

(b) Make all surveys, maps, plans, specifications and estimates necessary or required for the construction improvement, maintenance and repair of the County highways and bridges subject to the approval by the Board of Supervisors.

(c) Examine and inspect the work performed on such roads, highways and bridges and report to the Board of Supervisors as to whether or not the work has been done in accordance with the plans and specifications and contracts therefor.

(d) Approve and certify to the progress, estimates and allowances for work performed under all contracts for the construction improvement and maintenance or repairs of County roads, highways and bridges.

(e) Inspect or cause to be inspected, all County roads, highways, and bridges within the county, and, under the general direction of the Board of Supervisors, keep such roads, highways and bridges clear of obstructions and in good repair; employ all men, teams trucks, and all help necessary therefor, when the same is not let by contract and report to the Board of Supervisors with respect to such inspection and such work from time to time as required by said Board of Supervisors, certify to the correctness of all payrolls for work done by day labor or force accounts on County roads, highways and bridges.

(f) Have control and management under the general supervision of the Board of Supervisors of all County rock quarries, oil pits, depots, gravel pits and other materials, property, implements, instruments, tools, machinery and other appurtenances necessary for the construction, improvement maintenance and repair of County roads, highways and bridges and for the plans therefor.

(g) Devote his entire time to the performance of his duties to the exclusion of all other business occupations. He shall not be either directly or indirectly interested in any contracts or work, nor shall he be so interested in the purchase of supplies, tools, or materials of any kind used in the carrying out of any of his duties under this Charter.

(h) Act as County Purchasing Agent, when and if the Board of Supervisors shall pass an ordinance creating that office, his duties to be prescribed by such ordinance.

(i) Prepare annually a proper budget showing in detail the needs of the County for constructions, improvement, maintenance or repair of County roads, highways and bridges for the ensuing year as provided by Section 13, Article II of this Charter.

(j) Make a written report to the Board of Supervisors on the first of each month in which he shall state the amount and character of work done during the preceding month, the progress of any contract under way, approximate cost of the work, and matters of interest pertaining to same.

(k) The Board of Supervisors shall appoint and employ such district foreman and assistants and laborers as may be needed and fix their compensation. Appointments shall be made only upon the recommendation of the Road Engineer.

(*l*) Make requisition upon the Board of Supervisors for the purchase of all tools, implements, machinery, materials and supplies required to carry out the provisions of this article and said requisition shall state plainly the estimated cost of the article or articles to be purchased

(m) Approve all proper claims for the purchase of tools, implements, machinery, materials and supplies required to carry out the provisions of this article before such claims are audited and passed; and no claim against the County for work done on its roads, highways, streets, bridges or in connection with the same, or for materials, supplies, implements or machinery used for or in connection therewith, shall be passed by the Board of Supervisors or paid for by the treasurer of the County unless they shall have endorsed thereon the written approval of the Road Engineer and the Auditor.

PROPOSED COUNTY CHARTER AMENDMENT U 2

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 4 of Article VIII thereof, which provides as follows:

The work of building, maintaining, or keeping in repair of any or all roads, highways and bridges may be let on contract by the Road Engineer subject to approval by the Board of Supervisors, and the county may furnish machinery and materials for the use of contractors, whose contracts call for labor only, whenever, in the judgment of the Road Engineer and Board of Supervisors, the best interests of the County may be served.

PROPOSED COUNTY CHARTER AMENDMENT U 3

Repeal

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 5 of Article VIII thereof, which provides as follows:

All contracts for construction, maintenance or repair of roads, highways or bridges, amounting to one thousand dollars or more must be let to the lowest bidder upon bids called for as provided by General Law and this Charter.

PROPOSED COUNTY CHARTER AMENDMENT U 4

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 6 of Article VIII thereof, which provides as follows: Repeal

Only a competent and experienced engineer who shall have had at least three years practical experience in road construction shall be eligible for appointment as County Road Engineer. He need not be an elector of the County but must reside therein during the term of his office. Such appointee must first have been recommended to the Board of Supervisors by a lay committee of five County taxpayers who shall be appointed in the following manner: two to be appointed by the Superior Judge; two by the Board of Supervisors and one to be selected by a majority of the four committeemen so named. All of such committeemen shall serve without compensation at the pleasure of the Board and shall inquire into the qualifications of all applicants, and who shall two weeks prior to the time announced for the appointment by the Board of Supervisors, certify one or more of the applicants to the Board of Supervisors.

PROPOSED COUNTY CHARTER AMENDMENT U 5

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 7 of Article VIII thereof, which provides as follows: Repeal

The Board of Supervisors shall provide for and assign to the Road Engineer a suitable office or offices in the Court House or some place conveniently located with preference thereto together with all office tools, implements and other equipment necessary for the performance of the duties herein prescribed.

PROPOSED COUNTY CHARTER AMENDMENT U 6

That the Charter of the County of Tehama be amended by repealing and deleting therefrom Section 8 of Article VIII thereof, which provides as follows: Repeal

When this article shall become effective it shall be the duty of the Road Engineer to prepare a plat on which shall be classified into three classes, all main County highways which shall be named; all secondary County roads, which shall be numbered, and all by-roads which shall be designated in a manner prescribed by the Board of Supervisors. He shall keep a record of all such roads and highways.

PROPOSED COUNTY CHARTER AMENDMENTS U 1, 2, 3, 4, 5 AND 6 WERE PRESENTED TO THE VOTERS AS PROPOSITION U PURSUANT TO THE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA.

PROPOSED COUNTY CHARTER AMENDMENT V

Renumbered sections

That the Charter of the County of Tehama be amended by renumbering certain of its provisions as follows:

Sections 8, 9, 15 and 17 of Article II to be Sections 3, 4, 5, and 6 respectively, of Article II; Sections 1, 5 and 6 of Article VI to be Sections 1, 2, and 3 respectively of Article V; Section 3 of Article VII to be Section 5 of Article III; Section 2 of Article VIII to be Section 6 of Article III; and Section 5 of Article IX to be Section 4 of Article IV.

STATE OF CALIFORNIA }
COUNTY OF TEHAMA } ss

We, the undersigned, Walter W. Dale, Chairman of the Board of Supervisors of the County of Tehama, State of California, and Floyd A. Hicks, County Clerk and ex-officio Clerk of the Board of Supervisors of said County of Tehama, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of Tehama, submitted to the electors of said County at the general state election held on the 8th day of November, 1960, have been compared by us, and each of us, with the proposed amendments set forth in the said Resolution adopted by said Board of Supervisors as hereinabove set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments of said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Tehama this 5th day of December, 1960.

WALTER W. DALE
(SEAL) Chairman of the Board of Supervisors of the County of Tehama, State of California.

FLOYD A. HICKS
County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California.

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the County of Tehama, as presented to, adopted and ratified by the electors of the

county, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as a part of, the charter of the County of Tehama.

CHAPTER 24

Senate Concurrent Resolution No. 11—Approving certain amendments to the charter of the City of Newport Beach, a municipal corporation in the County of Orange, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on April 12, 1960.

[Filed with Secretary of State January 25, 1961.]

City of Newport Beach Charter amendments

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of charter amendments, hereinafter set forth, to the charter of the City of Newport Beach, a municipal corporation, in the County of Orange, State of California, and set out in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF NEWPORT BEACH

State of California }
County of Orange } ss.
City of Newport Beach }

Certificate

We, the undersigned, James B. Stoddard, Mayor of the City of Newport Beach, and Margery Schrouder, City Clerk of said City, do hereby certify and declare as follows:

That the City of Newport Beach, a municipal corporation in the County of Orange, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population of more than 3,500 and less than 50,000 inhabitants.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of said city, being the legislative body thereof, on its own motion, submitted to the qualified electors of said city certain proposals for the amendment of the Charter of said city at a general municipal election duly and regularly called and held in said city on the 12th day of April, 1960, said charter amendments being herein designated as Newport Beach Charter Amendment Number One and Newport Beach Charter Amendment Number Two.

That on the 22nd day of February, 1960, said City Council caused said Newport Beach Charter Amendments to be duly

and regularly published and advertised in each and every edition of said 22nd day of February, 1960, in the Newport Harbor News Press, the official newspaper of said city, printed, published and circulated in sa d city.

That said general municipal election was duly and regularly held in said city on the date fixed by said Council, to wit, April 12, 1960, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed charter amendments, and the returns of said general municipal election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify each of said Newport Beach Charter Amendments, hereinafter specifically set forth.

That said amendments to the Charter of said city so ratified by the voters of said city are as follows, to wit:

NEWPORT BEACH CHARTER AMENDMENT NUMBER ONE

Section 1402 (a) was added to the Charter to read as follows:

"Section 1402 (a). Exception to Section 1402.

Conveyance authorized

Notwithstanding the provisions of Section 1402, the City Council may sell and convey that parcel of City-owned property fronting on the Rivo Alto Canal described as Lot 4, Block 434, Canal Section, Newport Beach, as per map recorded in Book 4, page 98, Miscellaneous Maps, Records of Orange County, California."

NEWPORT BEACH CHARTER AMENDMENT NUMBER TWO

Section 1402 (b) was added to the Charter to read as follows:

"Section 1402 (b). Exception to Section 1402.

Same

Notwithstanding the provisions of Section 1402, the City Council may sell and convey that parcel of City-owned property fronting on Newport Bay described as follows:

All of Lot 1, Block 223, as shown upon a map of Section 'A', Newport Beach, recorded in Book 4, page 21 of Miscellaneous Maps, Records of Orange County, California, and all that portion of Block 222 of said Section 'A' described as follows: Beginning at the most northerly corner of said Block 222; running thence south 46° 50' 30" East along the Northeasterly line of said Block 222 to the most northerly corner of Lot 1, Tract 814, as shown upon a map recorded in Book 24, page 36, Records of said County; running thence southwesterly along the Northwesterly line of said Lot 1, Tract 814, to a point in the Southwesterly line of said Block 222; thence Northwesterly along the Southwesterly line of said Block 222 to the most Westerly corner of said Block 222; thence Northeasterly along the Northwesterly line of said Block 222 to the point of beginning."

That we have compared the amendments as stated herein with the original proposals submitted to the electors of said city, and find and certify that both of said amendments are a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Newport Beach to be affixed hereto this 7th day of September, 1960.

(SEAL)

JAMES B STODDARD
Mayor of the City of
Newport Beach, California
MARGERY SCHROUDER
City Clerk of the City of
Newport Beach, California

and

WHEREAS, Said proposed charter amendments as ratified (being hereinabove set forth) have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendments to the charter of the City of Newport Beach as proposed to, and adopted and ratified by, the qualified electors of said City of Newport Beach be and the same hereby are approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the City of Newport Beach. Approval

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CHAPTER 25

Senate Concurrent Resolution No. 13—Relative to the naming of a portion of State Highway Route 212.

[Filed with Secretary of State January 25, 1961]

WHEREAS, A portion of State Highway Route 212 runs from Shoshone to the Nevada state border near Pahrump; and

WHEREAS, This highway serves as a needed connection between the States of California and Nevada and the importance of it will continue to increase in the future; and

WHEREAS, Senator Charles Brown has for many years worked unceasingly and successfully for the improvement of this highway; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That that portion of State Highway Route 212 from the junction of Route 127 at Shoshone east to

the Nevada state border near Pahrump be designated and named the "Charles Brown Highway"; and be it further

Resolved, That the Department of Public Works is requested to erect appropriate signs on this highway showing this official designation; and be it further

Resolved, That the Secretary of the Senate be directed to prepare and transmit copies of this resolution to the Department of Public Works.

CHAPTER 26

Assembly Concurrent Resolution No. 12—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State January 26, 1961.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That pursuant to Section 10201 of the Government Code, Ralph N. Kleps is selected Legislative Counsel of California.

CHAPTER 27

Assembly Concurrent Resolution No. 21—Approving a charter amendment to the charter of the City of Whittier, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of the city at the general municipal election held therein on the 12th day of April, 1960.

[Filed with Secretary of State January 26, 1961.]

City of Whittier. Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Whittier, a municipal corporation of the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF WHITTIER OF CERTAIN CHARTER AMENDMENTS. ELECTION HELD APRIL 12, 1960

State of California
County of Los Angeles
City of Whittier

Certificate

We, the undersigned, Roy C. Morris, Mayor and presiding officer of the City Council of the City of Whittier, and Guy N. Dixon, City Clerk of the City of Whittier, do hereby certify and declare as follows:

That the City of Whittier, a Municipal Corporation, in the County of Los Angeles, State of California, is now and at all times herein mentioned was a City containing a population greater than 30,000 inhabitants, and ever since the year 1954 has been, and now is, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 Article XI of the Constitution of the State of California, which charter was duly ratified and adopted by a majority of the qualified electors of the City of Whittier at a Municipal Election held for that purpose on April 13, 1954, and which Charter was approved and ratified by the Legislature of the State of California, and approved by the Legislature of the State of California on January 7, 1955.

That the City Council, which is the legislative body of the City of Whittier, on its own motion, and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California by its action taken at a regular meeting held on January 19, 1960, duly proposed to the qualified electors of the City of Whittier that certain amendment to the Charter of the City of Whittier designated as proposed Charter Amendment No. 4, amending Section 801.1 of Article VIII of the Charter of the City of Whittier, and ordered such charter amendment to be submitted to the qualified electors at the General Municipal Election to be held in the City of Whittier on April 12, 1960. That said proposed amendment was on February 26, 1960 published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, in the Whittier News, a daily newspaper, printed, published and circulated in the City of Whittier, and being the official newspaper of the City of Whittier. That said proposed amendment was duly and regularly printed in convenient pamphlet form and at and during the time and in the manner provided by law. That notice was published in said Whittier News that such copies of said proposed amendment could be had upon application therefor in the office of the City Clerk of the City of Whittier, and said proposed amendment so printed in pamphlet form was duly and regularly distributed as required by law. That the City Council did by Resolution No. 3207 order the holding of a general municipal election in said City of Whittier on April 12, 1960 for the purpose, among other things, of submitting to a vote the said proposed charter amendment, and which date of said election was not less than 40 days nor more than 60 days after the completion of the publication of said proposed charter amendment. That pursuant to said charter and resolution, the said proposed amendment was submitted to the qualified electors of said City for their ratification on April 12, 1960, and at said election a majority of the qualified voters voting thereon voted for the ratification of and did ratify the proposed amendment to the charter of the City of Whittier. That the total vote cast on said question of the adoption and ratification of said amendment was as follows:

Yes	No
2807	2028

That the City Council of the City of Whittier in accordance with the law met on the 19th day of April, 1960 at a regular meeting of said City Council and duly canvassed the returns of said election and thereupon duly found, determined and declared that the said proposed Amendment No. 4 amending Section 801.1 of Article VIII of the Charter of the City of Whittier, was ratified and adopted by a majority of the electors of the City of Whittier voting thereon;

That the said Amendment to the charter so ratified and adopted by the electors of the City of Whittier is in the following words and figures, to-wit:

PROPOSED CHARTER AMENDMENT NO. 4

Residence requirement

"Section 801.1—Every member of the Police and Fire Departments shall be required to reside and maintain his residence within the boundaries of the Whittier Judicial District as the same was defined and existed on January 1, 1956.

"Applicants for the beginning classification of Policeman and Fireman also shall be required to be residents of the said Whittier Judicial District provided, that the Personnel Board may waive the residential requirement as to such applicants whenever it believes such waiver is in the public interest, but in each instance it must declare in its proceedings the reason or reasons therefor.

"Every person appointed to a position in such Departments shall, within one year from the date of his probationary appointment, establish a bona fide residence within the boundaries of the said Whittier Judicial District, and shall thereafter maintain his residence in such District."

That the undersigned have compared the foregoing proposed Charter Amendment with the original proposal submitting the same to the electors of the City of Whittier, and the undersigned have found and determined that the foregoing is a full, true and correct copy thereof;

That as to the said Amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Whittier to be affixed hereto this 30th day of June, 1960.

ROY C. MORRIS
(SEAL) Mayor of the City of Whittier
GUY N. DIXON
City Clerk of the City of Whittier

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and

submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the charter of the City of Whittier, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of the City of Whittier. Approval

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CHAPTER 28

Assembly Concurrent Resolution No. 22—Relative to adding Rule 40.2 to the Joint Rules of the Senate and the Assembly to provide for the transfer of the duties and funds of the Joint Legislative Committee on Legislative Reference Library to the Joint Committee on Legislative Organization.

[Filed with Secretary of State January 30, 1961.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

First, that Rule 40.2 is added to the Joint Rules of the Senate and Assembly, to read:

40.2. In addition to the powers and duties otherwise vested in it, the Joint Committee on Legislative Organization shall succeed to, and is vested with, all the powers and duties of the Joint Legislative Committee on Legislative Reference Library, created by Assembly Concurrent Resolution No. 40 of the 1959 Regular Session. The Joint Committee on Legislative Organization shall appoint and authorize a subcommittee to assume the powers and duties vested in the committee by this paragraph.

Second, that the Joint Legislative Committee on Legislative Reference Library is abolished.

Third, that the powers, duties, functions, responsibilities, property, employees, and funds of the Joint Legislative Committee on Legislative Reference Library are transferred to the Joint Committee on Legislative Organization.

Fourth, that in addition to the funds made available to the committee by the preceding paragraph, the unexpended balances of the money made available to the Assembly Rules Committee by House Resolution No. 20 of the 1959 Regular Session and to the Senate Rules Committee by Senate Resolution No. 19 of the 1959 Regular Session for payment of expenses of establishing and equipping the Capitol Legislative Library are hereby made available from the Contingent Fund of the Senate and Assembly for the expenses of the committee

and its members and for any charges, expenses or claims it may incur under Joint Rule 40.2, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 29

Assembly Concurrent Resolution No. 23—Approving amendments to the charter of the County of Sacramento, State of California, ratified by the qualified electors of the county at a special election held therein on the seventh day of June, 1960.

[Filed with Secretary of State January 30, 1961.]

County of Sacramento: Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the charter of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and the clerk of the board of supervisors of the county, as follows:

CERTIFICATE OF FACTS

Certificate

Whereas, the County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the 1st day of July, 1933, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 27th day of April, 1933, and subsequently approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 11th day of May, 1933; and

Whereas, the Board of Supervisors of said County, pursuant to the provisions of Section 7½ of Article XI of said Constitution, did by Resolution adopted the 11th day of April, 1960, duly propose to the qualified electors of said County of Sacramento amendments to the Charter of said County, designated as proposed County Charter Amendments A, B, C, D, E and F, and ordered that said proposed amendments be submitted to the said qualified electors of said County at a special election to be held on the 7th day of June, 1960; and

Whereas, said amendments so proposed were published ten times on the following dates, to-wit: April 17, 18, 19, 20, 21, 22, 24, 25, 26 and 27, inclusive, in The Sacramento Union, a daily newspaper of general circulation in said County, printed, published and circulated in said County of Sacramento; and

Whereas, said Board of Supervisors of said County did, by Ordinance designated as Ordinance No. 698, which was duly adopted on the 11th day of April, 1960, order the holding of a special county election on the 7th day of June, 1960 which said Ordinance was published for five times in The Sacramento Bee, a daily newspaper, printed, published and circulated in said County, on the following dates, to-wit: April 16, 17, 18, 19, 20, 1960; and

Whereas, said special election was held in said County of Sacramento on the 7th day of June, 1960, which said day was not less than thirty days nor more than sixty days after said proposed amendments to said County Charter had been published for ten times in The Sacramento Union; and

Whereas, the Board of Supervisors of said County of Sacramento did, in the manner provided by law, duly and regularly canvass the returns of said election, and did duly declare the result of said special election, as determined from the canvass of the returns thereof; and

Whereas, at said special election held on the 7th day of June, 1960, said proposed County Charter Amendments B, C and F were ratified by a majority of the electors of said County voting thereon, and at said special election said proposed Charter Amendments A, D and E were refused ratification; and

Whereas, said Charter Amendments B, C and F so ratified by the electors of said County of Sacramento, are now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and are and shall, if so approved by said Legislature, be in the words and figures as follows:

PROPOSED COUNTY CHARTER AMENDMENT B

That the Charter of the County of Sacramento be amended by amending Subsection 1 of Section 45A of Article IX of the Charter relating to the Civil Service Commission, by increasing the membership thereof from three to five members, to read as follows:

Civil Service Commission

There shall be a Civil Service Commission consisting of five (5) electors of the County, to serve for five years, each of whom shall have been a resident of the County for five years next preceding his appointment, and his name shall be upon the Assessment Roll of the County at the time thereof.

Term

The terms of office of the incumbent members of the Commission shall not be effected, but the terms of office of the two additional members appointed to the Commission shall be fixed by the Board of Supervisors in the following manner: One shall serve to June 30, 1961, and the other shall serve to June 30, 1962.

Vacancies

Any vacancy in the office of Commissioner shall be filled by the Board of Supervisors for the unexpired term. Each Commissioner shall serve until his successor is appointed and qualified. No commissioner shall hold any other salaried County office.

Removal of Commissioners

The Board of Supervisors, by a four-fifths vote of all of the members, may remove a Commissioner during his term of office, but only upon stating in writing the reasons for such removal, and allowing him an opportunity to be publicly heard in his own defense The Commission shall elect one of its members President.

PROPOSED COUNTY CHARTER AMENDMENT C

That the Charter of the County of Sacramento be amended by amending Section 33 of Article VIII of said Charter relating to removal of appointive officers, to read as follows:

Suspension of appointive officers

Every appointive officer appointed by the Board of Supervisors, except the County Executive, may be suspended or removed by the Board of Supervisors in accordance with Section 45A of the Charter, and the rules and regulations of the Civil Service Commission. Every appointive officer appointed by the County Executive may be suspended or removed by him in accordance with the provisions of Section 45A of the County Charter and the rules and regulations of the Civil Service Commission, except that any action instituted for the suspension or removal of such officer must be confirmed by the Board of Supervisors.

PROPOSED COUNTY CHARTER AMENDMENT F

That the Charter of the County of Sacramento be amended by amending Section 8 of Article IV of said Charter relating to the change of supervisorial districts by deleting therefrom the reference to the year 1940 and the requirement that at least two of said districts shall comprise areas outside the City of Sacramento, to read as follows:

Supervisor District. Change of boundaries

The Board of Supervisors may by a four-fifths vote change the boundaries of any Supervisor District in the manner provided by law.

They shall redistrict said County into five Supervisor Districts after each Federal census

Failure of the Board of Supervisors to redistrict the County in the manner provided by law, and by this Charter, within two years after each Federal census shall constitute misconduct in office.

That as to said Amendments to the Charter of the County of Sacramento, State of California, this Certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

State of California }
County of Sacramento } ss.

We, the undersigned, Fred A. Barbaria, Chairman of the Board of Supervisors of the County of Sacramento, State of California, and Betty L. George, Clerk of the Board of Supervisors of said County of Sacramento, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of Sacramento, submitted to the electors of said County at a special election held on the 7th day of June, 1960, have been compared by us, and each of us, with the proposed amendments set forth in the said Resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento, this 28th day of December, 1960.

FRED A. BARBARIA
(SEAL) Chairman of the Board of Supervisors of Sacramento County, California

Attest: BETTY L. GEORGE
Clerk of the Board of Supervisors of the County of Sacramento, State of California

State of California }
County of Sacramento } ss

I, Betty L. George, Clerk of the Board of Supervisors of the County of Sacramento, in and for the said County and State aforesaid, hereby certify that I have compared the foregoing copy with the original on file and of record in my office, and that the same is a full, true and correct copy of such original with the endorsements thereon, and of the whole thereof.

Attest my hand and the seal of said Board of Supervisors this Dec 28 1960

BETTY L. GEORGE
Clerk of the Board of Supervisors

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the County of Sacra-

mento, as presented to and adopted and ratified by the electors of the county, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as a part of, the charter of the County of Sacramento.

CHAPTER 30

Senate Concurrent Resolution No. 15—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a general election held therein on the eighth day of November, 1960.

[Filed with Secretary of State February 2, 1961.]

City and County of San Francisco: Charter amendments

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931. and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county six (6) amendments to said charter; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said six (6) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a general election to

be held in the City and County of San Francisco on the eighth day of November, 1960, the said six (6) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said general election was held in said City and County of San Francisco on the eighth day of November, 1960, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "San Francisco Chronicle," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the thirtieth day of November, 1960, duly certify to the board of supervisors the results of said general election as determined from the canvass of the returns thereof; and

WHEREAS, At said general election so held on the eighth day of November, 1960, two (2) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions C and F, and four (4) other charter amendments submitted at said general election, to wit, charter amendments designated as Propositions B, D, E, and G received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

PROPOSITION C

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Sections 9 and 25 thereof, relating to the preservation of local government in the event of a disaster by providing for the succession to the office of mayor and vesting in the board of supervisors those powers conferred by the general law of the state pertaining to the preservation of local government.

The board of supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 8, 1960, a proposal to amend the charter of said city and county by amending Sections 9 and 25 thereof, so that the same shall read as follows:

Powers Vested in Board of Supervisors

Exercise of powers

Section 9. The powers of the city and county, except the powers reserved to the people or delegated to other officials, boards or commissions by this charter, shall be vested in the board of supervisors and shall be exercised as provided in this charter. The board of supervisors shall, ex officio, be the board of equalization for the city and county. The supervisors shall determine the maximum number of each class of employment in each of the various departments and offices of the city and county and shall fix rates and schedules of compensation therefor in the manner provided in this charter. On the recommendation of the mayor and the chief administrative officer, the board of supervisors may create or abolish departments which are now or may hereafter be placed under the chief administrative officer or under commissions appointed by the mayor.

The board of supervisors may, by ordinance, confer on any officer, board or commission such other and additional powers as the board may deem advisable.

The board of supervisors, by ordinance, may provide medical care, hospitalization compensation and such other benefits as the board may deem necessary for regularly authorized volunteer civilian defense workers suffering injury arising out of and in the course of their activities as such civilian defense workers.

Disaster

To provide for the continuance or restoration of local government in the event of a disaster which renders unavailable a majority of its members, the board of supervisors shall have those powers that are conferred by the general law of the State of California pertaining to the preservation of local government, notwithstanding anything to the contrary contained in this charter.

Powers and Duties of Elective Officers

The Mayor

Mayor

Section 25. The mayor shall be the chief executive officer of the city and county upon whom process issued by authority of law shall be served. He shall be an elective officer and his compensation shall be fixed in accordance with the salary standardization provisions of this charter. He shall furnish an official bond in the sum of twenty-five thousand dollars ($25,000). He shall appoint, and at his pleasure may remove, an executive secretary and one confidential secretary, and one stenographer The board of supervisors may annually appropriate additional sums to be expended by the mayor for purposes and duties incidental to the administration of the office of mayor, which shall be subject to the provisions of this charter relative to appropriations and the payment of claims. He shall, at the first meeting of the board of supervisors in

October of each year, communicate by message to the supervisors a general statement of the condition of the affairs of the city and county, and recommend the adoption of such measures as he may deem expedient and proper.

Duties

The mayor shall be responsible for the enforcement of all laws relating to the municipality and for the review and submission of the annual executive budget; he shall supervise the administration of all departments under boards and commissions appointed by him; he shall receive and examine, without delay, all complaints relating to the administration of the affairs of the city and county, and immediately inform the complainant of findings and actions thereon; and he shall coordinate and enforce co-operation between all departments of the city and county. The mayor shall have power to postpone final action on any franchise that may be passed by the supervisors until such proposed franchise shall have been voted on at the next election.

The mayor shall appoint such members of boards or commissions and other officers as provided by this charter. He shall appoint for the unexpired term of the office vacated, a qualified person to fill any vacancy occurring in any elective office.

The mayor shall have a seat but no vote in the board of supervisors and in any board or commission appointed by him, with the right to report on or discuss any matter before such board or commission concerning the departments or affairs in his charge. He shall have power to designate a member of the board of supervisors to act as mayor in his absence Should he fail, neglect or refuse so to do, the supervisors shall elect one of their number to act as mayor during his absence. When a vacancy occurs in the office of mayor, it shall be filled for the unexpired portion of the term by the supervisors. In case of a disaster which causes the mayor to be absent or unavailable and the supervisors for any reason whatsoever are unable to elect one of their number to act as mayor or to fill any vacancy that might occur in the office of mayor, the following persons shall act as mayor in the order of succession hereinafter designated: (1) president of the board of supervisors, (2) chairman of the finance committee of the board of supervisors, (3) senior member of the board of supervisors, who is that member having the greatest number of years of service as a member of the board, and in the event that one or more members have equal seniority then by alphabetical order of surname among such members, and (4) chief administrative officer. Said person so designated shall act as mayor during such period of absence or unavailability of the mayor until such time as the supervisors can take appropriate action either to elect an acting mayor or to fill the vacancy as the case may be. Every person who has served as mayor of the city and county, so long as he remains a resident thereof, shall have a seat in the board of supervisors and may participate in its debates, but shall not be entitled to a vote or to compensation.

In case of a public emergency involving or threatening the lives, property or welfare of the citizens, or the property of the city and county, the mayor shall have the power, and it shall be his duty, to summon, organize and direct the forces of any department in the city and county in any needed service; to summon, marshal, deputize or otherwise employ other persons, or to do whatever else he may deem necessary for the purpose of meeting the emergency. The mayor may make such studies and surveys as he may deem advisable in anticipation of any such emergency.

PROPOSITION F

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of the said city and county by amending section 42 thereof and adding sections 42.1, 42.2, 42.3 and 42.4, relating to the Recreation and Park Commission.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 8, 1960, a proposal to amend the Charter of said city and county by amending section 42 thereof and adding sections 42.1, 42.2, 42.3 and 42.4, so that the same shall read as follows:

Recreation and park commission

Section 42. The recreation and park commission shall have the complete and exclusive control, management and direction of the parks, playgrounds, recreation centers and all other recreation facilities, squares, avenues and grounds which are in the charge of the commission on the effective date hereof, or are thereafter placed in the charge of the commission, except as in this charter otherwise provided.

It shall also have power to construct new parks, playgrounds, recreation centers, recreation facilities, squares and grounds, and to erect and maintain buildings and structures on parks, playgrounds, squares, avenues and grounds, provided that all plans, specifications and estimates in connection therewith shall be prepared by the department of public works and be subject to approval by the recreation and park commission.

All contracts or orders for the work to be performed under such plans and specifications shall be awarded and executed by the director of public works with the approval of the recreation and park commission and shall be administered by the director of public works.

It shall be the duty of the recreation and park commission to make provision for the funds required for the operation and continuance of the duties herein assigned to the department of public works.

The persons performing the functions and duties transferred from the recreation and park department to the department of public works shall be transferred therewith, and such employees shall retain in the department of public works the

same salary and civil service seniority status as they had in the recreation and park department.

Commission policy

Section 42.1. It shall be the policy of the commission to promote and foster a program providing for organized public recreation of the highest standard.

The commission, through the general manager, shall utilize the property under its control and organize the personnel under its direction, to the end that all functions of the department be performed with the greatest possible efficiency.

The San Francisco Unified School District shall supervise and direct recreational activities in facilities under its jurisdiction, and the commission in the school district shall have the power to supervise and direct other adjacent recreation and park facilities either jointly or severally by agreement.

Leases

Section 42.2. Except as provided in section 42.3, the commission shall not lease any part of the lands under its control nor permit the building or maintenance or use of any structure on any park, square, avenue or ground, except for recreation purposes, and each letting or permit shall be subject to approval of the board of supervisors by ordinance. The commission may lease to the highest responsible bidder for a term of not to exceed fifty years and upon such other terms and conditions as it may determine, subsurface space under any public park or square and the right and privilege to conduct and operate therein a public automobile parking station, provided that the said construction, when completed, and the operation will not be, in any material respect or degree, detrimental to the original purpose for which said park or square was dedicated or in contravention of the conditions of any grant under which said park or square might have been received. The revenues derived from any such lease shall be credited to the recreation and park department fund.

Same

Section 42.3. The recreation and park commission shall have the power to lease or rent any stadium or recreation field under its jurisdiction for athletic contests, exhibitions and other special events and may permit the lessee to charge an admission fee.

Tax levy

Section 42.4. The amount of money to be provided by tax levy for recreation and park purposes shall not be less than the total of the amounts now or hereafter provided for parks and squares and for playgrounds under the provisions of section 78 of this charter.

State of California }
City and County of } ss
San Francisco }

Certificate

This is to certify that we, Charles A. Ertola, President of the Board of Supervisors of the City and County of San Francisco, and Robert J. Dolan, Clerk of the Board of Supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which

were submitted to the electors of said city and county at a general election held on Tuesday, the eighth day of November, One Thousand Nine Hundred and Sixty; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this fifth day of December, One Thousand Nine Hundred and Sixty.

CHARLES A. ERTOLA
(SEAL) President of the Board of Supervisors
of the City and County of San Francisco

ROBERT J. DOLAN
Clerk of the Board of Supervisors
of the City and County of San Francisco
Approved as to form:
DION R. HOLM
City Attorney

Approval

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the City and County of San Francisco.

CHAPTER 31

Senate Concurrent Resolution No. 12—Relative to the establishment of a medical school in Fresno.

[Filed with Secretary of State February 2, 1961.]

WHEREAS, The City of Fresno is located approximately at the geographical center of California; and

WHEREAS, This region is experiencing a tremendous growth in population which promises to continue into the future; and

WHEREAS, There is a vital need for the establishment of a new medical school in this area to meet the requirements for physicians in the great central valleys; and

WHEREAS, A new county hospital has been opened at Fresno providing 626 beds and the most modern facilities available for caring for patients, and an additional 500 beds are provided by other private nonprofit hospitals in the city; and

WHEREAS, The establishment of a medical school in Fresno would benefit not only the surrounding area but the entire State; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature respectfully request the Board of Regents of the University of California to conduct an investigation of the feasibility, desirability and practicability of establishing a medical school in the Fresno area; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Board of Regents of the University of California.

CHAPTER 32

Senate Concurrent Resolution No. 14—Relating to the Porterville Centennial Year 1961.

[Filed with Secretary of State February 2, 1961.]

WHEREAS, This year of 1961 is Centennial Year in Porterville, Tulare County, officially so designated by the Honorable William R. Rodgers, Mayor of Porterville, in a proclamation calling upon the citizens of Porterville to "enter into the spirit of the centennial through thought and deeds befitting a century gone by," and urging that "men of stout heart and great courage adorn their countenances with works of tonsorial splendor" and "our fair ladies style their coiffeurs and their dress in a manner befitting the memory of those women who stood beside their men in the beginning days of Porterville's century"; and

WHEREAS, The growth of Porterville has been closely linked with the development of transportation in the San Joaquin Valley, the city having had its beginning late in the year of 1861 when the pioneer, Royal Porter Putnam passing over the old Emigrant Trail, blazed by Captain Charles Frémont and his men, paused at a place not far from the Tule River and there in the rich overflow lands of the river built a general store and hotel, around which grew up a lively settlement, increasing with the years until the first building stood at what is now Main and Oak Streets in the center of the thriving community of Porterville, so named for its first builder; and

WHEREAS, Porterville became an important station on the famous Butterfield overland stagecoach line, and received an even greater growth with the arrival of the railroad on May 10, 1888, just 19 years to the day after the driving of the Golden Spike at Promontory Point, Utah completing the first transcontinental railroad; and

WHEREAS, On May 7, 1902 this settlement became the incorporated City of Porterville, with Wilco Mentz its first

Mayor and Dr. O. C. Higgins, Fred Ackerman, A. A. Abey and John N. Larson the other four members of the City Council, continuing under this form of government until January 21, 1927 when Porterville was granted its city charter by the State of California; and

WHEREAS, The modern City of Porterville stands proudly at the crossroads of major highways of the State, and as the headquarters city for the Sequoia National Forest, stands also at the gateway to the magnificent Sequoia vacationland of the Sierra Nevada extending a friendly hospitality to the thousands who annually traverse these highways; and

WHEREAS, The City of Porterville is the second oldest and third largest city in Tulare County, in the center of one of this nation's most highly diversified agricultural areas, and famed as the world's citrus center and greatest shipper of navel oranges in the world; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California hereby extends congratulations to the City of Porterville, to the members of its City Council, William R. Rodgers, Mayor, Arthur K. Hodgson, Aubrey M. Lumley, Jr., Lester J. Hamilton and Kenneth Billingsley upon the occasion of Porterville's centennial observance and upon the splendid growth of the city during its first one hundred years, and expresses the good wish that the city may continue to thrive as it has in the past under the slogan "Porterville People Prosper"; and be it further

Resolved, That the Secretary of the Senate prepare suitably engraved copies of this resolution and transmit them to the City of Porterville, to its mayor and each member of the city council, and to the Porterville Chamber of Commerce.

CHAPTER 33

Assembly Concurrent Resolution No. 24—Relative to "Fight Narcotics Year."

[Filed with Secretary of State February 6, 1961.]

WHEREAS, The commission appointed by the Governor to study narcotics problems has recommended that 1961 be designated "Fight Narcotics Year," and the Governor, in his address to the Legislature on January 3, 1961, urged that the Legislature, by resolution, take such action; and

WHEREAS, Such action is highly appropriate in this year in which so many of our citizens feel that the time has come for concerted, unrelenting efforts to gain control over the menace of narcotics; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature designates the year 1961 as "Fight Narcotics Year."

CHAPTER 34

Assembly Concurrent Resolution No. 29—Relative to the death of Dr. Thomas Dooley.

[Filed with Secretary of State February 6, 1961.]

WHEREAS, The Members of the Legislature have learned with deep regret of the death of world-famed Dr. Thomas Dooley on January 18, 1961; and

WHEREAS, Dr. Dooley was born in St. Louis on January 17, 1927; and

WHEREAS, Following a year of premedical training at the University of Notre Dame, he served for two years as a Navy medical corpsman; and

WHEREAS, After that period of service, he studied for a year at the Sorbonne in Paris, and was graduated from the St. Louis University School of Medicine in 1953; and

WHEREAS, At the end of the war in Indochina, Dr. Dooley's ship was assigned to aid in the evacuation of refugees from North Viet Nam, and it was then that Dr. Dooley, touched by the plight of the refugees, decided to return after his discharge from the Navy to help such people; and

WHEREAS, His tireless efforts and self-sacrifice in this worthy cause have won him the respect and admiration of people of all nations; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby pay tribute to the memory of one of the country's finest citizens, Dr. Thomas Dooley, and express their sincere and heartfelt sympathy to his bereaved family and friends; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send a suitably prepared copy of this resolution to Dr. Dooley's mother, Mrs. Agnes Dooley.

CHAPTER 35

Assembly Concurrent Resolution No. 30—Relative to congratulating the Citizens' Advisory Commission on Education.

[Filed with Secretary of State February 6, 1961.]

WHEREAS, The Citizens' Advisory Commission on Education to the Joint Interim Committee on Education was authorized by the Legislature to examine the complete public education system of the State; and

WHEREAS, During the two years of this complex and monumental undertaking the commission and its subcommittees held over 50 public hearings, involving over 5,000 pages of testimony from more than 250 witnesses representing a cross section of thinking and experience in education from every part of the State; and

WHEREAS, The final report of the commission dated November 1, 1960, and transmitted to the Joint Interim Committee on Education, is composed essentially of suggestions calling for a number of positive steps to be taken within the structure of education in California, and that portion of the report entitled "The Objectives, Duties and Responsibilities of the California Public Schools" is particularly valuable for the consideration and future guidance of the people of the State; and

WHEREAS, The statement of "The Objectives, Duties and Responsibilities of the California Public Schools" is as follows:

"The California Public School System should provide the opportunity for every individual to become educated to the maximum of his ability. Human liberty is best guaranteed through representative government and democratic processes. Only an enlightened people can wisely exercise liberty and pursue happiness.

"The strength of our culture depends upon individuals who are competent to fulfill the essential occupations. It is an important function of the schools to develop the competence necessary to carry on the jobs of society—the jobs in the work world, in the cultural world, in the physical world, in engineering, in merchandising, in medicine, in law, in teaching and in all the other various areas.

"The primary objective of the public schools should be the fullest development within the capability of every individual to think and act effectively through the mastery, by each student, to the extent of his ability, of the skills, knowledge, thought and appreciation which embody the major achievements of civilization. They are mainly language, literature, art and music, history, geography, government, mathematics and natural science. The school, in cooperation with the family, church, community and other educative agencies seeks to develop individuals who think and act according to the highest ethical standards.

"We regard a competitive spirit, within a framework of mutual respect, cooperation and regard for the rights of others, as an integral part of our social structure; one which is just as desirable in the classroom as on the athletic field. The school should foster in each student the desire to excel or at least to do his best. Examinations, grading and reports are essential so that each student may know his own powers and limitations.

"Although 'life adjustment, social adaptations' and similar purposes are desirable they are not primary goals. The school has neither the chief responsibility nor the means for dealing with all aspects of personal development. It cannot perform its primary function adequately if its efforts are widely scattered.

"A major responsibility of the school, and one which is shared with other institutions of our society, is to develop good citizens. A free society makes wise, moral and informed choices based on knowledge, ideals and individual courage.

Schools in a free society must develop knowledge and capacity for thought in the individual citizen which will enable him to make wise and moral decisions and act upon them effectively.

"There are many educational institutions in our society and the school is one of the most important. From the standpoint of the importance of the individual, the shaping of his character, his personality and his way of life, the family is the most important educational institution. For many families the church is the second most important educational institution. In the combination of these three institutions, and in the life of the community, are developed the values, the ideals and the basic interests which are of paramount importance in our culture. Here are developed the basic values, ideals and loyalties of the individual, to the family, to the church, to the State, to the Country and to all mankind. Also in these institutions is developed an appreciation of, and a belief in, our traditional values—values that have grown out of the great ethical traditions inherent in our way of life. The schools should definitely share in meeting these responsibilities, not by attempting to create a new social order, but by augmenting and implementing the teachings and the ideals of home and church.

"The school cannot serve as a substitute for the influences of the home, church and community, nor should it be expected to do so, but it can supplement and complement them in developing ideals, loyalties and character.

"The schools carry out many functions, such as vaccination and driver education, simply because students are organized in a body. The criteria for meeting these needs should be an analysis as to whether the function is necessary and proper and whether it can be more effectively and economically accomplished elsewhere."

and

WHEREAS, The Citizens' Advisory Commission on Education deserves the warm thanks and appreciation of all the citizens of the State for a difficult task performed with enthusiasm, energy, ability and a fine dedication to public duty; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Citizens' Advisory Commission on Education is congratulated for its diligence to the problem assigned to it and especially commended for that portion of its final report entitled "The Objectives, Duties and Responsibilities of the California Public Schools" which will serve as a guide post to administrators of education at all levels in the State; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Dr. William V. Lawlor, Chairman, Citizens Advisory Commission on Education, Mr. Fordyce Cowing, former chairman, and to the individual members of the commission.

CHAPTER 36

Senate Joint Resolution No. 1—Relating to the issuance of a commemorative postage stamp for Phoebe Apperson Hearst.

[Filed with Secretary of State February 7, 1961]

WHEREAS, Phoebe Apperson Hearst was a great American woman humanitarian and philanthropist who is noted as the cofounder of the Parent Teachers Association and the organizer of the Travelers Aid Society and as being instrumental in the restoring of Mount Vernon; and

WHEREAS, By her generosity and consciousness of the tremendous requirements of education today, Mrs. Hearst gave millions of dollars to education and has properly become known as the "greatest single benefactor" of the University of California; and

WHEREAS, It is only fitting and proper that recognition in the form of a commemorative postage stamp be given to Phoebe Apperson Hearst for her multitudinous projects and activities; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the Postmaster General of the United States to provide for the issuance of a commemorative postage stamp honoring Phoebe Apperson Hearst; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Postmaster General of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 37

Assembly Joint Resolution No. 5—Relative to recognition and development of the recreation potential in connection with federal channel control works in the Sacramento-San Joaquin Delta and along the Sacramento and San Joaquin Rivers.

[Filed with Secretary of State February 9, 1961.]

WHEREAS, The Corps of Engineers of the United States Army has constructed and has supervision over a vast amount of channel control works in the Sacramento-San Joaquin Delta and along the Sacramento and San Joaquin Rivers; and

WHEREAS, Under existing policy and laws, the Corps of Engineers has been unable to give recognition to the recreation potential in connection with such channel control works and this has been extremely detrimental to both the economy of the area involved and the general welfare of the people of

this State, inasmuch as this area is in great demand by recreation enthusiasts from various areas of the State; and

WHEREAS, It is felt that amendment of the applicable laws to provide for the recognition and development of the recreation potential in connection with the channel control works in question would be of great benefit to the people of this State and could be done without jeopardizing the operation of such works for the primary purposes for which they were constructed; and

WHEREAS, The federal flood control laws (commencing with the Flood Control Act of 1944 and continuing through the Flood Control Act of 1954, and still in effect) authorize the construction, maintenance, and operation of public park and recreational facilities in reservoir areas under the control of the Corps of Engineers; and

WHEREAS, The Fish and Wildlife Coordination Act requires, in connection with federal channel control works, that adequate provision, consistent with the primary purposes of the works, shall be made for their use for the conservation, maintenance, and management of wildlife resources; and

WHEREAS, Legislation such as requested by this resolution is consistent with, and a logical extension of, the existing federal legislation described above; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation amending the federal flood control laws to provide for the recognition and development of the recreation potential in connection with federal channel control works in the Sacramento-San Joaquin Delta and along the Sacramento and San Joaquin Rivers; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 38

Assembly Concurrent Resolution No. 35—Approving a charter amendment to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, ratified by the qualified electors of the city at an election held therein on the 12th day of April, 1960.

[Filed with Secretary of State February 14, 1961.]

City of Albany: Charter amendment

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Albany, a municipal corporation of the County of Alameda, State of California, as hereinafter set forth in

the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF ALBANY AT A MUNICIPAL ELECTION HELD ON THE 12TH DAY OF APRIL, ONE THOUSAND NINE HUNDRED AND SIXTY, OF AN AMENDMENT TO THE CHARTER OF THE CITY OF ALBANY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

State of California }
County of Alameda } ss.
City of Albany }

Certificate

We, Kathe S. Zahn, Mayor of the City of Albany, and Myrtle J. McLean, City Clerk of the City of Albany, do hereby certify as follows:

That said City of Albany, in the County of Alameda, State of California, is now and was at all times herein mentioned, a City containing more than 3,500 inhabitants and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Albany is now and was at all times herein mentioned, organized and existing under a Charter adopted under the provisions of Section 8, of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a Special Municipal Election held therein on the 26th day of March, 1927, and approved by the Legislature of the State of California, (statutes 1927, Chapter 53, Page 2312), and by Resolution of said Legislature filed with the Secretary of State of the State of California on the 19th day of April, 1927 (statutes 1927, Chapter 53, Page 2312); and

Pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, the Legislative Body of said City, namely, the City Council of the said City did, on its own motion and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, propose to the electors of said City of Albany a certain amendment to the Charter of the said City, and ordered that said Amendments be submitted to said electors of said City at a Regular Municipal Election to be held in said City on the 12th day of April, 1960; and

That said proposed amendments were, on the 17th and 24th days of February, 1960, duly published in the Albany Times, a newspaper of general circulation published in the City of Albany, and the official newspaper designated by said City Council for that purpose, and in each edition thereof; and

That said City Council did by resolution designated as Resolution No. 60-25, which was duly adopted on the 7th day of March, 1960, call for and give notice of a Regular Municipal Election in the City of Albany on the 12th day of April, 1960,

which date was more than forty (40) days and less than sixty (60) days after the completion of the publication of said proposed amendments to the Charter of the City of Albany, as aforesaid; and

That said Regular Municipal Election was held in the said City of Albany on the 12th day of April, 1960, which date was more than forty (40) days and less than sixty (60) days after said proposed amendments to said Charter had been published in said Albany Times, as aforesaid; and

That at said Regular Municipal Election held as aforesaid, on the said 12th day of April, 1960, a majority of the voters voted in favor of the proposed amendment, as hereinafter set forth, to the Charter of the City of Albany and duly ratified the same; and

That the Council of the City of Albany after duly canvassing the returns of said Regular Municipal Election at the time and in the manner and form prescribed by law, duly found, determined, declared, and certified that a majority of the qualified voters voting thereon.

That the results of said election were duly and regularly canvassed and certified to and it was duly found and determined and declared by the proper officers of said City that a majority of the qualified electors of said City voting thereon had voted for and ratified said proposed amendment to the Charter of the City of Albany, which amendment is in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 3

To add Section 8A to the Charter of the City of Albany to read as follows:

Nepotism

Section 8A. Appointment of Officers, Employees, Members of Boards and Commissions—Limitations. No person who shall be the wife, husband, father, mother, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, grandson, granddaughter, brother, or sister of a member of the City Council shall be eligible for appointment to any office job, board, or commission which shall be appointive by the Council of the City of Albany.

The foregoing is a full, true and correct copy of said amendment to the Charter of the City of Albany, ratified by the electors of said City, as aforesaid, on file in the Office of the City Clerk of said City of Albany.

In witness whereof, Kathe S. Zahn, Mayor, as aforesaid, and Myrtle J. McLean, City Clerk, as aforesaid, have hereunto

set their hands and caused the corporate seal of the City of Albany to be duly affixed on this 22 day of August, 1960.

KATHE S. ZAHN
Mayor of the City of Albany
MYRTLE J. McLEAN
City Clerk of the City of Albany

Prepared and approved by:
ROBERT J. FOLEY
City Attorney, City of Albany

(SEAL)

A true copy
MYRTLE J. McLEAN
City Clerk of the City of Albany, California

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the charter of the City of Albany, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of the City of Albany.

CHAPTER 39

Assembly Joint Resolution No. 7—Relative to federal study of California fishing problems.

[Filed with Secretary of State February 14, 1961.]

WHEREAS, The federal government is closing an ever-increasing area of most productive fishing waters for security reasons and for training and practice areas for the armed forces which is creating a serious problem as to the use of California fishing waters; and.

WHEREAS, California fishing is becoming more and more involved in interstate and international problems both as to California fisheries and as to other areas fished by California fishermen; and,

WHEREAS, The solution to these problems and provision for the proper utilization and conservation of the fish resources can be achieved only through co-operative joint action by the

federal authorities having jurisdiction and the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, jointly, That the Congress of the United States, the Secretary of the Interior and the Secretary of Defense are requested to study these problems and join with the appropriate California authorities in attempting to bring about their solution; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, the Secretary of Defense and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 40

Senate Joint Resolution No. 3—Relating to pear decline.

[Filed with Secretary of State February 15, 1961.]

WHEREAS, A disorder of pear trees called pear decline disease has, since first reported in California in May of 1959, destroyed or seriously affected over 110,000 pear trees; and

WHEREAS, This disease during 1959 and 1960 swept rampant, particularly through pear groves in El Dorado, Placer, Sacramento and Solano Counties; is a serious problem in Santa Clara, Lake and Yuba Counties, and has been reported from all major pear-producing areas in the State; and

WHEREAS, Apparently all commercial varieties of pear trees are affected by the disease; and

WHEREAS, Research to date has so far failed to determine the cause of the disease; and

WHEREAS, Unless action is taken immediately, the State's pear industry, producing an approximate average annual crop valued at 26 million dollars, will be in serious jeopardy; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is memorialized to take such steps as may be necessary to make immediately available sufficient funds to conduct a comprehensive basic research program on the pear decline disease; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 41

Assembly Concurrent Resolution No. 33—Relative to merit awards to state employees.

[Filed with Secretary of State February 16, 1961.]

WHEREAS, Section 13926 of the Government Code provides awards may be made to state employees in excess of one hundred fifty dollars ($150) when such awards are approved by concurrent resolution of the Legislature; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to D L. Lamb, Department of Employment, for a suggestion that results in annual savings of two thousand four hundred sixty dollars ($2,460) by proposing a change in the format of the voluntary plan audit report; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Robert E. Scott, Department of Justice, for a suggestion that effects annual savings of five thousand three hundred sixty-four dollars ($5,364) by recommending the assignment of code numbers to pawnshops and notifying the local police agencies so that the pawnshop code number is included on the pawn reports. This eliminates the requirement for a modus operandi analyst to look up the pawnshop information from the code and then having to include this information in all correspondence or teletypes; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to George D. Opel, Department of Agriculture, for a suggestion that saves four thousand seven hundred forty-five dollars ($4,745) annually for recommending a change in the type of nurse rig and a reorganization of the spray operation of the Mexican Fruit Fly Control Project; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Katheryne Beadles, Department of Employment, for a suggestion that effects annual savings of two thousand thirty-one dollars ($2,031) through the elimination of the strict chronological arrangement of miscellaneous material in the employer files folder; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to W. P. Campana, Public Utilities Commission, for a suggestion that effects annual savings of two thousand five hundred dollars ($2,500) for suggesting that "for-hire" carriers stencil permanent permit on each vehicle instead of reissuing annual decals for each vehicle of the "for-hire" carriers, and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Edward R. Koch, Department of Employment, for a proposal for standardizing the handling of continued claims interviews with unemployment insurance claimants. The annual savings are three thousand one hundred seventy-two dollars ($3,172); and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Martin H. Theilen, Department of

Corrections, for a suggestion resulting in a one-time saving of three thousand four hundred six dollars ($3,406) by recommending the use of lever tumbler locks for honor inmate rooms instead of pin tumbler locks; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to David May, Department of Corrections, for recommending the installation of open shelf files at five (5) correctional institutions and devising a system whereby the security of such files could be maintained. The one-time savings equal seven thousand seventy-one dollars ($7,071); and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ralph A. Jones, Department of Fish and Game, for a suggestion that effects annual savings of eight thousand one hundred sixty-nine dollars ($8,169) by recommending the use of pellet feeding for fish in the hatchery rearing ponds; and

WHEREAS, An award of one hundred fifty dollars ($150), divided equally, has been made to Violet Smithson and Dana L. Seale, Franchise Tax Board, for a suggestion that effects annual savings of two thousand four hundred thirty-four dollars ($2,434) by recommending a revised procedure for handling corporation franchise and income tax delinquency control and the issuance of arbitrary assessments; and

WHEREAS, An award of one hundred fifty dollars ($150), divided equally, has already been made to Dawn Patten and Owen Acuff, Board of Equalization, for a suggestion that effects annual savings of five thousand one hundred fifty-five dollars ($5,155) for proposing the elimination of Form S-136, field representative report, and a revised procedure in handling Form S-401, sales tax return form; and

WHEREAS, An award of one hundred dollars ($100) has already been made to James T. McWilliam, Division of Highways, for a suggestion that resulted in annual savings of sixteen thousand dollars ($16,000) by designing a drafting projector which was built by himself; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Luther F. Vines, San Francisco Port Authority, for a suggestion that effects annual savings of eight thousand five hundred dollars ($8,500) by recommending the use of an electronic sounding device to be used in ascertaining the depths of the waterfront in San Francisco instead of the lead line method; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Monica R. O'Brien, Department of Fish and Game, for a suggestion that effects annual savings of three thousand eight hundred seven dollars ($3,807) by recommending a reduction in the quantity of three publications issued by the Fish and Game Commission; and

WHEREAS, An award of one hundred fifty dollars ($150), divided equally, has already been made to Kathleen M. Rogers and E. Patricia Doyle, Department of Finance, for a sugges-

tion that results in annual savings of twenty-five thousand five hundred two dollars ($25,502) for recommending the purchase of certain paper products under a master contract. The savings result from decreased prices for the same amount of paper material, savings in freight and handling charges as well as effecting a reduction of considerable proportions in the storage or warehouse space previously required to handle these products; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Lucille B. Kenealy, Department of Motor Vehicles, for a suggestion that results in annual savings of two thousand five hundred sixty-one dollars ($2,561) by recommending the use of "no fee" application for chauffeur's change of class instead of chauffeur's receipt for change of class; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Fred M. Dumas, Department of Professional and Vocational Standards, for a suggestion that effects annual savings of three thousand eight hundred eighty dollars ($3,880) through a revised procedure for addressing and mailing directories of the various boards comprising this department; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Lillian Henry, Department of Employment, for a suggestion that effects annual savings of six thousand one hundred ninety-seven dollars ($6,197) by recommending the elimination of determinations on separations if enough weeks have been worked to clear the disqualification of an unemployment insurance applicant; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Harold Jordan, Department of Finance, for a suggestion that results in annual savings of three thousand four hundred dollars ($3,400) by recommending alterations on the "J" rollers of rotary presses to slow down the surface travel. This eliminated an apparent defect in the manufacturer's engineering theory which caused skidding, grinding and sloughing of roller surface into the printing plate surface areas; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to James Lem, Division of Highways, for a suggestion that results in annual savings of five thousand five hundred fifty dollars ($5,550) for proposing the use of a double exposure process on Cronaflex direct positive film for contract plans; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Howard C. Horn, Department of Employment, for a suggestion that results in annual savings of four thousand six hundred thirty-three dollars ($4,633) by suggesting a single chronological numbering series for all cases in all of the area referee offices; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to George Ostoja, Department of Employ-

ment, for a suggestion that results in annual savings of five thousand two hundred dollars ($5,200) by suggesting the use of only half of Form DE 344, wage record card, to record an individual wage item. This enables the wage record card to be used twice in alternate quarters and results in a reduction of fifty percent (50%) of the card volume which is now over five million (5,000,000) cards per quarter; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Harold B. Wolters, Department of Agriculture, for a proposal that effects annual savings of two thousand six hundred fifty-five dollars ($2,655) by recommending that market reports be prepared and distributed from Salinas for the market reports issued by Salinas and Santa Maria offices. This eliminates one office preparing these reports; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to the Estate of Sidney L. Williams, Board of Equalization, for a suggestion that resulted in annual savings of thirty-five thousand dollars ($35,000) by proposing that the thirty-five percent (35%) markup allowance for dealers selling newspapers and/or periodicals as a sideline be reduced to twenty-five percent (25%) in conformity with other markups; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Frederick Tillmannshofer, Department of Employment, for a suggestion that effects annual savings of one thousand nine hundred seventy-four dollars ($1,974) by recommending the elimination of the local offices sending telegrams as required in the Auditing Sections Procedures Manual; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made, divided equally, to Ikuko Dorothy Yoshida and Fred T. Fujimoto, Division of Highways, for a suggestion that effects annual savings of two thousand two hundred fifty-five dollars ($2,255) for a revised procedure for the preparation of retaining wall plans; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Marie V. Carroll, Department of Motor Vehicles, for a suggestion that results in annual savings of seven thousand dollars ($7,000) for recommending that fees for misuse of reports of sale, dealer investigation and violations 246 and 247 be transmitted direct to the accounting section as miscellaneous items; and

WHEREAS, As a result of these savings it is unnecessary to appropriate additional funds; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the following awards having been approved by the Board of Control, are hereby authorized to the employees named:

D. L. Lamb, ninety-six dollars ($96);

Robert E. Scott, one hundred eighteen dollars ($118);

George D. Opel, three hundred twenty-four dollars ($324);

Katheryne Beadles, fifty-three dollars ($53);

W. P. Campana, one hundred dollars ($100);
Edward R. Koch, one hundred fifty dollars ($150);
Martin H. Theilen, thirty dollars ($30);
David May, two hundred dollars ($200);
Ralph A. Jones, six hundred sixty-six dollars ($666);
Violet Smithson, forty-four dollars ($44);
Dana L. Seale, forty-four dollars ($44);
Dawn Patten, one hundred seventy-five dollars ($175);
Owen Acuff, one hundred seventy-five dollars ($175);
James T. McWilliam, seven hundred dollars ($700);
Luther F. Vines, seven hundred dollars ($700);
Monica R. O'Brien, two hundred thirty dollars ($230);
Kathleen M. Rogers, eight hundred eighty-one dollars ($881);
E. Patricia Doyle, eight hundred eighty-one dollars ($881);
Lucille B. Kenealy, one hundred dollars ($100);
Fred M. Dumas, two hundred thirty-eight dollars ($238);
Lillian Henry, four hundred sixty-nine dollars ($469);
Harold Jordan, one hundred sixty-five dollars ($165);
James Lem, four hundred five dollars ($405);
Howard C. Horn, three hundred thirteen dollars ($313);
George Ostoja, three hundred seventy dollars ($370);
Harold B. Wolters, one hundred fifteen dollars ($115);
Estate of Sidney L. Williams, one thousand six hundred dollars ($1,600);
Frederick Tillmannshofer, forty-seven dollars ($47);
Ikuko Dorothy Yoshida, thirty-seven dollars and fifty cents ($37.50);
Fred T. Fujimoto, thirty-seven dollars and fifty cents ($37.50);
Marie V. Carroll, two hundred dollars ($200); and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Board of Control and the State Controller.

CHAPTER 42

Assembly Concurrent Resolution No. 41—Approving amendments to the charter of the City of San Leandro, a municipal corporation in the County of Alameda, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 12th day of April, 1960.

[Filed with Secretary of State February 16, 1961.]

City of San Leandro Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the charter of the City of San Leandro, a municipal corporation of the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF SAN LEANDRO

State of California
County of Alameda } ss.
City of San Leandro

Certificate

We, the undersigned, Jack D. Maltester, Mayor of the City of San Leandro, State of California, and H. H. Burbank, City Clerk of said City do hereby certify and declare as follows:

That the City of San Leandro, is now and was at all times herein mentioned during the year 1960: (a) a City containing a population of more than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States of America; (b) a City organized, existing, and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 20th day of September, 1949, and approved by the Legislature of the State of California, by Concurrent Resolution filed with the Secretary of State on the 16th day of December, 1949. (Senate Concurrent Resolution No. 2)

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of San Leandro, being the legislative body thereof, by its Resolution No. 4215 C.M.S., entitled "RESOLUTION PROVIDING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION FOR THE ELECTION OF THREE MEMBERS OF THE CITY COUNCIL, TWO MEMBERS OF THE BOARD OF EDUCATION, PROPOSING FIVE AMENDMENTS TO THE CITY CHARTER, EACH ON THE MOTION OF THE CITY COUNCIL, SUBMITTING A MEASURE PROVIDING FOR REVENUE-BOND METHOD OF FINANCING, AND PROVIDING THAT NOTICE OF ELECTION BE GIVEN," duly and regularly submitted to the qualified electors of said City certain proposals to amend the Charter of said City and to be voted on by the qualified electors at the general municipal election called and held for that purpose (among others) in said City on the 12th day of April, 1960.

That two certain proposals were designated and entitled as follows:

"PROPOSITION No. I

Shall Section 400.1/2 be added to Article IV, and Sections 400, 400.2, 403, and 404 of said Article IV of the Charter of the City of San Leandro be amended so that the office of Councilman at large shall be abolished, and to provide for the election of the Mayor directly by the people for a four year term;—the text of which is set forth in Section 7 of Resolu-

tion No. 4215 C.M.S. adopted by the Council of said City of San Leandro on Monday, February 1, 1960, and now on file in the office of the City Clerk?''

''PROPOSITION No. IV

Shall Section 711 of Article VII of the San Leandro City Charter be amended to increase the Board of Library Trustees from five to seven;—the text of which is set forth in Section 7 of Resolution No. 4215 C.M.S. adopted by the Council of said City of San Leandro on Monday, February 1, 1960, and now on file in the office of the City Clerk?''

That said General Municipal Election was duly and regularly held on the 12th day of April, 1960, in said City after due notice given and published.

That pursuant to the aforesaid resolution of the City Council of the City of San Leandro, the proposed charter amendments were published and advertised.

That the City Council of the City of San Leandro, on the 19th day of April, 1960, at a meeting duly and regularly called and held at its usual place of meeting, duly received the votes cast at said election and canvassed the returns, as certified by the election boards, and duly ascertained, determined, and declared that each of the said proposed amendments to the Charter of the City of San Leandro, designated as Propositions No. I and No. IV, was ratified by a majority of the qualified electors of said City voting separately thereon.

That as to the proceedings taken relating to the amendments to the Charter of the City of San Leandro hereinafter set forth, the provisions of Section 8, Article XI, of the Constitution of the State of California and the laws of the State of California applicable thereto have been substantially complied with.

That this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said amendments to the Charter of the City of San Leandro so ratified by the electors of said City are in words and figures as follows, to wit:

That Article IV be amended by the amendment of Sections numbered 400, 400.2, 403, and 404, and the addition of Section 400.1/2. Said Sections to read as follows:

City Council and Mayor: Election

''Section 400: Number and Term. There shall be a City Council of seven members, to be composed of six Councilmen nominated from Districts and a Mayor nominated at large;—all to be elected by the qualified voters of the City at large.

Term

The Councilmen and the Mayor shall serve for terms of four years each and until their respective successors qualify.

Ties among any contenders for office shall be settled by lot.

All Councilmen in office upon the taking effect of this Charter Amendment, including the councilman at large, may hold their respective offices until their terms expire.''

"Section 400.1/2: The Mayor. The Mayor shall be elected from the City at large, and shall hold office for four years and until his successor is elected and qualified. He shall be a qualified elector of the City of San Leandro at the time of his election and shall have been a resident of the City or a territory annexed thereto for at least one year next preceding the date of his election or appointment. The first Mayor hereunder shall be elected at the general municipal election to be held in the City of San Leandro in 1962. Mayor: Qualifications

When a vacancy occurs in the office of Mayor, it shall be filled by appointment by the Council. Such person shall hold office until the next regular municipal election held in the City thereafter. The person appointed to fill such vacancy shall possess the qualifications prescribed for Mayor. Vacancies

The Mayor shall be recognized as the official head of the City for all ceremonial purposes, and by the courts for the purpose of serving civil processes. He shall be the presiding officer of the Council, shall preside at the meetings of the Council and shall sign the journal of the Council. He shall be included as a member of the Council at all meetings of the Council for the purpose of determining the presence of a quorum. He shall be entitled to a vote on all matters coming before the Council, but shall possess no veto power. The vote of the Mayor shall be counted as the vote of a member of the Council present at any meeting thereof for the purpose of determining the total number of votes of members of the Council cast for the passage of an ordinance or the final transaction of any business. He may use the title of Mayor in all cases; but the same shall not be construed as conferring upon him administrative or judicial functions or other powers or functions of a Mayor under the general laws of the State." Duties

"Section 400.2: The City shall be divided into six Councilmanic Districts, the boundary lines of which shall be fixed by ordinance of the City Council within ninety days after the taking effect of this amendment. The City shall in the year 1960, and every six years thereafter, re-district the City by ordinance into Districts, but in no event shall more than six Districts be established. In any re-districting, the Districts shall be composed of contiguous territory and made as equal as possible in registered voters as shown by the latest registration records and as geographically compact as possible. Boundaries of a District shall, so far as practicable, follow precinct boundaries as delineated by the Board of Supervisors of Alameda County. Councilmanic Districts

Candidates for the office of Mayor shall be nominated by a petition circulated in the City at large, and candidates from the Districts shall be nominated by a petition circulated in the respective Districts of the City in which they reside."

"Section 403: Vacancies. A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election City Council Vacancies

and until his successor is elected and qualified. At the next general municipal election following any vacancy, a Councilman shall be elected to serve for the remainder of any unexpired term. A councilman so appointed shall reside in the District from which the Councilman whose office is vacant was nominated.

If a member of the City Council absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or of a violation of Section 406 of this Charter, his office shall become vacant and shall be so declared by the City Council.

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy."

Mayor Pro Tempore

"Section 404: Mayor Pro Tempore. The City Council shall also designate one of its members as Mayor Pro Tempore who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability."

That Section 711 of Article VII be amended to read as follows:

Board of Library Trustees

"Section 711: Board of Library Trustees. There shall be a Board of Library Trustees consisting of seven (7) members to be appointed by the City Council from the qualified electors of the City, and no member of said Board shall hold any paid office or employment in the City Government. The members of the Library Board of Trustees in office when this amendment takes effect, shall continue in office until expiration of their respective terms and until their successors qualify. The vacancies on the Board of Library Trustees caused by the increase in number of the Library Board from five (5) to seven (7) shall be filled by appointment of the City Council. One such appointee shall serve until January 1, 1961, and the other appointee shall serve until January 1, 1962. Thereafter, appointments shall be made for terms of four (4) years each, or to complete an unexpired term."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of San Leandro with the original proposals submitting the same to the electors of said City and find that the foregoing are a full, true, and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the Seal of the City of San Leandro to be affixed hereto, this 25th day of January, 1961.

(SEAL)

JACK D. MALTESTER
Mayor of the City of
San Leandro
H. H. BURBANK
City Clerk of the City of
San Leandro

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the City of San Leandro, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of San Leandro.

CHAPTER 43

Assembly Concurrent Resolution No. 16—Relative to the encouragement of cities and counties to form public utility co-ordinating committees.

[Filed with Secretary of State February 20, 1961.]

WHEREAS, Continued growth of the population in California has made necessary the construction of new highways, the rerouting and widening of existing highways, and extensive redevelopment projects; and

WHEREAS, With this growth and development the need increases for co-ordination in the planning activities of local governmental agencies and public utilities whose facilities may be relocated to permit the construction; and

WHEREAS, The experience of cities and counties in California that have formed public utility co-ordinating committees demonstrate that such committees are beneficial to all parties concerned through the elimination of unnecessary relocation of public utility facilities occasioned by inadequate planning and co-ordination of activities; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the cities and counties of the

State of California are encouraged to and urged to form public utility co-ordinating committees composed of members of government, public utilities and other interested parties, to form a means for exchanging information as to proposed projects which might entail placement or replacement of utility facilities; and be it further

Resolved, That the cities and counties that have already established public utility co-ordinating committees are commended for their foresight and their efficient, imaginative, and feasible solution to one of the most vexing community problems.

CHAPTER 44

Assembly Joint Resolution No. 6—Relative to flood control practices and recreation on the Sacramento River.

[Filed with Secretary of State February 20, 1961.]

WHEREAS, Many of the channels and adjacent banks of the lower Sacramento River and the Delta are known for their beauty and therefore attract thousands of visitors who spend their leisure time in boating, hunting, fishing and other recreational activities; and

WHEREAS, Some of these channels and banks are leveed floodways of the Sacramento River Flood Control Project, a joint federal-state undertaking, and other such channels and banks have been leveed by private citizens or local reclamation districts to protect their low-lying lands against damaging floods; and

WHEREAS, In maintaining these leveed channels against the forces of current, wind, seepage and burrowing animals, efforts are made by maintaining agencies to promote growth of grasses and other low-growing vegetation and to eliminate trees and thick brush from levee sections, thus leaving relatively barren or even rubble-lined slopes instead of aesthetically attractive banks; and

WHEREAS, These maintenance practices are prescribed by federal law and regulations in the case of the Sacramento River Flood Control Project; and

WHEREAS, The Legislature desires to preserve and enhance the natural beauty of the channels and banks of the Delta wherever it can be done without endangering life and property through unsafe operation and maintenance of flood protective works, and recognizes that such preservation and enhancement will be increasingly important as the population of California grows and more of its citizens participate in water recreation; and

WHEREAS, The Chief of Engineers of the United States Army has recognized, in public statements, the importance of and need for recreational and wildlife habitat areas in the

Delta region and has expressed willingness to co-operate in co-ordinating the selection and development of such areas with flood control requirements governing the authorized Sacramento River Flood Control Projects; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby requests the Director of Natural Resources, in co-operation with the Director of Water Resources, the Director of Fish and Game, and the State Reclamation Board, to undertake a survey and to make a report following public hearings to identify those channel reaches and banks of the lower Sacramento River and Delta which might be preserved and developed as recreational and wildlife habitat areas, including boat anchorages, which areas could be so preserved and developed without in any way impairing the flood control functioning of any channel or levee of the authorized Sacramento River Flood Control Project or of any channel or levee constructed or maintained by private persons or political subdivisions of the State; provided, that such survey and report, in identifying areas which could be preserved and developed for recreational and wildlife habitat purposes except for flood control requirements, shall describe alternative methods and the costs thereof of meeting flood control needs while at the same time permitting recreational uses, such survey and report to be completed not later than October 31, 1961; and be it further

Resolved, That the Legislature of the State of California respectfully requests the Secretary of the Army, through the Corps of Engineers, to co-operate in the preparation of such survey and report insofar as concerns sound flood control practices on levee and channel systems; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Director of Natural Resources, the Director of Water Resources, the Director of Fish and Game, the State Reclamation Board, and the Secretary of the Army.

CHAPTER 45

Assembly Joint Resolution No. 8—Relative to pensions for veterans of World War I.

[Filed with Secretary of State February 20, 1961.]

WHEREAS, It has always been the national policy of the United States to honor the veterans of wars of the United States by granting them assistance in their declining years, by pensions, as a reward for their services in the armed forces in defense of their country; and

WHEREAS, All social agencies and the great majority of the people of the nation are now deeply concerned about the problems of the aged, approximately 16,000,000 men and women over the age of 65 years; and

WHEREAS, Of this number, approximately 2,000,000 are those who served in the armed forces of the United States during the first World War, and whose present condition, generally, is below that of the average, as a direct result of their having served this country in World War I; and

WHEREAS, Their present financial condition is due to the fact that this group of veterans did not have the rights, benefits, and advantages accorded to the veterans of the armed conflicts in which the United States has engaged subsequent to World War I, such as guaranteed job rights, vocational on-the-job training, salaried college education, optional $20 per week for 52 weeks, corporate retirement plans, unemployment insurance, guaranteed loans for the purchase of homes or farms, social security, and other like benefits; and

WHEREAS, There has been no general pension granted to veterans of World War I by the government of the United States; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is urged to enact legislation granting pensions, adequate to meet the cost of living, to the veterans of World War I, so that none who served honorably in that war shall be compelled to live his remaining years in a condition of near poverty; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send copies of this resolution to the President of the United States, the President pro Tempore of the Senate, the Speaker of the House of Representatives, and each member of the California delegation in the Congress of the United States.

CHAPTER 46

Assembly Concurrent Resolution No. 36—Relative to the report of the Joint Interim Committee on the Public Education System.

[Filed with Secretary of State February 22, 1961.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Printer is hereby directed to print for the use of the Members of the Legislature 5,000 additional copies of the report of the Joint Interim Committee on the Public Education System, created by A.C.R. No. 137, 1959 Res. Ch. 240, adopted June 19, 1959.

CHAPTER 47

Assembly Concurrent Resolution No. 50—Relative to the approval of that certain amendment to the charter of the City

of Alhambra ratified by the qualified electors of said city at a special municipal election held thereon, consolidated with the general municipal election, on the seventh day of June, 1960.

[Filed with Secretary of State February 24, 1961.]

City of Alhambra· Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of that certain amendment to the charter of the City of Alhambra, a municipal corporation of the County of Los Angeles, as hereinafter set forth in the certificate of the President of the City Commission and the City Clerk of the City of Alhambra, as follows; to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALHAMBRA OF THAT CERTAIN CHARTER AMENDMENT

State of California
County of Los Angeles } ss.
City of Alhambra

Certificate

We, the undersigned, Joseph S. Chambers, President of the Commission of the City of Alhambra, and William F. Longley, City Clerk and ex-officio Clerk of the Commission of said City, do hereby certify and declare as follows:

That the City of Alhambra, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population greater than 50,000 inhabitants, and ever since the year 1915 has been and now is organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 14th day of October, 1914, and approved and ratified by the Legislature of the State of California by Concurrent Resolution No. 14 thereof, introduced by Senator Newton W. Thompson on January 26, 1915, and approved by the Legislature of the State of California on January 28, 1915. (Statutes 1915, p. 1740).

That the City Commission of said City, being its legislative body, on its own motion, and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, by Resolution No. 20845, adopted on the 5th day of April, 1960, duly proposed to the qualified electors of the City of Alhambra that certain amendment to the Charter of said City designated as Proposed Charter Amendment No. 1, and ordered said Charter Amendment to be submitted to said qualified electors at the general municipal election to be held in said City on the 7th day of June, 1960; that said proposed amendment was, on April 19, 1960, published and advertised in accordance with Section 8 of Article XI of the Constitution

of the State of California, in the "Post-Advocate", being a daily newspaper of general circulation printed, published and circulated in said City, and being the official newspaper of said City.

That said proposed amendment was duly and regularly printed in convenient form and, at and during the time and in the manner provided by law, a notice was published in said Post-Advocate, that such copies of said proposed amendment could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendment so printed in convenient form was duly and regularly distributed in the manner provided by law.

That said City Commission did by Ordinances Nos. 2880 and 2881 order the holding of a General and Special Municipal Election in said City of Alhambra on June 7th, 1960, for the purpose, among other things, of submitting to a vote the said proposed charter amendment, and which date of said election was not less than forty days nor more than sixty days after the completion of the publication of the said proposed charter amendment, as aforesaid; and pursuant to said charter, resolution and ordinances, the said proposed amendment was submitted to the qualified electors of said City for their ratification on said June 7th, 1960, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify the proposed Amendment No. 1 to the Charter of said City.

That the City Commission of the City of Alhambra, in accordance with the law in such cases, made and provided, did meet on the 21st day of June, 1960, at an adjourned regular meeting of such Commission and duly canvassed the returns of said election and duly found, determined and declared that the said proposed Amendment No. 1 of the Charter of the City of Alhambra was ratified by a majority of the electors of said City voting thereon.

That the said amendment to the Charter so ratified by the electors of the City of Alhambra is in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT No. 1
(Changes Section 11, Article III; Section 85, Article XIV; and Section 104, Article XVII)

"ARTICLE III

Term of office Commission

Section 11. Members of the commission shall hold office for a term of four years from and after the first day of July following their election and until their successors are elected and qualified.

Auditor

The city auditor shall hold office for a term of four years from and after the first day of July following his election and until his successor is elected and qualified.

The city treasurer shall hold office for a term of four years from and after the first day of July following his election and until his successor is elected and qualified. City treasurer

The city attorney shall hold office for a term of four years from and after the first day of July following his election and until his successor is elected and qualified. City attorney

The election for the offices of commissioner of the second district, commissioner of the fifth district, and city attorney shall take place in the year 1961, and every fourth year thereafter.

The election for the offices of commissioner of the third district, commissioner of the fourth district, city auditor, and city treasurer shall take place in the year 1963, and every fourth year thereafter.

The election for the office of commissioner of the first district shall take place in the year 1965, and every fourth year thereafter."

"ARTICLE XIV

Section 85. The government of the schools in said district shall be vested in a Board of Education to consist of five members, to be elected from the district at large, as herein provided, who shall serve without compensation and who shall be elected by the qualified electors of the district at the general municipal election, and shall hold office for a term of four years from and after the first day of July following their elections, and until their successors are elected and qualified; provided, however, that the terms of office of the incumbents which terminate in the year 1962 or in the year 1964 shall be extended for one year and until their successors are elected and qualified." Board of Education

"ARTICLE XVII

Section 104. General municipal elections shall be held in said city on the Tuesday following the first Monday in June of each odd numbered year, commencing on the Tuesday following the first Monday in June, 1961, at which shall be elected the elective officers provided for by this charter, including members of the board of education, and all such officers shall take office on the first day of July next succeeding the day of their respective election at 12 o'clock noon." General elections

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendment to such charter are true.

That as to the said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the corporate Seal of the City of Alhambra to be affixed hereto this 21st day of June, 1960.

(SEAL)

JOSEPH S. CHAMBERS,
President of the Commission of the City of Alhambra
WILLIAM F. LONGLEY,
City Clerk and ex-officio Clerk of the Commission of the City of Alhambra

and

WHEREAS, The said proposed charter amendment as ratified as hereinbefore set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendment to the charter of the City of Alhambra as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration for and as amendment to and as part of the charter of the City of Alhambra.

CHAPTER 48

Assembly Concurrent Resolution No. 52—Commemorating the birthday of George Washington.

[Filed with Secretary of State February 24, 1961]

WHEREAS, Wednesday, February 22, 1961, marks the 229th anniversary of the birth of George Washington; and

WHEREAS, George Washington devoted his life and skills to uphold the ideals and goals that we today so widely cherish; and

WHEREAS, He renounced an offer of a crown to be king of the United States because of his deep devotion to the concept of freedom for all mankind, which earned him the classification of the Cincinnatus of the West; and

WHEREAS, Because of his devotion and outstanding ability he became the first President of the United States and the first President to be elected to a second term as President of the United States; and

WHEREAS, He gave the leadership to our nation in its gravest time of need and set the example of outstanding devotion to the principles for which our nation stands; and

WHEREAS, It is altogether fitting and proper that we commemorate and venerate the memory of our first President and

properly observe his birthday anniversary; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members today join with the millions of other citizens of the nation in honoring the memory of President George Washington, and in acknowledging our inestimable debt of gratitude to him on the 229th anniversary of his birth.

CHAPTER 49

Assembly Concurrent Resolution No. 49—Approving amendments to the charter of the City of Piedmont, a municipal corporation in the County of Alameda, State of California, ratified by the qualified electors of the city at a special charter amendment election held therein on the eighth day of November, 1960.

[Filed with Secretary of State February 24, 1961.]

City of Piedmont: Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the charter of the City of Piedmont, a municipal corporation of the County of Alameda, State of California, as hereinafter set forth in the certificate of the president of the city council and city clerk of the city, as follows:

State of California }
County of Alameda } ss
City of Piedmont }

Certificate

We, the undersigned, Harold R. Breakenridge, President of the Council of the City of Piedmont, State of California, and John D. Preston, City Clerk of said City, do hereby certify and declare as follows:

That the City of Piedmont is a Municipal Corporation in the County of Alameda, State of California, now is and at all times herein mentioned was, a city containing a population of more than thirty-five hundred (3500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and is now organized, existing and acting under a freeholder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose February 27, 1923, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 23rd day of March 1923. (Statutes 1923, Page 1564).

That in pursuance of Section Eight of Article Eleven of the Constitution of the State of California, on its own motion the Council of the City of Piedmont being the legislative body of said City, by and in pursuance of a certain Resolution passed by the City Council on the 7th day of September, 1960, duly submitted to the qualified electors of said City of Piedmont, certain proposals for the amendment of the Charter of said City, to be voted on by said qualified electors at a Special Charter Amendment Election Consolidated with the Statewide General Election held in said City on the 8th day of November, 1960, which said proposals were and are in the words and figures following, to-wit:

PROPOSITION C—CITY OF PIEDMONT CHARTER TECHNICAL AMENDMENT PROPOSALS.

Shall certain sections of the Charter of the City of Piedmont be amended in the manner and to the extent set forth as follows:

(All words to be deleted are in italic type, and all words to be added are underlined.)

Council-Election

Section 4. The Council. The legislative body of said City shall consist of five persons elected at large, which body shall be known as the Council.

The members of the Council shall be elected from the city at large by the qualified voters of said City at a General Municipal Election to be held therein, every even-numbered year as hereinafter provided. They shall hold office for the period of four years from and after the second Monday following *Thursday next succeeding* the day of their election and until their successors are elected and qualified; provided, however, that the members of the Board of Trustees who shall be in office at the time this Charter is approved by the Legislature shall retain the office to which each was elected and become and constitute the Council, and that two members of the Council shall be elected at the regular municipal election held as herein provided in 1924, and three members thereof at such election in 1926, and thereafter in similar rotation each even numbered year.

The members of the Council shall not receive any compensation, nor shall they be eligible to any other office or employment with the City, other than is in this Charter expressly provided.

No person shall be eligible to hold office as a member of the Council unless he shall have been a resident and elector of said City for at least two years next preceding the date of his election or appointment.

Same: Meetings

Section 5. Meetings. The Council shall meet at eight o'clock p.m. on the *first Thursday* second Monday following a General Municipal Election and canvass the returns thereof. The new members shall then be inducted into office, whereupon the Council, as thus newly constituted, shall choose one of their number to serve as President of the Council and to be ex officio Mayor. The Council shall also choose one of their number to serve as Vice President, and he shall act as Mayor pro tempore in case of the absence, sickness or other disability of the Mayor. The officials so chosen shall hold their respective offices subject to the pleasure of the Council. The regular meetings of the Council shall be held on the first and third *Thursday* Monday of each month at eight o'clock p.m. *but any regular meeting may be adjourned to a date certain, which adjourned meeting shall be a regular meeting for all purposes.* Any regular, adjourned regular, special or adjourned special meeting may be adjourned to a time and place specified in the order of adjournment. Less than a quorum may so adjourn at any time. If all members are absent from any regular or adjourned regular meeting, the City Clerk may declare the meeting adjourned to a stated time and place and shall cause notice thereof to be delivered to the Council and posted and advertised as may be required by law. When a regular or adjourned regular meeting is adjourned as provided in this section the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at 8 p.m. Special meetings may be called by the Mayor or three Councilmen at any time by written notice delivered personally to each member at least *three* twenty-four hours before the time specified for the meeting. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meeting. Notice of special meetings shall be as required by law.

All meetings of the Council shall be held in the City Hall unless by reason of fire, flood or other disaster the City Hall can not be used for that purpose, and all

Meetings of the Council shall be held in the City Hall unless the order of adjournment of the preceding meeting has specified a different place, or unless by reason of fire, flood, or other disaster the City Hall can not be used for that purpose. All meetings shall be open to the public. The Council shall adopt rules for conducting their proceedings.

Ordinances: Form

Section 7. Ordinances. All proposed ordinances introduced in the Council shall be in printed or typewritten form. The enacting clause of all ordinances passed by the Council shall read as follows: "The Council of the City of Piedmont *do* does ordain as follows: "The enacting clause of all ordinances initiated by the people shall read as follows: "The people of the City of Piedmont do ordain as follows:"

No ordinance shall be passed by the Council on the day of its introduction, nor within five days thereafter. A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. All ordinances shall be signed by the Mayor and attested by the City Clerk, and shall either be published at least once in a newspaper of general circulation or posted in accordance with a declaration by the Council before becoming effective; provided, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and passed at one and the same meeting, and if passed by a four-fifths vote, shall become effective immediately.

Officers and Employees

Section 8. Officers and Employees. The administrative officers of the City of Piedmont shall consist of five members of the Council, a Mayor, a City Administrator, a City Clerk, a City Auditor, a City Treasurer, a City Attorney, a City Assessor, a City Tax Collector, a City Engineer, a Street Superintendent, *a City Judge,* a Chief of Police, a Fire Chief, *a Health Officer* and five *Park and Playground Commissioners* Recreation Commissioners, *and five Library Trustees,* provided the Council may, by ordinance or resolution, provide for such other or subordinate officers, assistants, deputies, *and* employees and commissions as it may deem necessary. *The members of the Council shall be elected from the City at large and shall hold office for four years and until their successors are elected and qualified.* All *other* officers and employees, except as otherwise herein provided, shall be appointed by the Council and hold office during the pleasure of the Council. The City Administrator may hold the office of City Clerk. The City Clerk shall be ex officio assessor *and the City Engineer may hold the office of Superintendent of Streets.* The Council may by ordinance or resolution combine or consolidate any two or more offices, and require the duties of the same to be performed by one official.

City Administrator

Section 11-A. City Administrator. There shall be a City Administrator appointed by the City Council It shall be his duty to act as general administrative officer of the City and in so doing to assume responsibility for and exercise supervision and authority over the various municipal functions, property and personnel; to coordinate the functions of the various municipal departments and to act as liaison between such departments, and their personnel, and the City Council; to advise the City Council and its members on matters designed to promote the best interests of the City and the administration of its municipal services; to perform such other duties as may be from time to time delineated for or required of him by the City Council; provided however, that the power of internal administration over each department of the City now established or which may be hereafter created which has a department head responsible to the City Council charged with the duty and responsibility of administration thereof and responsible to the City Council shall remain with such department head.

City Engineer and Street Superintendent

Section 13. City Engineer and Street Superintendent. There shall be a City Engineer appointed by the Council. He may also hold the office of Street Superintendent if so appointed by the Council. *It shall not be necessary that he be a resident of the City at the time of his appointment.*

As The City Engineer *he* shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the City, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control for and on behalf of said City during his term of office, shall be the property of the City. He shall have supervision over all *public works relating to the grading, paving, cleaning, watering and repairing of streets, the building of sewers and the disposal of sewage garbage and rubbish, also all other* matters of an engineering character. He shall, at the time of his appointment, have been a practicing civil engineer for a period of at least three years.

The Street Superintendent shall supervise the paving, grading, cleaning and repair of all streets, the building of sewers and the disposal of sewage and storm waters. He shall perform such other duties as may be prescribed, now or hereafter, by ordinance or resolution or general laws of the State.

Section 17. (Provides for City Judge) Delete entire section.

Section 20. (Provides for City Health Officer) Delete entire section.

Section 23. (Provides for Public Library) Delete entire section.

Section 24. *Park and Playground Commission* Recreation Commission. There shall be a *park and playground* Recreation Commission consisting of five members, who shall be appointed by the Council and shall serve without compensation. They shall have such term of office, powers and duties as may be prescribed by resolution or ordinance of the Council.

Expert accountant

Section 25. Expert Accountant. The Council shall employ a certified public accountant, or certified public accountants annually to investigate the transactions and accounts of all officers or employees having the collection, custody or disbursement of public money or property, or the power to approve, allow or audit demands on the treasury.

Contract Work: Bids

Section 30. Contract Work. In the erection, *and* improvement and repair of all public buildings and works, in all street and sewer work, other than *renewals* maintenance or repairs, or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same including maintenance and repairs of streets and sewers when the expenditure required for the same shall exceed the sum *of One Thousand Dollars* specified at the time by Section 37902 of the Government Code of California the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation *published in Alameda County* within the City; provided, that the Council may reject any and all bids presented and may readvertise, in *their* its discretion, and

Provided further, that after rejecting bids the Council may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market,

and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

Provided further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council, may, by resolution passed by a vote of four-fifths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed to expend, or enter into a contract involving the expenditure of any sum required in such emergency.

Temporary Loans

Section 37-B. Temporary Loans. When funds shall be needed for the immediate requirements of the City in any fiscal year in accordance with appropriations made for such fiscal year, which payments may be made in advance of the receipt of income for such fiscal year, and when funds therefor can not be made available as hereinbefore in this section authorized, the City Council shall have power, by ordinance, to borrow funds on notes or other evidence of indebtedness on behalf of the City in aggregate amount not to exceed twenty-five (25) per centum of the estimated tax receipts for such current fiscal year. All such notes or other evidence of indebtedness shall be offered at public sale by the City Council after not less than two days of advertising, not less than three days after the last day on which such advertising is published. Each such sale shall be made to the bidder offering the lowest rate of interest or whose bid represents the lowest net cost to the City; provided, however, that the rate of interest to be paid shall not exceed the sum of six (6) per centum per annum. The repayment of any sum so borrowed from any person, firm or corporation pursuant to the authority of this section, shall constitute a first lien and charge against the taxes collected during the half of the fiscal year in which said money was borrowed and shall be repaid to the person, firm or corporation from the first moneys received from said taxes. All such notes issued for funds borrowed prior to December 31st in any fiscal year to be repaid not later than said December 31st, and all other such notes for other funds borrowed in any fiscal year shall be repaid not later than the 15th day of May of such fiscal year, the intention of this paragraph of this section being that the making of said loans shall be solely for the purpose of anticipating receipt of income. The City Council, in preparing

the budget estimate, shall include therein a separate amount sufficient to meet the interest to be paid on any funds borrowed under authority of this section. Nothing herein provided shall be construed to prevent the City from adopting any other procedure for temporary borrowing which may be authorized for cities of the sixth class by the Government Code of California.

Board of Education Vacancies

Section 38. Department of Education.

Article 4. A vacancy in the Board of Education from whatever cause arising shall be filled by appointment by the Board of Education, such appointee entitled to hold office until the *first Thursday* second Monday following the next general municipal election and until his successor is elected and qualified. At the next general municipal election following any vacancy, a member shall be elected to serve for the remaining period of any unexpired term.

In the event that three or more vacancies exist in said Board at one time, sufficient vacancies shall be filled by the County Superintendent of Schools to make a majority of such Board to act and fill the remaining vacancies. All such appointed members shall hold office for the same length of time as if appointed by said Board.

Pension plan

Section 47. Pension Plan for Police and Fire Departments of City of Piedmont

Article 9. Consideration of other pensions. In the event any retired member, widow, minor child or children or nominee are receiving payments from said Fund under the provisions of Articles 6 or 10 of this Section and are also receiving or are eligible to receive a payment or payments from any other public source pursuant to the provisions of any Federal and/or State Relief Pension Statute *or State Compensation Insurance Fund* except a military service pension or payment which accrues during credited service hereunder, said payment or payments so received shall be deducted from time to time from the amount payable under the provisions of Articles 6 or 10 of this Section; provided, however, the monthly payments received under the provisions of Article 6 or Article 10 of this Section, together with the payments from such other public source in the aggregate shall not exceed or be less than the sum said member, widow, minor child or children would normally be entitled to receive under the provisions of Articles 6 or 10 hereof.

Section 48. Civil Service System.

Civil Service System

Article 1. The City of Piedmont through its Council and its authorized officials is hereby granted all powers, not prohibited by the Constitution of the State, necessary and appropriate for the establishment, maintenance and regulation of a Civil Service System for the selection, tenure, promotion, suspension and removal of appointive officers and employees of the City. Within sixty (60) days from the time this Section 48 of the City Charter is approved by the Legislature, the City Council shall enact an ordinance adopting such Civil Service System, which said ordinance, amongst other provisions, shall contain appropriate provisions, not inconsistent with the following provisions of this Section, for the selection, employment, classification, advancement, suspension and discharge of appointive officers and employees, which said provisions may limit and restrict the provisions of Sections 21 and 22 of this Charter, except as hereinafter provided. Any suspension, demotion, reduction of pay, or discharge of, or any fine against, any officer or employee placed under such Civil Service System shall be for cause, and shall not be finally effective unless and until such officer or employee shall have been served with written charges, and he shall have full opportunity to be heard thereon at a public hearing. The wilful engagement by any person under said Civil Service System in any of the political activities prohibited by *Section 4 of Chapter 48, Statutes of California of 1935 (as said Section now exists)* Title 4 Division 5 Chapter 1 Article 2 of the Government Code of California shall be a sufficient ground to authorize the discharge of any such person.

Article 2. The said ordinance adopting such system shall contain provisions placing all appointive officers and employees of the City of Piedmont under such Civil Service System, except members of Boards and Commissions, the City Attorney, *the City Police Judge*, the City Treasurer, *the Chief Administrative Officer,* the City Administrator, if any, the City Auditor, the City Engineer, the City Tax Collector, the City Clerk, the Building Inspector, all part time employees of said City and all professionally educated persons and experts employed by contract by the City in their professional capacity, and shall provide that the Chief of the Police Department, the Chief of the Fire Department, the Superintendent of Streets, the Superintendent of Parks and the Superintendent of Recreation shall be subject to removal without cause, but shall be entitled, upon demand to be served with

written reasons for such removal and to be heard thereon at a public hearing. If, however, any of them shall be removed from the office for cause other than intemperance, dishonest or immoral conduct, conviction of a felony, or a misdemeanor involving moral turpitude, he shall revert to his former position under the Civil Service System, if any, without loss of any rights or privileges thereunder, and upon the same terms and conditions as if he had remained in said position continuously, and the City Council shall have the right to reduce one grade in rank members of the Department to which such former officer shall have returned. Additional appointive officers or employees (including those excepted from the Civil Service System by this Article) may, from time to time, by ordinance of the City Council, be placed under such Civil Service System. The City Council shall not have the authority to withdraw any appointive office or employment from the operation of such Civil Service System unless and until the withdrawal thereof shall have been submitted to the qualified electors of said City at a special or regular municipal election held in said City, and shall have been approved by not less than a majority vote of the electors voting on such proposition.

Maximum work hours. Firemen

Article 6. *Members of the Fire Department shall not work more than seventy-two (72)*—The basic work week for each member of the Fire Department shall be established by the City Council and shall not exceed sixty-seven and two-tenths (67.2) hours per week, except when public necessity requires services in excess *of seventy-two hours per week*—thereof. All members of the Fire Department are subject to duty, irrespective of the foregoing schedule, when public necessity requires such services, or because of sickness or unavoidable cause a shift is undermanned. Any member or members of the Fire Department— *serving more than seventy-two (72) hours per week*—required to perform in excess of the basic work week shall have added compensation or time off with pay for said extra services performed.

Article 8. The basic work week for each member of the Police Department shall be established by the City Council and shall not exceed *forty-eight (48)* forty (40) hours per week except when public necessity may require services in excess thereof. Any member or members of the Police Depart-

ment required to perform *overtime* in excess of the established basic work week shall have added compensation or time off with pay for said extra services performed.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Piedmont in "The Piedmonter", which was then and there a newspaper of general circulation within said City of Piedmont. and in all the editions thereof issued during the day of publication, there being no official newspaper printed and published within the said City of Piedmont.

That the Council of the City of Piedmont, a legislative body of said City, by its certain resolution passed on the 7th day of September, 1960, did order the holding of a Special Charter Amendment Election, consolidated with the Statewide General Election on the 8th day of November, 1960, and did provide in said resolution for the submission of the proposed amendments to the Charter, to the qualified electors of said City for their ratification at such election.

That said election was duly called and held on the 8th day of November 1960, and at said election a majority of qualified electors, voting thereon, voted in favor of and the ratification of, and did ratify the proposed amendments to the Charter of the City of Piedmont hereinbefore set forth.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined, and declared by the proper officers thereunto duly and properly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of and ratified the said proposed amendments to said Charter as hereinbefore set forth, and we and each of us further certify that we have compared the foregoing enclosed and ratified amendments to the Charter of the City of Piedmont with the original proposal, submitted to the electors of said City at the election held on the 8th day of November 1960, and find that the foregoing is a true, full, correct, and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Piedmont to be affixed hereto this 6th day of February 1961.

HAROLD R. BREAKENRIDGE
President of the City Council
and ex officio Mayor.

(SEAL)

JOHN D. PRESTON
City Clerk
Approved as to form:
J. MARCUS HARDIN
City Attorney

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented

and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the City of Piedmont, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Piedmont.

CHAPTER 50

Senate Joint Resolution No 10—Relative to imports of lumber and lumber products.

[Filed with Secretary of State February 24, 1961]

WHEREAS, The lumber products industry of the United States has in past years sought adequate protection from excessive imports of lumber and lumber products, particularly of plywood, from low-wage foreign countries; and

WHEREAS, Lumber production, employment and related business in the producing communities have been seriously curtailed and are threatened with further curtailment; and

WHEREAS, The lumber products industry in Northern California has particularly been hampered by foreign imports and is suffering from serious unemployment; and

WHEREAS, Definite relief for the lumber products industry from the serious effect of excessive importation of lumber and lumber products, particularly of plywood, at prices selling below our costs of production, is necessary in order to halt the progressive decline in lumber production in many areas; now, therefore, be it further

Resolved, by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide immediate relief under the terms of the escape or peril point clause of the Trade Agreements Act or by establishing import quotas or any other appropriate action to relieve the lumber products industry of the United States, and particularly that segment of the industry in Northern California, from the vast and ever increasing imported quantities of plywood and other lumber and lumber products flooding our domestic markets; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the President and Vice President of the United States, the Speaker of the House of

Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 51

Assembly Concurrent Resolution No. 20—Relative to making additional funds available to the Legislative Audit Committee.

[Filed with Secretary of State March 1, 1961]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available to it, the sum of fifty-five thousand dollars ($55,000) or so much thereof as may be necessary, is hereby appropriated from the Contingent Funds of the Senate and Assembly for the payment of any and all expenses of the Joint Legislative Audit Committee (created by Section 10501 of the Government Code) and its members and for any charges, expenses, or claims it may incur, to be paid equally from said contingent funds and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 52

Assembly Concurrent Resolution No. 37—Relative to Prado Dam Reservoir area.

[Filed with Secretary of State March 1, 1961]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Beaches and Parks of the Department of Natural Resources be requested to conduct a study of the feasibility, and a plan for the development of the Prado Dam Reservoir area in Riverside and San Bernardino Counties as a state park and to report thereon (including in such report the matters referred to in Section 5017 of the Public Resources Code) to the Legislature by not later than April 1, 1961; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the Director of Natural Resources and the Chief of the Division of Beaches and Parks

CHAPTER 53

Assembly Concurrent Resolution No. 42—Relative to Invest in America Week.

[Filed with Secretary of State March 1, 1961]

WHEREAS, The American people through their own efforts have produced an economic system which provides the highest standard of living in the world; and

WHEREAS, Economic growth such as that experienced throughout California is based on the investment of savings which in turn creates opportunities, jobs and higher wages for all; and

WHEREAS, An understanding of the inner relationship of savings and the growth of our economy is fundamental; and

WHEREAS, Invest in America observance provides all of us an opportunity to reaffirm our understanding that every citizen is an investor; and

WHEREAS, The Northern California Invest in America community program has received national recognition from the Freedoms Foundation at Valley Forge for its "outstanding achievement in bringing about a better understanding of the American Way of Life"; and

WHEREAS, The Invest in America program is supported and encouraged by every segment of our society including business, labor, religious, educational and governmental groups throughout California and the nation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of April 30th through May 6th be designated as Invest in America Week throughout the State of California, and all citizens be encouraged to join in reaffirming their faith in our American way of life.

CHAPTER 54

Assembly Concurrent Resolution No. 46—Approving a certain amendment to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of the city at a special municipal charter amendment election held therein on the eighth day of November, 1960.

[Filed with Secretary of State March 1, 1961.]

City of Santa Cruz. Charter amendment

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SANTA CRUZ OF A CERTAIN CHARTER AMENDMENT

State of California
County of Santa Cruz } ss:
City of Santa Cruz

Certificate

We, the undersigned, Harold E. Carriger, Mayor of the City of Santa Cruz, and A. J. Miller, City Clerk of the City of Santa Cruz, do hereby certify and declare as follows:

That the City of Santa Cruz, County of Santa Cruz, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1948 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 2nd day of March, 1948, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 27th day of March, 1948 (Statutes of 1948, page 312).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Santa Cruz, being the legislative body of said city, on its own motion, by its Ordinance No. NS-384, adopted on September 13, 1960, duly and regularly proposed and submitted to the qualified electors of said City a certain proposal for the amendment of the Charter of said City, to be voted on by said qualified electors at a special municipal charter amendment election, consolidated by said Ordinance No. NS-384 with the general election held in said City on November 8, 1960.

That said proposed amendment was published and advertised for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on the 18th day of September, 1960, in the Santa Cruz Sentinel, the official newspaper of said City of Santa Cruz, a newspaper of general circulation printed and published in said City of Santa Cruz, and in each edition thereof during said day of publication.

That said general election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 8th day of November, 1960, which day was not less that forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposed amendment in said Santa Cruz Sentinel.

That a majority of the qualified voters voting on said amendment voted in favor of the ratification of and did ratify said proposed amendment to said charter.

That the Council of said City of Santa Cruz on January 10, 1961, officially confirmed the canvass of all ballots cast at said general election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by resolution, duly find and declare that a majority of the qualified voters voting on said charter amendment, voted in favor thereof and that said charter amendment was ratified.

That said charter amendment so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election was to amend Sections 1604 and 1607 of Article XVI of the Charter of the City of Santa Cruz in the words and figures following, to wit:

High School Board

"Section 1604. High School Board. Election. Term. Members of the High School Board of Education shall be elected at the time, for the term and in the manner now or as may hereafter be provided by the Education Code of the State of California for the election of local governing boards.

"This amendment shall not affect the term of office of any member of the High School Board of Education holding office at the date it becomes effective."

School Boards: Meetings

"Section 1607. Meetings. Organization of School Boards. The High School Board and the Elementary School Board shall hold regular meetings at least once each month at such time and place as such respective Boards may determine; provided, that such meetings shall be at the office of the City Superintendent of Schools unless published notice is given to the contrary. At the first regular meeting in July of each year, each of the above boards shall meet and organize and choose one member for President and another for Vice President who shall serve for one year.

"Special meetings may be called by the President, Vice President, or three members of either of the above boards by giving written notice through the Clerk to all members at least twenty-four hours previous to such special meeting."

And we and each of us further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Santa Cruz with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Santa Cruz to be affixed hereto this 31st day of January, 1961.

HAROLD E. CARRIGER
(SEAL) Mayor of the City of Santa Cruz
A. J. MILLER
City Clerk of the City of Santa Cruz

and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the charter of the City of Santa Cruz, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as part of the charter of the City of Santa Cruz. Approval

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CHAPTER 55

Senate Concurrent Resolution No. 22—Relative to the death of Chester David Mathews.

[Filed with Secretary of State March 1, 1961.]

WHEREAS, The Legislature has learned that on January 7, 1961, a distinguished citizen of Lassen County, Chester David Mathews, was called to his final reward; and

WHEREAS, Chester David Mathews was a native of Plumas County, where he received his education, graduating from the Lassen Union High School in 1909, a member of one of the earliest graduating classes from that school; and

WHEREAS, Chester David Mathews was appointed Postmaster of Susanville in 1922, and served in that capacity for 13 years, instituting the first city carrier delivery service his community had known; and

WHEREAS, In 1934 Chester David Mathews was elected county treasurer and tax collector, a position to which he was continuously re-elected until 1958, serving in all, a period of 26 years; and

WHEREAS, In addition to his valued service to the community, Chester David Mathews was known and highly regarded as a patriotic citizen, a member of the Odd Fellows,

and for many years secretary of the Susanville Rotary Club; and

WHEREAS, Chester David Mathews was respected and esteemed by all who knew him, with the result that his passing is felt to be a serious loss to the community which he loved and served so faithfully; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature deeply regrets the passing of this fine American citizen, and desires by this resolution to convey the sympathy of its members to the bereaved members of his family; and be it further

Resolved, That the Secretary of the Senate is directed to present suitably prepared copies of this resolution to Mrs. Lucille Mathews, widow, Llewellyn Mathews, brother, and Mrs. Alice Bantly, sister, of the late Chester David Mathews.

CHAPTER 56

Assembly Concurrent Resolution No. 27—Relative to Community Health Week.

[Filed with Secretary of State March 6, 1961.]

WHEREAS, Our individual citizens, our families and our entire nation are concerned with health and the problems of costly preventable diseases, diseases communicable from animal to man, preventable tragedies, enslaving habits, unnecessary nutritional disorders, accidents, premature deaths and preventable mental and emotional disorders; and

WHEREAS, The Community Health Association, Inc., as a voluntary body, founded Health Week in 1945 and for 17 consecutive years has sponsored Health Week and in the communities of Los Angeles County has developed this event as a united positive health educational effort in which private doctors, voluntary health organizations, public health departments, city, county, religious-sponsored schools, business, labor, civic and religious bodies, youth, adult and senior citizens' organizations and all people of the entire community unite to study, know and use total resources of medical science, psychology, business, labor, industry, education and religion in the common cause of preventing disease and tragedy and of attaining positive health and human betterment; and

WHEREAS, Health Week in the communities focuses attention of parents, children, youth, senior citizens and others on available resources and encourages each group to use full resources and help themselves, and because Health Week in the communities offers a special opportunity to youth to campaign effectively against alcoholism, narcotic addiction, diseases, crime and vice and gives youth a superb opportunity for developing positive youth leadership in a worthy cause which

fosters positive mental and spiritual health, physical fitness, happiness and full service among all citizens; and

WHEREAS, Citizens from other areas in California, other states in the United States, and citizens from Africa, Europe, Asia, and South America have manifested an interest in the Los Angeles type of Health Week programs and have expressed desires for similar programs in their areas, and it therefore seems that this program has a universal appeal and meets a basic human need; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California does hereby proclaim the week of March 19 through 25, 1961, as Community Health Week in the communities of the State of California and does urge all mayors and boards of supervisors in California to proclaim this week and urge all fellow officers and all voluntary and official agencies and all people of the community to co-operate with the Community Health Association and unite in this important event to use our total resources available to our respective communities for the common good of all.

CHAPTER 57

Assembly Joint Resolution No. 10—Relative to federally insured home loans.

[Filed with Secretary of State March 6, 1961.]

WHEREAS, In recent months California's economy has been undergoing a gradual but persistent recession; and

WHEREAS, At the present time approximately 6 percent of the labor force in the State is unemployed; and

WHEREAS, On the other hand, the cost of constructing or acquiring a home has steadily increased to the point where it has become difficult if not impossible for thousands of Californians who are desperately in need of homes to obtain them because of the high down payment and high monthly payments required; and

WHEREAS, If the maximum period of federally insured home loans were increased to 40 years, it would greatly stimulate the building industry and enable many more families in the lower income groups to purchase homes; and

WHEREAS, The first five years of a mortgage are the critical years for young homebuyers because of additional expenses in connection with buying a home such as furniture and landscaping; and

WHEREAS, Forty-year mortgages with small monthly payments in the first 10 years to fit the increasing income of young homebuyers whose job potential will enable them to pay larger monthly payments during the life of the mortgage would aid

substantial numbers of Californians in obtaining a home and greatly stimulate the State's economy; and

WHEREAS, Such payments could be based upon a 40-year term for the five years, a 30-year term for the second five years, with the outstanding principal balance, at the end of the 10 years, to be amortized over a term of 20 years, thus being "stepped up" as the years go by and available income increases; and

WHEREAS, Further aid and encouragement for homebuyers could be secured by increasing loan limits and repayment periods for home improvement loans; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully requests Congress to take such steps as are necessary to increase to 40 years the maximum period for which home loans may be insured by the federal government and also to increase the limits and liberalize the terms for home improvement loans, in order that the young homebuyer and the low income homebuyer may acquire and maintain a home on reasonable terms; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 58

Senate Concurrent Resolution No. 16—Relative to the International Glider Meet to be held in 1962.

[Filed with Secretary of State March 6, 1961]

WHEREAS, The International Glider Meet, which calls together glider enthusiasts from all over the world, is scheduled to be held in the United States in 1962; and

WHEREAS, This international event will attract hundreds of people from foreign countries and the United States to view and participate in the magnificent spectacle of a glider meet; and

WHEREAS, The illustrious and world-renowned woman aviatrix, Jackie Cochran, will be one of the many celebrities on hand for the occasion; and

WHEREAS, California with its beautiful scenic areas, many of which have excellent atmospheric conditions for the successful conduct of a glider meet, should be considered for the location of this stirring event; and

WHEREAS, One of the finest areas in the world for glider competition is in Bishop, California, as is evidenced by the fact the world's record for altitude above sea level by a glider

was established in Bishop on December 30, 1950, an altitude of 42,100 feet; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California extends its invitation to the officials of the International Glider Meet to hold this international event in this State in 1962; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to Mr. Lloyd M. Licher, the Executive Secretary of the Soaring Society of America, in Los Angeles, California.

CHAPTER 59

Senate Concurrent Resolution No. 24—Relative to memorial resolutions.

[Filed with Secretary of State March 6, 1961.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Joint Rule 34.2 of the Joint Rules of the Senate and Assembly be amended to read:

34.2. Whenever the death of a member of the Legislature or a former member whose service was particularly notable, or any other person who has rendered exceptional service to society or has been unusually prominent in public life occurs, a concurrent resolution may be used as a memorial resolution in respect thereto. In all other instances a Senate resolution or a House resolution, or both, shall be used as a memorial resolution with respect to the deaths of other persons. In all cases a Senate resolution or a House resolution, or both, shall be used to congratulate any person or organization upon the occurrence of any significant event or achievement.

CHAPTER 60

Senate Concurrent Resolution No. 28—Relative to proclaiming March as Easter Seal Month.

[Filed with Secretary of State March 6, 1961.]

WHEREAS, The California Society for Crippled Children and Adults, the Easter Seal agency in this State, was established in 1926 to meet a long-pressing need for organized citizen help for handicapped children; and

WHEREAS, Since then, the society has organized 49 local county chapters which provide a congeries of service in the fields of medicine, therapy, recreation and rehabilitation—all designed to speed the recovery and adjustment of the physically handicapped; and

WHEREAS, Last year, Easter Seal aid was given to more than 22,000 Californians who thereby moved closer to personal, physical and economic independence; and

WHEREAS, Easter Seal efforts have always been co-ordinated with services available to the handicapped from other agencies, whether tax-supported or voluntary; and

WHEREAS, This co-ordination or teamwork was evidenced early by the California society's part in the establishment of the State Bureau of Crippled Children Services and in the founding and expansion of special education programs for crippled children; and

WHEREAS, For all the joint efforts of the governmental and voluntary agencies concerned with our physically handicapped population, the harsh truths are that medical science has hardly begun to understand, much less control and cure, certain crippling diseases and disorders, and that thousands of crippled Californians are not getting the help they need because there is a shortage of rehabilitation centers, sheltered workshops and other treatment and training facilities; and

WHEREAS, Even though such needed facilities may be built, it will still be necessary to recruit and retain the professionally trained personnel to maintain them; and

WHEREAS, The public, including the medical profession, still needs to be educated about the rehabilitation potential of the handicapped—to counter the unfortunately still prevalent prejudice that a physically handicapped individual is beyond help; and

WHEREAS, John Ellis of Placentia, California, has been chosen as the State's 1961 Easter Seal Boy as a symbol of the courage and achievements of our handicapped children; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature in honor of the occasion of the visit to its chambers by John Ellis, hereby designates the period from March 2nd through April 2nd, 1961, as Easter Seal Month to alert the California public to the necessity during that month of contributing generously to the Easter Seal fund campaign in order that the physically handicapped in our midst may become self-sustaining members of our commonwealth; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to John Ellis and to the California Society for Crippled Children and Adults, Inc.

CHAPTER 61

Assembly Concurrent Resolution No. 56—Approving amendments to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, ratified by the qualified electors of the city at an election held therein on the eighth day of November, 1960.

[Filed with Secretary of State March 7, 1961]

City of Albany: Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the charter of the City of Albany, a municipal corporation of the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF ALBANY AT A MUNICIPAL ELECTION HELD ON THE 8TH DAY OF NOVEMBER, ONE THOUSAND NINE HUNDRED AND SIXTY, OF CERTAIN AMENDMENTS TO THE CHARTER OF ALBANY, STATE OF CALIFORNIA.

State of California }
County of Alameda } ss.
City of Albany }

Certificate

We, Joe Carlevaro, Mayor of the City of Albany, and Myrtle J. McLean, City Clerk of the City of Albany, do hereby certify as follows:

That said City of Albany, in the County of Alameda, State of California, is now and was at all times herein mentioned, a city containing more than 3500 inhabitants and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Albany is now and was at all times herein mentioned, organized and existing under a Charter adopted under the provisions of Section 8, of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said city at a special municipal election held therein on the 26th day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, Page 2312), and by Resolution of said Legislature filed with the Secretary of State of the State of California on the 19th day of April, 1927 (Statutes 1927, Chapter 53, Page 2312); and

Pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, the Legislative Body of said City, namely: The City Council of said City did on its own motion and pursuant to the provisions of Section 8, of Article XI of the Constitution of the State of California, duly propose to the electors of said City of Albany certain amendments to the Charter of said city; and ordered that said

amendments be submitted to said electors of said city at a special municipal election to be held in said city on the 8th day of November, 1960; and

That said proposed amendments were, on the 14th and 21st days of September, 1960, duly published in the "Albany Times", a newspaper of general circulation, published in the City of Albany, and the official newspaper designated by said City Council for that purpose, and in each edition thereof;

That said City Council did by Resolution designated as Resolution No. 60-78, which was duly adopted on the 22nd day of August, 1960, called for and gave special notice of a special municipal election in the City of Albany on the 8th day of November, 1960, which date was more than 40 days and less than 60 days after the completion of the publication of the said proposed amendment to the Charter of the City of Albany, as aforesaid; and

That said special municipal election was held in said city on said 8th day of November, 1960, which date was more than 40 days and less than 60 days after said proposed amendment to said Charter had been published in said "Albany Times", as aforesaid; and

That at said special municipal election held as aforesaid, on said 8th day of November, 1960, a majority of the voters voted in favor of the three proposed amendments, as hereinafter set forth, to the Charter of the City of Albany and duly ratified the same; and

That the Board of Supervisors of the County of Alameda, after duly canvassing the returns of said special municipal election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters voted thereon, and voted in favor of and ratified said proposed amendments to the Charter of the City of Albany, which amendments are in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT NO. 1

Employee appointments, etc.

Section 49. (g) Appointments or promotions to employment or rank shall not be deemed complete until a period of probation not to exceed one (1) year has elapsed. Successive temporary appointments shall not be allowed. In the event of temporary promotion to higher rank, the appointee may be reduced by the Chief of the Fire Department or the Chief of the Police Department to the next lower rank in the classified service of the said department and in the event that such appointee is in the lowest grade of the classified service, such appointee may be discharged by the Chief of the Department. Each Chief shall only have power over his own department members.

PROPOSED CHARTER AMENDMENT NO. 2

Physical disability pensions

Section 50. (d) Physical Disability; Restoration. Whenever any person, while serving as a member of the Fire or

Police Department of the City of Albany, shall become physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duty as such member of the Police or Fire Department, said board may, if it deems it to be for the good of said Police or Fire Department, retire such person from said department, and order and direct that he shall be paid from said fund, during his lifetime, a yearly pension equal to one-half (½) of the amount of salary attached to the rank which he may have held on such Police or Fire Department at the date of such retirement; provided, that when such disability shall cease, such pension shall cease, and such person shall be restored to active service at the same rank at which he was retired. Upon the death of such person then on disability pension, the widow and/or children of the deceased member of the Police or Fire Department shall receive the same benefits from the Fire or Police relief or pension fund as provided in Paragraph (q) of Section 50 of the Charter of the City of Albany.

PROPOSED CHARTER AMENDMENT NO. 3

Forfeiture of pension

Section 50. (i) Forfeiture of Pension, Refund of Contributions. When any person who shall have received any benefit from said fund shall be convicted of any felony, or shall become an habitual drunkard, or shall fail to report himself for examination for duty as required by said board under this act, in respect to said examination or duty, then such board shall order that such pension allowance as may have been granted to such person shall immediately cease, and such person shall receive no further pension, allowance or benefit under this act. Excepting, nevertheless, that any member of the Police or Fire Department who, for any reason whatever ceases to be a member of said Police or Fire Department, and who at the time of said cessation is not otherwise entitled to financial benefits under this law, shall be entitled to, and shall be paid within ninety (90) days after such cessation of being a member, all sums of money retained from and out of his salary as provided by Subsection (1) of this law, together with 3½ percent per annum interest on such sums, computed from the 1st day of July of each year. Provided further, that any member of the Police or Fire Department who shall have ceased to be a member and shall have been paid any sum or sums of money as in this Section provided, shall be reinstated and again become a member of the Police or Fire Department, said such sum or sums of money as he shall have been so paid, together with interest at the rate of 3½ percent per annum from the date of said payment as aforesaid shall be first deducted from any and all benefits thereafter by him received under this law.

The foregoing is a full, true and correct copy of said proposed Amendments to the Charter of the City of Albany,

ratified by the electors of said City as aforesaid, on file in the Office of the City Clerk of the said City of Albany.

In witness whereof, Joe Carlevaro, Mayor as aforesaid, and Myrtle J. McLean, City Clerk, as aforesaid, have hereunto set their hands and caused the Seal of the City of Albany to be thereunto duly affixed, on this 3 day of February, 1961.

(SEAL)

JOE CARLEVARO
Mayor of the City of Albany
MYRTLE J. McLEAN
City Clerk of the City of Albany

Prepared and approved by:
ROBERT J. FOLEY
City Attorney of the City of Albany

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the City of Albany, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Albany.

CHAPTER 62

Assembly Concurrent Resolution No. 28—Relative to the establishment of a medical school in San Diego.

[Filed with Secretary of State March 8, 1961]

WHEREAS, The metropolitan area of San Diego is the third largest metropolitan area in the State, and the 24th largest in the nation, having a population of over one million inhabitants as determined by the 1960 federal census; and

WHEREAS, The expansion of higher educational facilities in such a rapidly growing area is of prime importance to the State as well as to the local residents; and

WHEREAS, There is a particularly urgent need for the establishment of a medical school to provide the ever-increasing population with adequate medical care which cannot be supplied by the number of physicians currently being graduated by other medical schools in the State; and

WHEREAS, The University of California already has in operation in San Diego County the Scripps Institution of Oceanography and the School of Science and Engineering, and the Regents of the University have conditionally declared their intention to establish a general campus in the vicinity; and

WHEREAS, A report entitled "A Study of the Feasibility of Establishing a School of Medicine of the University of California at San Diego" indicates general feasibility and community interest, and stresses the need for long-term operating agreements on the use of the county, naval, and other hospital facilities for teaching and research purposes; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Board of Regents of the University of California is respectfully requested to consider establishing a medical school as soon as possible in the San Diego metropolitan area; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Board of Regents of the University of California and to the President of the University.

CHAPTER 63

Assembly Concurrent Resolution No. 54—Relative to the passing of Dr. Newel Lewis Perry.

[Filed with Secretary of State March 8, 1961]

WHEREAS, The Members of the Legislature are deeply grieved to learn of the passing, on February 10, 1961, of Dr. Newel Lewis Perry, retired director of advanced studies at the California School for the Blind; and

WHEREAS, Dr. Perry was one of California's most distinguished blind leaders—a pioneer who helped revolutionize education and attitudes toward the blind; and

WHEREAS, On graduation from Berkeley High School in 1892, Dr. Perry entered the University of California, where his ability in advanced mathematics amazed professors; and

WHEREAS, He later traveled alone to Munich to take his doctorate at Munich University, traveled widely in Europe on a lecturing tour, and, upon his return to the United States, served on the faculties of Columbia University and the University of Chicago; and

WHEREAS, Dr. Perry was responsible for legislation in New York in 1907 which provided for state payments for readers for blind college students, and was instrumental in the enactment of similar legislation in California in 1914; and

WHEREAS, Dr. Perry also took a leading part in connection with the enactment of the aid to needy blind program passed in California in 1928, and still operative in this State; and

WHEREAS, When Dr. Perry commenced his work here in 1912 only one blind person in California was gainfully employed, and it was through his action in soliciting jobs for his students that the way was opened for blind persons to obtain job opportunities and successful careers; and

WHEREAS, Dr. Perry founded the California Council for the Blind and retired as its president when he left the California School for the Blind; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature take this means to express their sorrow at the passing of Dr Newel Lewis Perry, and to extend their sincere condolences to his surviving family; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mrs. Emma Burnham, sister of Dr. Perry.

CHAPTER 64

Assembly Joint Resolution No. 13—Relative to the national forests.

[Filed with Secretary of State March 8, 1961.]

WHEREAS, The State of California, in 1959 and 1960 suffered irreparable damage from forest fires to the natural resources upon which its future depends; and

WHEREAS, The United States Forest Service has plans for improvements in fire prevention and fire preparedness to meet the challenge of increasing use of our national forests; and

WHEREAS, The need for increased fire prevention and fire preparedness, improved access, and facilities for meeting the recreational needs of an expanding population is recognized in the Program for the National Forests presented to the 86th Congress of the United States; and

WHEREAS, It is clearly in the interest of all the people of the United States and of the State of California that forest fire losses and fire fighting costs be reduced through improved management, prevention, and preparedness programs; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to fully and promptly redeem the responsibility of the United States for the protection and management of the national forests in California as provided for in the Program for the National Forests which was presented to the 86th Congress of the United States; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of

the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 65

Senate Concurrent Resolution No. 3—Relative to the establishment of a medical school in San Diego.

[Filed with Secretary of State March 8, 1961.]

WHEREAS, The metropolitan area of San Diego is the third largest metropolitan area in the State, and the 24th largest in the nation, having a population of over one million inhabitants as determined by the 1960 federal census; and

WHEREAS, The expansion of higher educational facilities in such a rapidly growing area is of prime importance to the State as well as to the local residents; and

WHEREAS, There is a particularly urgent need for the establishment of a medical school to provide the ever increasing population with adequate medical care which cannot be supplied by the number of physicians currently being graduated by other medical schools in the State; and

WHEREAS, The University of California already has in operation in San Diego County the Scripps Institution of Oceanography and the School of Science and Engineering, and the Regents of the University have conditionally declared their intention to establish a general campus in the vicinity; and

WHEREAS, A report entitled "A Study of the Feasibility of Establishing a School of Medicine of the University of California at San Diego" indicates general feasibility and community interest, and stresses the need for long-term operating agreements on the use of the county, naval, and other hospital facilities for teaching and research purposes; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Board of Regents of the University of California is respectfully requested to consider establishing a medical school as soon as possible in the San Diego metropolitan area; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Board of Regents of the University of California and to the President of the University.

CHAPTER 66

Senate Concurrent Resolution No. 23—Commemorating the memory of Clarence H. Smith.

[Filed with Secretary of State March 9, 1961.]

WHEREAS, Members of the Legislature and others familiar with the history of the state government over the past 50 years have been shocked to learn of the death on Saturday, January 28th, of Clarence H. Smith, long a Deputy Controller of the State of California; and

WHEREAS, Clarence H. Smith was born at Sioux Falls, North Dakota, was a 13th generation descendant of Miles Standish of the Plymouth colony and entered the service of the State of California in 1910 as a clerk in the Board of Equalization; and

WHEREAS, Clarence H. Smith began as Deputy Controller of the State of California in 1925, a position he held until his retirement in 1946, his particular responsibility being the duty to pass on the validity of the numerous claims coming into the Controller's office, having scrutinized an estimated 11 billion dollars in appropriations during his career; and

WHEREAS, Clarence H. Smith was known as the watchdog of the Treasury and a nemesis to chiselers, yet was respected for his prompt and businesslike attention to duty; and

WHEREAS, Clarence H. Smith was a patriotic citizen of the community, a member of the Sons of the American Revolution, a Mason, and a member of the Scottish Rite, who demonstrated his patriotism by personally providing awards for essay and speech contests in the public schools on subjects of historical interest; and

WHEREAS, While Clarence H. Smith was one who constantly insisted that every claim be technically correct, he was highly regarded by all who knew him for his honesty and the kindly co-operative spirit which underlay the exacting exterior; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California desires by this resolution to register its appreciation of the kind of service rendered by Clarence H. Smith and to express the sympathy of its members to his bereaved relatives; and be it further

Resolved, That the Secretary of the Senate be directed to present a suitably prepared copy of this resolution to Mrs. Dorothy Actis, a niece of the late Clarence H. Smith.

CHAPTER 67

Senate Concurrent Resolution No. 26—Relative to the establishment of a medical school in Sacramento.

[Filed with Secretary of State March 9, 1961.]

WHEREAS, Approximately one-half million people presently reside in the Sacramento area, and this figure is expected to increase to one million within the next 10 years; and

WHEREAS, The Sacramento County Hospital has a capacity of 800 beds and such capacity will be expanded to 1,000 beds; and

WHEREAS, The DeWitt Hospital, a major center for the treatment of mental illness, is located in the Sacramento area; and

WHEREAS, The University of California at Davis has already developed an extensive curriculum in biology and chemistry to complement its School of Veterinary Medicine; and

WHEREAS, The Governor's Committee on Medical Aid and Health has reported that, relative to its population, California has fewer medical training places than many other states; and

WHEREAS, The Report of the Governor's Committee on Medical Aid and Health recommends that the 500 first-year students in California's private and public medical schools be increased to 1,400 by 1971; and

WHEREAS, It is urgent that the State act without delay to achieve this goal in order to meet a growing crisis in medical manpower; and

WHEREAS, Sacramento offers an ideal combination of conditions essential to the operation of a medical school; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature respectfully request the Board of Regents of the University of California to conduct an investigation of the feasibility, desirability and practicability of establishing a medical school in the Sacramento area; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Board of Regents of the University of California.

CHAPTER 68

Senate Joint Resolution No. 9—Relative to World War I veterans' pension.

[Filed with Secretary of State March 9, 1961.]

WHEREAS, Many thousands of veterans of World War I are in dire circumstances and subjected to the indignity of public charity; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is respectfully memorialized to provide for a World War I pension, and urged to adopt the program approved by the Legislative Committee of the Veterans of World War I of the United States of America; namely, that such a pension be in the amount of one hundred dollars ($100) a month to veterans of World War I, exclusive of social security or other pensions to which the veteran is entitled; and be it further

Resolved, That the *Secretary of the Senate* is hereby directed to prepare and transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 69

Senate Joint Resolution No. 20—Relative to a minimum wage law for agricultural workers.

[Filed with Secretary of State March 9, 1961]

WHEREAS, Farms and agricultural workers are one of the foundation stones on which our nation rests; and

WHEREAS, The United States is a bulwark of the free world in the fight for peace and freedom and against communism, and without a strong farm economy this nation cannot maintain its position in the free world; and

WHEREAS, The health and welfare of our country depends in large part on the food produced by our farms, and without sufficient experienced and competent agricultural workers, our crops cannot be properly harvested and our farms cannot prosper and play their part in maintaining a healthy and strong America; and

WHEREAS, For the past several decades agricultural workers in many regions of the United States have not received an adequate proportion of the nation's agricultural earnings and, in some areas of the United States, such workers have had to subsist on an extremely low annual wage as compared with other agricultural workers; and

WHEREAS, California farmers must compete in the sale of farm products with other states having not only a more favorable freight rate, but which in addition pay wages to their farm workers far less than those paid in California and the West, thus putting California and western agriculture at a tremendous disadvantage in the highly competitive national market for farm products; and

WHEREAS, The federal government has not enacted a national minimum wage law that applies to the agricultural workers throughout the country, which wage would be of tremendous benefit to the national farm economy; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact a national minimum wage law for the agricultural workers of the nation; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to the President and Vice President of the United States, the Secretary of Agriculture, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 70

Assembly Concurrent Resolution No. 40—Relative to the Los Angeles Metropolitan Transit Authority.

[Filed with Secretary of State March 10, 1961]

WHEREAS, The many senior citizens who reside in the Los Angeles metropolitan area are largely dependent on the Los Angeles Metropolitan Transit Authority for their transportation in that great city; and

WHEREAS, The latest increase in fares by the Los Angeles Metropolitan Transit Authority has caused a great hardship to those senior citizens who are unemployed and who live on a small, fixed income; and

WHEREAS, Higher fares may contribute to the immobilization of these senior citizens which would seriously affect their well-being and that of the entire community; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Los Angeles Metropolitan Transit Authority is respectfully requested to consider a plan to reduce fares for unemployed senior citizens over 65 years of age who use these transit facilities between the hours of 9:30 a.m. and 3:00 p.m. when traffic is less heavy than at peak hours; and be it further

Resolved, That the Los Angeles Metropolitan Transit Authority is requested to study the program of reduced fares for senior citizens which has been successfully implemented in the City of Detroit; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to Mr. C. M. Gillis, the Executive Secretary of the Los Angeles Metropolitan Transit Authority.

CHAPTER 71

Senate Concurrent Resolution No. 17—Relative to reducing unemployment in the State's lumber industry.

[Filed with Secretary of State March 10, 1961.]

WHEREAS, Heavy unemployment now exists in the many areas of the State and particularly in the lumber industry; and

WHEREAS, The welfare of the State requires that all public agencies in the State do all within their power to reduce unemployment and alleviate the pockets of hardship that exist in particular localities and industries; and

WHEREAS, California hardwoods and other California lumber products are available at competitive costs and increased purchases thereof by public agencies or by contractors on public works projects would provide work for California citizens and help to reduce unemployment; and

WHEREAS, Appropriate action by state and local public agencies requiring the use of such California lumber products on public works projects would be in accord with the spirit of Chapter 4 (commencing with Section 4300) of Division 5 of Title 1 of the Government Code expressing a public policy preferring the use of California-made and American-made materials; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That all state and local public agencies are requested to assist in reducing unemployment in the lumber industry of the State by using, and requiring the use of, California hardwood and lumber products, if available, on all public works projects and by encouraging the citizens of the State to use such products whenever possible; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Governor.

CHAPTER 72

Senate Concurrent Resolution No. 25—Relative to forest fires in California.

[Filed with Secretary of State March 10, 1961.]

WHEREAS, Forest fires in the State of California have caused severe losses in critical watersheds and in timber, recreational, and livestock range resources; and

WHEREAS, Such losses create an intolerable effect upon the natural resource economy, threaten the property and lives of persons and otherwise create heavy burdens of public and private expense in controlling said fires and in rehabilitating the burned-over areas; and

WHEREAS, There is evidence that forest fires spread very rapidly and without adequate means of control under adverse weather conditions where large areas of vegetative cover and fire-hazardous material exist without sufficient breaks to permit fire control forces to safely and adequately attack and stop the advance of such fires; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Director of Natural Resources and the State Forester of the State of California be and they are hereby requested to initiate an experimental and demonstrational project in a forested area of Northern California similar to the project now being conducted by the Division of Forestry jointly with other agencies of the state and federal government, on Southern California watershed areas, wherein the lands are blocked out in relatively small units by breaks in the natural vegetation, commonly called "fuel breaks," on which the fire hazard has been reduced, to the end that a practical means may be found for reducing the spread of forest fires over large areas; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the Director of Natural Resources and the State Forester of the State of California and to the Regional Forester of Region V and the Director of the Pacific Southwest Forest and Range Experiment Station, United States Forest Service.

CHAPTER 73

Senate Joint Resolution No. 13—Relative to mass public transportation in metropolitan areas.

[Filed with Secretary of State March 10, 1961]

WHEREAS, The federal government has historically pursued the policy of aiding and encouraging the development and maintenance of adequate public transportation throughout the country, including subsidies to railroads and airlines and financial grants for navigable rivers, harbors, interstate highways, farm-to-market roads, airports and other transportation facilities; and

WHEREAS, The federal government has been extremely active in encouraging the development of public highways for the use of motor vehicles through its Federal Aid Highway program and other financial grants for highway purposes; and

WHEREAS, The development of interstate and other highways has encouraged greater and greater dependence upon motor vehicles for public transportation purposes; and

WHEREAS, The growing dependence upon motor vehicles, especially private passenger automobiles, is contributing greatly to the problem of traffic congestion in metropolitan areas and other centers of population, which in turn has al-

lowed mass public transit and private commuter railroads to decline in quality and quantity of service rendered; and

WHEREAS, The problem of growing traffic congestion is expected to become worse as the population of people and motor vehicles increases and approaches a doubling of the present level; and

WHEREAS, The recognized solution to the growing traffic congestion problem is the establishment of modern systems of rail rapid transit operating on grade-separated roadbeds which will not interfere with the movement of vehicular traffic on streets and highways, and which will move vast numbers of people efficiently and economically in a manner fully competitive with the attraction and convenience of individual passenger automobiles; and

WHEREAS, It is now evident that urban areas alone cannot assume their many pressing responsibilities in the field of education, social welfare, public health, police protection, public works and many others, and still provide the vast sums of money needed to build modern systems of public transportation for the mass movement of people; and

WHEREAS, There is pending in Congress legislation to encourage the states and their political subdivisions to plan, acquire, and/or construct facilities for mass public transportation in metropolitan areas, including financial grants and low-interest loans for such purposes; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully urges upon the Congress of the United States its favorable consideration of legislation providing federal financial and other assistance to the states and their political subdivisions for mass public transportation purposes in metropolitan areas; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 74

Senate Joint Resolution No. 15—Relating to predatory animals.

[Filed with Secretary of State March 10, 1961]

WHEREAS, In recent years there has been an alarming increase in the population of predatory animals in California; and

WHEREAS, This increase in predator population poses a serious threat, not only to agricultural and wildlife interest, but

to public health because certain of these predatory animals are a definite factor in rabies control; and

WHEREAS, Forty-six percent of the land of California is now owned by the federal government, and this land serves as a reservoir of predatory animals; and

WHEREAS, At the present time, the share of the costs borne by the federal government for the co-operative predator control program, estimated at 18 percent, is not proportionate to the percentage of land held by the federal government in California; and

WHEREAS, State and county agencies and grower organizations interested in the problem of predator control are contributing their fair share of the cost of the existing co-operative program; and

WHEREAS, Unless additional federal funds are made available, the rabies control problem will become more severe, and agricultural and wildlife interests will continue to experience increased losses; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is memorialized to take such steps as may be necessary to make available additional funds to the Bureau of Sport Fisheries and Wildlife of the United States Department of Interior for an expanded co-operative program of predatory animal control in California; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 75

Senate Joint Resolution No. 18—Relative to acquisition of federal surplus property by municipal and county governments.

[Filed with Secretary of State March 10, 1961]

WHEREAS, The federal government now possesses and will continue to acquire considerable quantities of property no longer needed for their original governmental purposes; and

WHEREAS, Much of this property, declared surplus, is stored and ultimately sold through the offices of the General Services Administration; and

WHEREAS, Certain rights and privileges to the acquisition of this surplus property are accorded to nonprofit organizations and to school jurisdictions; and

WHEREAS, The rights and privileges of cities and counties to acquire such surplus property are severely restricted and are generally limited to purposes of civil defense; and

WHEREAS, Much surplus property is purchased by private individuals for speculative purposes; and

WHEREAS, In effect, municipal and county jurisdictions do not have the same rights and privileges now enjoyed by school districts and by certain nonprofit groups; and

WHEREAS, All such surplus property has been purchased with public funds and paid for by the taxpayers; and

WHEREAS, It is generally deemed equitable that municipal and county governments should enjoy the same rights and privileges, insofar as surplus property is concerned, now accorded to school districts and to nonprofit organizations; and

WHEREAS, The rights and privileges of cities and counties should in all justice take precedence over the rights and privileges of private speculators; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to take appropriate administrative and legislative action which will grant to municipal and county governments the same rights and privileges now granted to school districts and other nonprofit organizations with respect to the acquisition of federal surplus property; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 76

Assembly Concurrent Resolution No. 10—Relative to issuing additional sets of motor vehicle license plates and tabs to Members of the Legislature.

[Filed with Secretary of State March 13, 1961.]

WHEREAS, One set of distinctively numbered motor vehicle license plates is presently issued by the Department of Motor Vehicles to each Member of the State Legislature; and

WHEREAS, Such distinctive license plates serve as a means of identifying these officers to the public, and are of great assistance to such representatives in the performance of their duties; and

WHEREAS, An additional set of distinctively numbered license plates and appropriate tabs should be furnished to each member of the Legislature who might need them to assist him in the performance of his duties; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That each Member of the Legislature who desires an additional set of distinctively numbered license plates may submit his request therefor to the Rules

Committee of the house of which he is a member; and be it further

Resolved, That the Department of Motor Vehicles is hereby requested to furnish upon request of a Member of the Legislature, approved by the Rules Committee of the house of which he is a member, an additional set of distinctively numbered license plates and appropriate tabs to each Member of the State Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Motor Vehicles.

CHAPTER 77

Senate Concurrent Resolution No. 27—Relative to a study of migrant family housing needs.

[Filed with Secretary of State March 15, 1961]

WHEREAS, Because of the farm labor shortage which existed during World War II, the California Legislature in 1943 created the Farm Production Council, giving its director, among other things, the authority to provide for "housing and sustenance of farm labor and for the facilities required by or in connection with the use of such labor"; and

WHEREAS, During the present peak harvest seasons there is sufficient housing for the single migrant farm worker; however, it appears that a shortage of family housing for migrant agricultural workers does exist; and

WHEREAS, The present status of the housing and sustenance facilities, which were established by the Farm Production Council is not known; and

WHEREAS, To date, no comprehensive survey has been made of the present status of Farm Production Council housing facilities nor of areas of migrant family housing needs and deficiencies; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Housing of the Department of Industrial Relations is requested to immediately initiate such a survey and report its findings to the Legislature prior to January 1, 1962; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Commission of Housing and the Chief of the Division of Housing, Department of Industrial Relations.

CHAPTER 78

Senate Joint Resolution No. 7—Relating to imports of livestock and livestock products.

[Filed with Secretary of State March 15, 1961]

WHEREAS, The sheep and cattle industry of the United States has for the three years past sought adequate protection from excessive imports from low-wage foreign countries; and

WHEREAS, Livestock production, employment and related business in the producing communities have been seriously curtailed and are threatened with further curtailment; and

WHEREAS, Definite relief for the livestock industry was unanimously recommended by the National Wool Growers Association and American National Cattlemen's Association, which recommendation was preceded by a thorough investigation made by the United States Department of Agriculture upon the request of the industry, the Congress and administration officials; and

WHEREAS, The Wool Act was provided for the sheep industry by the President and the Congress in lieu of the recommended tariff relief; and

WHEREAS, The effectiveness of the Wool Act has been seriously hampered by excessive importations of wool fabrics and lambs selling at prices below our costs of production, which has resulted in a progressive decline in sheep production in many areas; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide immediate relief under the terms of the escape or peril point clause of the Trade Agreements Act or by establishing import quotas or any other appropriate action to relieve the stock raising industry of the United States from the vast and ever increasing quantities of meat and meat products, hides, wool, woolens and other related products flooding our domestic markets; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of the resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 79

Assembly Concurrent Resolution No. 25—Relative to the historical resources of California.

[Filed with Secretary of State March 15, 1961.]

WHEREAS, In spite of the increasing awareness of and interest in California history as shown by the more than one

hundred local and regional historical societies throughout the State, the study of history on the physical sites of its occurrence is facing a real crisis and a great many significant and interesting sites that form a vital cultural link with the past are rapidly disappearing; and

WHEREAS, This process is a natural deterioration and is due to neglect, indifference and the lack of a statewide co-ordinated plan for preservation, restoration, and interpretation of our California heritage. As new subdivisions are built, highways constructed, and conservation projects developed, these historical relics and sites are being razed, destroyed, and forgotten and these important cultural links, some possessing intrinsic values, are being lost; and

WHEREAS, This destructive process is occurring at a time when the population of the State is growing at the rate of half a million a year and many of the thousands of new residents of the State are unaware of the significant and colorful history of the State; and

WHEREAS, The education of the youth of the State, as well as of the new resident, in the heritage of our State, the importance of which cannot be overestimated, can be most effectively accomplished by the preservation and marking of representative sites, buildings, factories, mines, ghost towns, and old sections of major communities, and similar landmarks; and

WHEREAS, This program of preservation, restoration, and interpretation through an adequate rebuilding, restoring, and marking program will add a great deal to the recreational attractions of the State and will help to bring thousands of tourists to the State each year which will add millions of dollars to the economy of the State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Beaches and Parks of the Department of Natural Resources is directed to undertake a study of the historical resources of the State and formulate a long-range plan for the preservation, restoration, and interpretation of the historical values and resources of the State; and be it further

Resolved, As follows:

1. That this study and plan be carried out in co-operation with the Conference of California Historical Societies and other historically interested organizations;

2. That this study shall first be directed toward making an inventory of historical resources in the State, marked and unmarked, such as Indian remains, ghost towns, historic sites or shrines, buildings, bridges, mines, churches, etc., based on a careful definition of what is an historic location;

3. That a plan for the preservation as well as an analysis of the economic feasibility of the acquisition and development of these historical resources for the greatest public good and general benefit of the economy of the State shall be made;

4. That a long-range plan shall be formulated for a coordinated statewide program of acquisition and preservation of historical sites which will not only give consideration to the different geographical regions of the State but will be representative of the historical periods in California history, such as the Indian, the Spanish, the English, the Russian, the Mexican, and American periods;

5. That this plan shall include provisions to encourage the participation of private enterprise, and local and intercounty governments to acquire or operate authentic historical examples for the public education and enjoyment;

6. That emphasis shall be given in this study to putting appropriate historical buildings to uses other than as museums through their use as coffeeshops, restaurants, gift shops, playhouses, headquarters for community nonprofit organizations, and other such uses which would attract visitors, provide revenue to the State and not be incompatible with the historical significance of such buildings; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to prepare and transmit copies of this resolution to the Director of Natural Resources and the Chief of the Division of Beaches and Parks of the Department of Natural Resources.

CHAPTER 80

Assembly Joint Resolution No 9—Relative to beach erosion and flood damage in Ventura County.

[Filed with Secretary of State March 15, 1961]

WHEREAS, The shoreline area along the Pacific Ocean in Ventura County has, since the early 1920's, suffered from problems of beach erosion and flood damage caused by high tides and high wave action; and

WHEREAS, This condition exists primarily in the Pierpont Beach area and affects not only the San Buenaventura Beach State Park, but also a substantial residential area adjoining the State Beach Park; and

WHEREAS, Within the past few weeks, extremely high tides and high wave action have presented a serious threat to public and private property in this area, and if such condition continues it will result in major damage to public and private property; and

WHEREAS, Such property damage will not only directly affect the private property owners in this area, but also will result in a high loss of tax revenues to the city, county, and State; and

WHEREAS, The federal government, acting through the Corps of Engineers of the United States Army, has assumed leadership and responsibility in carrying on beach erosion control activities, in co-operation with state and local authorities; and

WHEREAS, The Corps of Engineers, in 1951 and 1952, conducted a study of shoreline conditions along the beach at Ventura (published in House Documents No. 29, 83d Congress, First Session, Appendix 1) and, among other things, recommended construction of a stone and steel sheet piling groin along the beach in front of the San Buenaventura Beach State Park to trap sand and build up the beach; and

WHEREAS, While the above recommendation would serve to alleviate conditions along the shore in front of the State Beach Park, it would aggravate the condition in the residential area adjoining the State Beach Park, according to engineering opinion; and

WHEREAS, In view of the imminent threat to both public and private property from current high tide and high wave action along the entire beach area, it is urgent that the previous study and recommendations by the Corps of Engineers be extended to cover the Pierpont Beach area adjacent to the San Buenaventura Beach State Park, and that immediate remedial action be taken to prevent beach erosion and flood damage in this area; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation appropriating the necessary funds so that the Corps of Engineers may immediately extend their study of shoreline conditions along the Pierpont Beach area in Ventura County to include the residential area adjacent to the San Buenaventura Beach State Park and take remedial action to prevent beach erosion and flood damage in the entire affected area; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of the resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Chief of Engineers of the Corps of Engineers.

CHAPTER 81

Assembly Concurrent Resolution No. 57—Relative to hardwood research by the University of California.

[Filed with Secretary of State March 16, 1961.]

WHEREAS, Over the past five years the University of California, at its forest products laboratory, has carried on considerable research on the properties of native California hardwoods, research which has dealt primarily with the basic strength properties of these woods together with the development of information on the drying of these woods; and

WHEREAS, This work has been carried on using funds provided through the normal university budget for the laboratory together with some grant-in-aid and contract funds from industry, private individuals, and the State Division of Forestry; and

WHEREAS, A considerable job remains yet to be done on the hardwood research with one of the major problems in utilizing these woods being that of successfully drying them to a proper moisture content for commercial uses; and

WHEREAS, These woods are also potential sources of pulp for certain types of paper products and very little is known about the pulping characteristics and the quality of paper which these woods will make; and

WHEREAS, Another important research aspect is the chemistry of the barks and the wood itself in these species, and a solvent drying process on which there has been done preliminary work offers real promise in successfully drying tan oak as well as making it possible to recover tannins from bark and wood much more cheaply than heretofore possible; and

WHEREAS, Other studies which are extremely important in developing uses of these woods include machining, finishing, and gluing; and

WHEREAS, Past utilization attempts have failed largely due to lack of the knowledge which can only be acquired by these studies, and utilization of California hardwoods would make it possible for these woods to move into the home construction, pulping, and chemical industries; and

WHEREAS, All of the work mentioned above could, over a long period, be accomplished through the use of the small amount of regular budget funds now budgeted to the university; however, it appears very desirable to accelerate this research work because of the interest by industry in utilizing this material; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the University of California is commended for the excellent work it has done thus far in studies on the characteristics and uses of hardwoods and is urged to accelerate its program of hardwood research just as rapidly as available funds will permit; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send copies of this resolution to the Regents of the University of California and to Dr. Clark Kerr, President of the University of California.

CHAPTER 82

Assembly Joint Resolution No. 12—Relative to fishing in the Delta-Mendota Canal.

[Filed with Secretary of State March 20, 1961]

WHEREAS, With the tremendous expansion of population in California, it is of the utmost importance to the health and welfare of the people of this State that every available source of recreation potential be developed; and

WHEREAS, Fishing is one of the major types of recreation available to and enjoyed by a vast segment of the population of this State; and

WHEREAS, There is in the San Joaquin Valley an insufficient number of locations at which this form of recreation can be enjoyed; and

WHEREAS, The Delta-Mendota Canal, which is a part of the Federal Central Valley Project, traverses a considerable portion of the San Joaquin Valley; and

WHEREAS, With proper safeguards and with relatively minor expenditures, portions of the Delta-Mendota Canal could be stocked with fish and opened to the public for fishing without jeopardizing the operation and maintenance of the canal by the Bureau of Reclamation for water transportation purposes; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States and the Secretary of the Interior to take whatever steps may be necessary, in co-operation with appropriate agencies of the State of California, to make portions of the Delta-Mendota Canal available for public fishing; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President of the United States and to the Secretary of the Interior.

CHAPTER 83

Assembly Joint Resolution No. 18—Relative to the importation of mink.

[Filed with Secretary of State March 20, 1961]

WHEREAS, The mink farmers of California are a substantial and permanent part of California's business economy and a source of considerable income to the State and to its citizens; and

WHEREAS, This important segment of our economy is being threatened by the fact that over the years there has been an ever increasing rise in the importation of mink skins from foreign countries to the point that these imports are far exceeding exports; and

WHEREAS, Since these imports are often from areas of depressed economic conditions they can be sold at a price far below cost of production for California mink farmers; and

WHEREAS, Some of these mink skins being imported in competition with locally produced mink skins are coming, in spite of restrictions imposed by law, from China and Russia, resulting not only in slave labor competition with domestic production, but also results in a poor quality being imported; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Congress of the United States is respectfully requested to take action which will bring about a balance between imports and exports in the mink industry before domestic mink farmers are forced from the business; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 84

Assembly Concurrent Resolution No. 69—Relative to the passing of former Senator Ben Hulse.

[Filed with Secretary of State March 21, 1961]

WHEREAS, The Members of the Legislature were deeply grieved to learn of the passing of former Senator Ben Hulse on March 2, 1961; and

WHEREAS, Ben Hulse, who served as President pro Tempore of the Senate and for several sessions as Chairman of the Senate Finance Committee, was regarded as one of the most conscientious and best informed men on finances to ever serve in the Legislature; and

WHEREAS, Ben Hulse settled in the Imperial Valley in the early 1900s, and was an important force in bringing water and progress to that portion of the State; and

WHEREAS, Ben Hulse began his long career in politics, of more than 30 years' duration, as an appointee to the Imperial County Board of Supervisors; and

WHEREAS, He was first elected to the Senate in 1932, serving one four-year term, and was subsequently elected to that house in 1944, serving for three consecutive terms and until his retirement in 1956; and

WHEREAS, Senator Hulse won fame for his steadfast effort in placing the government of the State on a sound and efficient fiscal basis, and was ever a foe of wasteful and unnecessary spending; and

WHEREAS, Ben Hulse will always be remembered for his devotion and services in behalf of this State and for the methods espoused by him in bringing about an efficient and fiscally sound state government; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature take this means to express their sorrow at the passing of former Senator Ben Hulse, and to extend to his widow their condolences at his passing; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mrs. Laura Hulse, his widow.

CHAPTER 85

Assembly Joint Resolution No. 19—Relative to requesting construction of the East Side Canal in the eastern San Joaquin Valley.

[Filed with Secretary of State March 21, 1961]

WHEREAS, The lower San Joaquin Valley is one of the most prosperous and productive agricultural areas of the world; and

WHEREAS, The east-central area of this valley had a gross farm income in 1959 in excess of one billion dollars; and

WHEREAS, More than one-fourth of all the ground water pumped for irrigation in the United States is taken from the San Joaquin Valley; and

WHEREAS, In the east-central part of the San Joaquin Valley the long-term water supply has not been in balance with the demand; and

WHEREAS, The imbalance in this area is characterized by increasing fluctuations in the water table and alarming overdrafts of the underground reservoir of water; and

WHEREAS, The continued growth, development and prosperity of the San Joaquin Valley is of utmost importance to the total economy of California; and

WHEREAS, Such continued growth, development and prosperity is contingent upon supplies of supplemental surface water which are adequate to bring the pumping of underground water into balance with underground water replenishment; and

WHEREAS, Hydrographs made from 1921 to 1958 show a reversal of the downward trends in the water table levels in overdraft areas of the State where waters of the Central Valley Project have been delivered; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States and the Secretary of the Interior are respectfully requested to take immediate steps to implement the past decade of study by the Bureau of Reclamation, entitled "East Side Investigation," by constructing, as an extension of the Central Valley Project, a canal along the east side of the San Joaquin Valley to sup-

plement the inadequate water supplies of this vital area; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the Chief of the Bureau of Reclamation, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 86

Assembly Concurrent Resolution No. 63—Relating to St. Patrick's Day.

[Filed with Secretary of State March 23, 1961]

WHEREAS, On this 17th day of March, 1961, throughout the entire world, those of Irish birth and those of Irish heritage, and, yes, even those of other races, celebrate St. Patrick's Day in honor of a scholar, a servant of God, and a man whose memory survives in American minds as a gracious symbol of understanding; and

WHEREAS, Everywhere beneath the sun—under blue vault of heaven—whether under the humble and contented roof of the home of the weary exile, or on the sea, or in the marts of trade and industry, or in any other place where Irish blood pulses in the veins of a generous Celt, the memory of this great saint gives rise to thoughts of a far-off yesterday; and

WHEREAS, On this St. Patrick's Day, 1961, we again commemorate the life of an ancient race and an illustrious saint who dedicated himself to tolerance, faith in God, and preaching of Christianity to the peoples of Ireland in the early days of paganism; and

WHEREAS, While we honor the patron saint of Ireland, it is the hope of all who hold St. Patrick as a happy symbol of American tolerance that the men and women of this nation and those of Irish heritage, whatever their creed or race or color, shall remain before the world as sons and daughters of one national family; and

WHEREAS, The Legislature of the State of California thus deems it fitting and proper that the patron saint of Ireland be so honored and revered; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this body, along with the citizens of the State of California, of America, and of the world, pay homage during its daily deliberation to that great scholar and man of God, St. Patrick, the patron saint of Ireland; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Mr. J. J. Mulvihill, President, San Francisco United

Irish Societies; Mr. Charles F. Horan, President, Los Angeles United Irish Society; Mr. Clarence Derr, President of Ancient Order of Hibernians of Sacramento, and Mr. George R. Reilly, Chairman, St. Patrick's Day Parade, San Francisco.

CHAPTER 87

Senate Joint Resolution No. 19—Relative to federal aid to schools.

[Filed with Secretary of State March 23, 1961]

WHEREAS, Amendments to Public Law 874 and Public Law 815 of the 81st Congress, which established programs of federal aid to school districts which have suffered financial burdens as the result of federal activities, are being considered by Congress; and

WHEREAS, These programs assist districts in which local revenues for schools have been reduced due to the acquisition of real property by the United States, districts which provide education for children living on federal property or whose parents are employed on federal property, and districts experiencing a sudden and substantial increase in school attendance because of federal activities; and

WHEREAS, These public laws have been of extreme importance to local school districts whose attendance has been greatly increased by the children of military personnel; and

WHEREAS, There are many areas in California, as well as in other parts of the country, where an adequate school program will be seriously jeopardized if Congress fails to continue the payment of entitlement with respect to "B" category children—those who either reside on federal property or reside with a parent employed on federal property; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to continue the vitally needed programs of assistance to public education in Public Law 874 and Public Law 815 by amending the provisions of Titles II and III of HR4970 and S1021 to include entitlement for "B" category children as provided in present law for the 1960-61 fiscal year; and be it further

Resolved, That the President and Congress take action at the earliest possible time on legislation restoring full entitlement for "B" category children so that the impending budget problem faced by California's federally impacted school districts may be eliminated; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California to the Congress of the United States.

CHAPTER 88

Assembly Concurrent Resolution No. 43—Relative to amending Rule No. 13 of the Joint Rules of the Senate and Assembly, concerning distribution of legislative publications.

[Filed with Secretary of State March 23, 1961]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Rule No. 13 of the Joint Rules of the Senate and Assembly is amended to read:

Distribution of Legislative Publications

13. All requests by members for mailing or distribution of copies of the Weekly Histories the Legislative Digest and the Legislative Index shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Except as otherwise provided by either the Assembly or Senate, each Member of the Senate and Assembly shall be permitted to submit a list of 10 organizations or individuals The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of copies of the Weekly Histories, the Legislative Digest and the Legislative Index to supply this list together with such number of bills and legislative publications as may be necessary for legislative requirements.

No complete list of bills shall be delivered except upon payment therefor of the sum of one hundred seventy-five dollars ($175) at a general session or twenty-five dollars ($25) at a budget session. Not more than two copies of any bill or other legislative publication, nor more than a total of 100 bills or other legislative publications during a session, shall be distributed free to any person, office, or organization. The limitations imposed by this paragraph do not apply to Members of the Legislature, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's office; Secretary of State's office; Controller's office; Governor's office; the Clerk of the Supreme Court; the clerk of the district court of appeal for each district; the Judicial Council; the California Law Revision Commission; the State Library; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage,

and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500.

CHAPTER 89

Assembly Concurrent Resolution No. 68—Memorializing Kathryn T. Niehouse.

[Filed with Secretary of State March 23, 1961]

WHEREAS, The Members of the Legislature have learned with deep sorrow of the passing of former State Assemblywoman, Kathryn T. Niehouse; and

WHEREAS, Mrs. Niehouse represented San Diego's 79th District from 1942 to 1954 when failing health forced her to retire; and

WHEREAS, During the 12 years of her able service in the California Legislature, she won the esteem and respect of all who knew her for her devoted attention to the duties of her office; and

WHEREAS, Her capabilities as a Legislator were only exceeded by the natural charm and friendly good nature with which she met even the most difficult problems and achieved the admiration and friendship of her colleagues; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members by this resolution pay tribute to the memory of their former colleague, Mrs. Kathryn Theresa Niehouse, a dedicated and conscientious public servant whose untiring efforts yielded such great benefits to the people of this State; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mrs Niehouse's son, Charles C. Niehouse of Canoga Park, Los Angeles County.

CHAPTER 90

Assembly Joint Resolution No 14—Relative to international traffic in narcotics.

[Filed with Secretary of State March 23, 1961]

WHEREAS, It has been reliably estimated that over 70 percent of the heroin that reaches our State is derived from opium poppy fields in Mexico; and

WHEREAS, It has been reliably estimated that over 90 percent of the marijuana found in this State is illegally smuggled across the border from Mexico; and

WHEREAS, The enforcement problem at the border is aggravated by the large amount of traffic that crosses the border, the annual traffic across the United States-Mexico border having been as high as in excess of six million vehicles and nearly eighteen million passengers and in excess of five million pedestrians; and

WHEREAS, The control of the smuggling of narcotics and the negotiating of co-operative agreements with friendly nations to eliminate the source of narcotics is a federal responsibility; and

WHEREAS, One of the acknowledged requirements for the solution of narcotics problems is drying up the source of narcotics; and

WHEREAS, Measures which would require closer surveillance of traffic across the border would also aid enforcement of the narcotics laws, and such measures can effectively be taken only by the government of the United States; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States and the Congress of the United States to consider the negotiation and adoption of treaties with the purpose of controlling more effectively the import, export, manufacture, and use of heroin and marijuana, as between Mexico and the United States, with particular reference to California, and to consider the enactment of legislation, including, but not limited to, legislation requiring visas or identification and legislation improving the surveillance of border traffic, in order that law enforcement authorities can better cope with the narcotics problem, and to consider the appropriation of greater sums of money for patrol of the border; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 91

Assembly Joint Resolution No 20—Relative to the enactment of federal laws regarding gold.

[Filed with Secretary of State March 23, 1961]

WHEREAS, The existing reserves of gold of this nation are not adequate to meet our obligations to other nations of the world; and

WHEREAS, The present federal laws regarding gold have made it economically impossible for the gold mines of this country to continue to operate; and

WHEREAS, Immediate action by the federal government is necessary to solve the crisis in gold; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact the following legislation:

(1) A law to require that gold be treated as a commodity.

(2) A law to require the Secretary of the Treasury to purchase newly mined domestic gold at a rate of $105 per fine ounce and to require that such gold be stocked by the United States Treasury as backing for domestic currency.

(3) A law prohibiting withdrawals of gold from the United States Treasury for foreign aid, the international bank, or foreign commercial use until such time as gold sufficient to back deficit United States commitments has been accumulated by the Treasury.

(4) A law permitting citizens of the United States to own gold and renewing the federal coinage of gold.

and be it further

Resolved, That the Chief Clerk of the Assembly is directed to prepare and transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 92

Assembly Concurrent Resolution No. 70—Approving a certain amendment to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of the city at a special municipal charter amendment election held therein on the seventh day of June, 1960.

[Filed with Secretary of State March 29, 1961.]

City of Santa Cruz. Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SANTA CRUZ OF A CERTAIN CHARTER AMENDMENT

State of California }
County of Santa Cruz } ss:
City of Santa Cruz }

Certificate

We, the undersigned, Harold E. Carriger, Mayor of the City of Santa Cruz, and A. J. Miller, City Clerk of the City of Santa Cruz, do hereby certify and declare as follows:

That the City of Santa Cruz, County of Santa Cruz, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1948 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 2nd day of March, 1948, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 27th day of March, 1948 (Statutes of 1948, page 312).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Santa Cruz, being the legislative body of said city, on its own motion, by its Ordinance No. NS-365, adopted on April 12, 1960, duly and regularly proposed and submitted to the qualified electors of said City a certain proposal for the amendment of the Charter of said City, to be voted on by said qualified electors at a special municipal charter amendment election, consolidated by said Ordinance No. NS-365 with the primary election held in said City on June 7, 1960.

That said proposed amendment was published and advertised for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on the 17th day of April, 1960, in the Santa Cruz Sentinel, the official newspaper of said City of Santa Cruz, a newspaper of general circulation printed and published in said City of Santa Cruz, and in each edition thereof during said day of publication.

That said primary election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 7th day of June, 1960, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposed amendment in said Santa Cruz Sentinel.

That a majority of the qualified voters voting on said amendment voted in favor of the ratification of and did ratify said proposed amendment to said charter.

That the Council of said City of Santa Cruz on September 20, 1960, officially confirmed the canvass of all ballots cast at said primary election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by resolution, duly find and declare that a majority of the

qualified voters voting on said charter amendment, voted in favor thereof and that said charter amendment was ratified.

That said charter amendment so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election was to amend Section 1107 of Article XI and Section 812 of Article VIII of the Charter of the City of Santa Cruz in the words and figures following, to wit:

"Section 1107. Recruitment. Examinations of applicants for positions in the Classified services, shall be practical and relate to those matters which fairly test the relative capacity of the applicants to discharge the duties of the position to which they seek to be appointed. Classified service Examinations

"No person may be an applicant who is not a citizen of the United States, or who has not resided in the State of California for at least one year next preceeding the date of such examination The residential requirement may be waived by the Civil Service Commission whenever it believes such waiver is in the public interest, but in each instance it must declare in its proceedings the reasons thereof. The Council shall provide by ordinance that any or all appointees to any office or employment shall reside within any geographic area established by the Council, provided, however, that such limits shall at no time be less than the boundaries of this City." Residence requirement

"Section 812. City Attorney. Appointment. Powers and Duties. The City Attorney shall be a citizen of the United States admitted to the practice of law in all courts of this State. City Attorney

"The City Attorney shall have power and be required to: Powers

(a) Represent and advise the City Council and all City Officers, Commissions or Boards or Departments in all matters of law pertaining to their office;

(b) Represent and appear for the City and any City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee, in or by reason of his official capacity, is concerned or is a party, but the City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein;

(c) Attend all meetings of the City Council and give his advice or opinion in writing whenever requested to do so by the City Council, or by any of the Boards or Officers of the City;

(d) Approve the form of all bonds given to and all contracts made by the City, endorsing his approval thereon in writing;

(e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto;

(f) Prosecute, on behalf of the people, all criminal cases for violation of this Charter or of City ordinances;

(g) Perform such other acts relating to his office as the Council shall require;

(h) On vacating the office, surrender to his successor all books, papers, files and documents pertaining to the City's affairs."

And we and each of us further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Santa Cruz with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Santa Cruz to be affixed hereto this 6th day of March, 1961.

HAROLD E. CARRIGER
(SEAL) Mayor of the City of Santa Cruz
A. J. MILLER
City Clerk of the City of Santa Cruz

and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the charter of the City of Santa Cruz, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as part of the charter of said City of Santa Cruz.

CHAPTER 93

Senate Joint Resolution No. 30—Relating to the centennial of modern California viticulture.

[Filed with Secretary of State March 30, 1961]

WHEREAS, The Legislature of California on April 1, 1861, enacted a joint resolution requesting the then Governor John G. Downey to appoint a commission to consider "Ways and means best adapted to promote the improvement and culture of the grapevine in California"; and

WHEREAS, This farsighted action resulted in the appointment of Colonel Agoston Haraszthy to the commission and his subsequent voyage to Europe, a mission from which he returned with more than 100,000 cuttings of about 300 varieties of grapes, all choice wine types; and

WHEREAS, The foresight and initiative exhibited by Colonel Haraszthy was typical of the man, who also was among the first to advocate a state college of agriculture and who developed, at his "Buena Vista" ranch at Sonoma, one of the world's finest wineries which still is in existence; and

WHEREAS, The grape cuttings he supplied led to an increase in vineyard acreage in California from an estimated 7,000 acres in 1860 to more than 450,000 acres at present, to the end that Colonel Haraszthy was recognized as the "father" of modern California viticulture and this State is now the wine land of America; and

WHEREAS, Grapes and winegrowing constitute the State's leading fruit industry, with vineyards and winery property worth over $650 million, an annual return to farmers of $140 million, an annual grape crop of two and three-quarter million tons and an annual gross wine production of 160 million gallons; and

WHEREAS, The quality of the wine produced from descendants of the vines brought to California 100 years ago has become so widely and favorably known that this State now grows 85 percent of all wine produced and consumed in America, and

WHEREAS, Saturday, April 1, 1961, will mark the centennial of the legislative act which was instrumental in bringing about this result; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California does hereby urge the State's residents to join in honoring the memory of the pioneer California lawmakers responsible for this fruitful contribution to the State's economy and the welfare of its citizens, and to join in honoring the memory of Colonel Agoston Haraszthy as the father of modern California viticulture; and be it further

Resolved, That Saturday, April 1, 1961, be observed with appropriate ceremony as the centennial of modern California viticulture; and be it further

Resolved, That the Congress of the United States is hereby respectfully requested to join the State of California in recognition of this historic event; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and the Vice President of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Governor of the State of California; two suitably prepared copies to the Wine Institute; and a suitably prepared copy to the owner of Buena Vista Vineyards, Sonoma, California.

CHAPTER 94

Senate Joint Resolution No. 8—Relative to the price of gold.

[Filed with Secretary of State March 30, 1961]

WHEREAS, The State of California is cognizant of the current national crisis in the amount of gold reserves; and

WHEREAS, An increase in our national gold reserve would alleviate this situation and provide sound stability to our economy; and

WHEREAS, The State of California, since the gold rush days of 1849, has been highly interested in the gold mining industry; and

WHEREAS, Practically all gold mines in this nation have been closed due to increased costs of operation and the low price of gold; and

WHEREAS, The gold mining industry has been so severely depressed in this and other states with heavy losses being sustained by persons in the industry, that it has almost been suppressed; and

WHEREAS, The State of California contains extensive land areas from which gold could profitably be extracted in the event of a gold price increase; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That it is the sense of the Legislature that the following program should be adopted by the United States:

1. A Treasury grant should be provided in the sum of $45 per ounce of newly mined domestic gold. This should be in addition to the present price of $35, thereby making a total price of $80.

2. The Treasury grant price of $45 should apply for a minimum term of 14 years with right of extension for special development.

3. To aid in early maximum production of gold without hindrance during the current gold crisis, all restrictions on mining on all government lands should be removed, including the restrictions in connection with power and military withdrawals (excepting those lands in withdrawn areas actually in use) and the general mining law of 1872 should again become applicable.

4. To further aid in an early resumption of gold mining, an examining board should be set up by Congress to assess the amount of damage and order payment to those mines that were closed by War Production Board Limiting Order L-208.

5. A short term of seven years should be allowed for amortization during this crisis period.

6. An additional depletion allowance should be provided for deep mines to compensate for increased cost of operation. The amount should be 5 percent for mines requiring hoisting or pumping 200-300 feet deep, 10 percent for mines 1,000 feet deep and 15 percent for deeper mines.

7. The gold so produced should be only newly mined domestic gold with supporting affidavits to verify. Violation should carry heavy penalties; and be it further

Resolved, That the Legislature of the State of California respectfully urges Congress to enact the above program into law; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 95

Assembly Concurrent Resolution No. 19—Relative to approving continuation of studies by the California Law Revision Commission.

[Filed with Secretary of State March 30, 1961]

WHEREAS, Section 10335 of the Government Code provides that the commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics selected by it for study, including a list of the studies in progress; and

WHEREAS, The commission has submitted to the Governor and the Legislature its 1961 report, containing a list of studies in progress, all of which the Legislature has heretofore approved for study; and

WHEREAS, Section 10335 of the Government Code provides that after the filing of its first report the commission shall confine its studies to those topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study by concurrent resolution of the Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature approves for continued study by the California Law Revision Commission the heretofore approved topics on which studies are in progress as listed in the commission's 1961 report.

CHAPTER 96

Assembly Joint Resolution No 15—Relating to the importation of agricultural products.

[Filed with Secretary of State March 31, 1961]

WHEREAS, Increasing costs of production for American farmers and vintners pose a serious problem; and

WHEREAS, The importation of foreign wines and of low-cost agricultural products into the United States at times for certain crops creates competition which adversely affects the salability and price level of our own production; and

WHEREAS, This situation has been of special concern to fruit and vegetable growers and vintners in recent years because of increased imports of competitive fruits, vegetables and wines imported from areas where costs and standards are much below those in comparable domestic areas; and

WHEREAS, This import problem is particularly acute for vegetable growers in the Imperial Valley of California particularly as to tomatoes, cantaloupes, watermelons and squash and as to all producers of California wines and as to all California fruit producers; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is hereby respectfully requested to take immediate action to properly protect the domestic producers of fruits, vegetables and wines which action should include as minimum measures requirements that such imports be of the same quality, grade, sanitary and other standards applicable to similar domestic production and that seasonal or other import duties be established to insure a cost basis for such imports equal to comparable domestic production; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 97

Assembly Concurrent Resolution No. 73—Approving certain amendments to the charter of the County of Fresno, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held thereon on November 8, 1960.

[Filed with Secretary of State April 4, 1961]

County of Fresno. Charter amendments

WHEREAS, The County of Fresno, State of California, has been at all times herein mentioned and now is a body corporate and politic and a political subdivision of the State of California, and is now and has been since the 24th day of April, 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at a special election duly and regularly called and held for that purpose on the 10th day of April, 1933, and approved by the Legislature of the State of California on

the 19th day of April, 1933, and filed in the office of the Secretary of State on the 24th day of April, 1933; and

WHEREAS, The Board of Supervisors of said county pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by resolutions and orders adopted on the 6th day of September, 1960, duly propose to the qualified electors of the said County of Fresno, certain amendments to the said charter of said county designated on the ballot as County Proposals "A" and "B", and ordered that said proposed amendments be submitted to the qualified electors of said county at the general election to be held in said county on November 8, 1960, which date was fixed by law as the date for holding said general election; and

WHEREAS, Said proposed charter amendments, and each of them, were published ten times in the Fresno Bee The Republican, a daily newspaper of general circulation printed, published and circulated in said county, to wit: on September 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29, 1960; and

WHEREAS, Said Board of Supervisors by resolution adopted on the 6th day of September, 1960, did order the placing of said proposed charter amendments on the ballot of the general election to be held in the said County of Fresno on the 8th day of November, 1960, which date was not less than thirty days nor more than sixty days after said publication of such proposals as aforesaid for ten times in a daily newspaper of general circulation printed, published and circulated in said county as aforesaid; and

WHEREAS, Said general election was held in said County of Fresno on the said 8th day of November, 1960; and

WHEREAS, Thereafter the County Clerk of said County of Fresno, having been designated in the manner provided by law, did duly and regularly canvass the returns of said election and certify the same to the Clerk of the Board of Supervisors of said county, and said clerk did on the 29th day of November, 1960, duly enter on the records of said Board of Supervisors a statement of the result of said canvass and said election; and

WHEREAS, At said general election held on the 8th day of November, 1960, said proposed amendments "A" and "B" were ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendments so ratified by the electors of the said County of Fresno are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California. Said amendments so submitted are as follows:

COUNTY PROPOSAL "A"

Shall Section 18 of the Charter of the County of Fresno be amended by eliminating a member of the Board of Supervisors from Ex-Officio membership on the Planning Commission, by providing that at least one member of said Commission be appointed from each supervisorial district, by providing that all matters of procedure relating to proceedings before the Planning Commission and the Board of Supervisors be established by ordinance or rule, and eliminating the provision for a coordinating board and to read when so amended as follows, to wit:

County Planning Commission

Section 18. There is hereby constituted for the County of Fresno a County Planning Commission.

Said Commission shall consist of seven or nine members as the Board of Supervisors may by ordinance determine, to be appointed by the Board of Supervisors. At least one member shall be appointed from each supervisorial district, and he shall reside therein during his term.

The terms of the members shall be for four years, except that the first new members appointed under the 1956 amendment to this Section authorizing an increase in the number of the members of the Commission shall be appointed to such terms as will obtain a maximum staggering of the terms of the whole Commission. Any member may be removed by a four-fifths vote of the Board of Supervisors.

There shall be a Director of Planning who shall be appointed by the Board of Supervisors.

Said Planning Commission, Director of Planning and the Board of Supervisors, as the case may be, shall have such jurisdiction, powers and duties to formulate, approve, adopt, enact, and administer general plans, zoning ordinances, official plans, and precise plans, and do any and all other things related to local and area planning as is now or may hereafter be conferred upon them by Title 7 of the Government Code of the State of California or any general State law relating to planning as the same may now or hereafter provide. All matters of procedure relating to proceedings before the Planning Commission and the Board of Supervisors, including appeals, shall be established by ordinance or rule and any matter of procedure not so provided shall be governed by general law.

COUNTY PROPOSAL "B"

Shall Section 44 of the Charter of the County of Fresno be amended by amending paragraph 2(f) thereof to add to the positions which the Board of Supervisors may by ordinance exempt from the Classified Civil Service that of Hospital Administrator, said paragraph to read when so amended:

Exemption

(f) For exemption, where the Board of Supervisors deem it proper, of the County Administrative Officer, the Director of Planning, the Director of Personnel, the Hospital Administrator and positions where previous professional examination and

certification is required under the State Law, such as doctors, lawyers and nurses;

State of California }
County of Fresno } ss.

Certificate

We, the undersigned, Henry J. Andreas, Chairman of the Board of Supervisors of the County of Fresno, State of California, and J. L. Brown, County Clerk and ex officio Clerk of the Board of Supervisors of said County of Fresno, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of Fresno were duly submitted to the electors of said county at the general election held in said county on the 8th day of November, 1960; that such amendments are true and correct as submitted and ratified as aforesaid, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are, and each of them is, true.

In witness whereof we have hereunto set our hands and caused the same to be authenticated by the seal of the said Board of Supervisors of the County of Fresno this 13th day of March, 1961.

HENRY J. ANDREAS
Chairman of the Board of Supervisors of the County of Fresno, State of California.
J. L. BROWN
County Clerk and ex-officio Clerk of the Board of Supervisors.
By CARL H. MELOM
Deputy

Attest:
J. L. BROWN,
County Clerk of the County of Fresno, State of California

WHEREAS, Said proposed amendments to the charter of the County of Fresno, so ratified by a majority of the electors voting thereon at said general election held on November 8, 1960, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the charter of the County of Fresno, as proposed by the Board of Supervisors of said County of Fresno and as ratified by the electors of the said County of Fresno, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as part of, the charter of the County of Fresno.

CHAPTER 98

Assembly Concurrent Resolution No. 14—Requesting a study of a proposed highway from Mokelumne Hill to State Highway Route 34.

[Filed with Secretary of State April 5, 1961.]

WHEREAS, FAS Road No. 597 from Mokelumne Hill to West Point, in Calaveras County, receives heavy current use by the lumber industry, travelers, campers, vacationers, school buses and mail carriers; and

WHEREAS, Pending construction of extensive water development in Calaveras County may require the use of the road for heavy construction equipment; and

WHEREAS, FAS Road No. 597, which has received a large increase in traffic in recent years, is ideally suited for use as an extension and continuation of State Highway Sign Route 8; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works is hereby requested to make a study of extending State Highway Route 5 from Mokelumne Hill, via West Point, along the route of FAS Road No. 597 to State Highway Route 34, and report its findings thereon prior to the adjournment of the 1961 Regular Session; and be it further

Resolved, That the Chief Clerk is instructed to transmit a copy of this resolution to the Director of Public Works.

CHAPTER 99

Assembly Concurrent Resolution No. 59—Relative to co-operation between the legislative and executive branches of state government on pending legislation.

[Filed with Secretary of State April 5, 1961.]

WHEREAS, The legitimate interests of state agencies in measures pending before the Legislature can best be served if the views of such agencies are presented with due regard to the legislative process; and

WHEREAS, The policy established by the adoption of Senate Concurrent Resolution No. 66 of the 1953 Regular Session and Senate Concurrent Resolution No. 11 of the 1955 Regular Session, to the effect that the views of state agencies concerning pending measures should be discussed with the authors of such measures prior to the time such measures are heard by legislative committees, has proven beneficial to the executive, as well as the legislative, branch of government and should be readopted and strengthened at this session; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the representatives of all state departments and agencies be, and they hereby are, requested that before they oppose a bill in committee they discuss the reasons for their opposition with the author of the bill before the time set for hearing; and be it further

Resolved, That the Chief Clerk of the Assembly be, and he is hereby, directed to prepare and deliver copies of this resolution to the heads of each state department and agency.

CHAPTER 100

Assembly Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 9.5 to Article XIII thereof, relating to property taxation.

[Filed with Secretary of State April 10, 1961.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its 1961 Regular Session commencing on the second day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that Section 9.5 be added to Article XIII of the Constitution of the State, to read:

SEC. 9.5. (a) On or before the last day of January in any year, the board of supervisors of any county having a population in excess of 400,000 as ascertained by the last United States decennial census may by ordinance create tax appeals boards for the county.

When created and in existence tax appeals boards shall constitute boards of equalization for their respective counties. Each board shall have the power to equalize the valuation of the taxable property in the county for the purpose of taxation in the manner provided for in Section 9 of this article. All general laws pertaining to county boards of equalization shall be applicable to county tax appeals boards. The board of supervisors shall fix the compensation payable to members of tax appeals boards, provide such clerical and other assistance as is necessary therefor and adopt such rules of notice and procedure for such boards as may be required to facilitate their work and to insure uniformity in the processing and decision of equalization petitions.

(b) The Legislature shall provide by law for:

(1) The number of tax appeals boards which may be created within any county and the number of members to serve on each such board.

(2) The qualifications of and manner of selection and appointment of persons to serve on such boards.

(3) The terms for which members shall serve, for their removal and for the procedure for the discontinuance of such boards in any county.

(c) This section shall not become applicable in any county until the Legislature has by legislation authorized the creation of a tax appeals board for that county.

CHAPTER 101

Assembly Joint Resolution No. 3—Relative to memorializing the Congress of the United States to adopt an amendment to the Constitution of the United States either to substantially reform or abolish the Electoral College.

[Filed with Secretary of State April 10, 1961.]

WHEREAS, The present system of election of the President and the Vice President of the United States by means of the Electoral College and the Congress of the United States originated as a political compromise of the founding fathers at the Constitutional Convention of 1787 between those favoring a strong executive and those representing the large states on the one hand, and those favoring a weak executive and those representing the small states on the other hand; and

WHEREAS, Under the Electoral College system, the people do not know, when they vote, whether these high officers will be selected by the Electoral College or by the Congress of the United States and whether or not either of these groups will follow the will of the people as expressed in the popular vote for those offices; and

WHEREAS, In proportion to their populations, the small states are overrepresented in the Electoral College by reason of their two Senatorial votes and in the Congress of the United States by reason of the equal voting power of each state in this matter; and

WHEREAS, In proportion to their actual popular vote, the light-voting states are overrepresented in the Electoral College and the Congress of the United States, when voting on this matter; and

WHEREAS, Because of the unit rule method of voting in the Electoral College attention is concentrated in the campaigns for these high offices upon the largest states either to the practical exclusion of the remainder of the states or to their considerable disadvantage; and

WHEREAS, The representation of large states, such as California, in the Electoral College is changed only once every 10 years and the elections for these high offices occur every four years; and

WHEREAS, Neither the vote in the Electoral College nor that in the Congress of the United States is guaranteed to reflect exactly and accurately the popular vote for these high offices; and

WHEREAS, The selection among the candidates for these high offices is accomplished in both the Electoral College and the Congress of the United States not on the basis of who receives the most popular votes for these offices but rather where and in what states they receive their votes; and

WHEREAS, Each vote of voters voting throughout the nation, from California to Maine, should be equal in arithmetical value, except when voting for the members of bicameral legislative bodies, local, state and national; and

WHEREAS, In the years 1824, 1876 and 1888 candidates were chosen for the highest office in the land who did not obtain a plurality of the popular vote; and

WHEREAS, By means of a constitutional amendment, even the United States Senate has been elected by direct popular vote for over one-half century; and

WHEREAS, Election by direct popular vote is the rule rather than the exception throughout the United States in local, state and other federal elections; and

WHEREAS, Essentially equal voting rights among citizens of this nation is the essence of the democratic process and is one of the cardinal equal rights the people of this nation value so dearly; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to adopt an amendment to the Constitution of the United States either to substantially reform or to abolish the Electoral College and the United States congressional system of election of the President and Vice President, and to provide in lieu thereof either for their direct popular election or some other method that will insure essentially equal voting rights among citizens of the nation; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President of the United States, to the President pro Tempore of the Senate, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 102

Assembly Joint Resolution No. 11—Relative to the calling of a White House Conference on Narcotics.

[Filed with Secretary of State April 10, 1961]

WHEREAS, Illicit traffic in narcotics continues as an important problem in California and throughout the United States; and

WHEREAS, Narcotics unlawfully sold or otherwise dispensed in this State and nation originate outside of the United States;

and if the flow of such narcotics into this nation could be stemmed, the narcotics problem would largely vanish; and

WHEREAS, It is beyond the powers of the local state government effectively to control international traffic in narcotics, but the federal government has powers in this area; and

WHEREAS, The narcotics threat is a local, state, and national problem, which knows no state boundaries, and which can best be resolved by a combined and co-ordinated assault at all governmental levels; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President of the United States is urged to call a White House conference on narcotics, to include local, state, and federal officials and experts, and to formulate plans for a massive and co-ordinated assault upon the evil of narcotics; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States.

CHAPTER 103

Assembly Joint Resolution No. 16—Relative to facilities for the treatment of narcotics addicts.

[Filed with Secretary of State April 10, 1961.]

WHEREAS, There exists in California a deplorable and tragic situation caused by the use of, and addiction to, narcotics; and

WHEREAS, The unfortunate victims of narcotic addiction find that the cost of private care is prohibitively expensive and the public care is, in general, unavailable; and

WHEREAS, The United States, at present, has but two hospitals of the United States Public Health Service which provide treatment for narcotic drug addicts, namely, at Lexington, Kentucky, and Fort Worth, Texas; and

WHEREAS, There is an urgent need for a United States Public Health Service Hospital in this State, particularly in Southern California, which will provide treatment for narcotics addicts; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to establish a hospital of the United States Public Health Service in Southern California which will provide treatment for narcotics addicts; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and transmit suitable copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 104

Senate Concurrent Resolution No. 43—Relative to National Jam and Jelly Week.

[Filed with Secretary of State April 10, 1961.]

WHEREAS, The fruit and berry industry in the State of California has made many contributions to the abundance and welfare of the peoples of the nation and the world; and

WHEREAS, New standards of excellence under the careful husbandry of California growers have been developed; and

WHEREAS, Through the modern sciences of food processing and preserving, these fruits and berries find their way onto the dining tables of the nation and the world in the forms of jams, jellies, preserves and marmalades; and

WHEREAS, The calendar period of April 6 to April 15, 1961, has been designated as National Jam and Jelly Week; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in recognition of the contributions which are made by the State of California, the Legislature of the State of California takes note of and endorses this period of national observance.

CHAPTER 105

Assembly Concurrent Resolution No. 38—Relative to a state beach in San Francisco.

[Filed with Secretary of State April 11, 1961.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Natural Resources, Division of Beaches and Parks, is hereby requested to study, and report to the Legislature thereon at its 1963 Regular Session, the feasibility and desirability of developing a state beach fronting along Candlestick Cutoff in San Francisco, such study to be co-ordinated with the Department of Public Works for purposes of highway safety and development in connection with the beach; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Division of Beaches and Parks and to the Department of Public Works.

CHAPTER 106

Senate Concurrent Resolution No. 30—Relative to the disposition of obsolete state textbooks.

[Filed with Secretary of State April 12, 1961]

WHEREAS, It has come to the attention of the Legislature that the State Department of Education has burned 185,000 unused elementary textbooks which are "obsolete" because of the adoption of a new series of textbooks; and

WHEREAS, The Legislature has been informed that the United States Naval Base at Port Hueneme is ready, willing and anxious to pick up any and all such obsolete textbooks and distribute them to proper authorities in the Philippines, Okinawa, and other areas where a desperate need for such textbooks exists and where they would be greatly appreciated and used; and

WHEREAS, The disposition of such textbooks in this manner, as an alternative to burning them, would not only relieve the State of the expense of storing such obsolete textbooks but would greatly benefit the State, our nation, and areas abroad and would be a positive factor in increasing the respect abroad for the United States, now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, In the event that the Legislature provides for distribution of obsolete textbooks to places outside the United States, that the Superintendent of Public Instruction is directed to take such appropriate action as may be necessary to make available to the United States Naval Base in Port Hueneme and to any other such appropriate groups for distribution to proper authorities; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Superintendent of Public Instruction and to each member of the State Board of Education.

CHAPTER 107

Assembly Concurrent Resolution No. 62—Relative to designating Blue Star Memorial Highways.

[Filed with Secretary of State April 12, 1961]

WHEREAS, The Blue Star Memorial Highway project was adopted in 1947 by the National Council of State Garden Clubs, Inc.; and

WHEREAS, The project is designed to erect appropriate highway markings at roadside rest areas on Blue Star Memorial Highways to pay tribute to the men who served so gallantly in the armed forces of the United States in World War II; and

WHEREAS, The California garden clubs are desirous of designating U.S. Highway 80, from San Diego to the California-Arizona border as a Blue Star Memorial Highway; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That U.S. Highway 80, from San Diego to the California-Arizona border, is designated a Blue Star Memorial Highway; and be it further

Resolved, That the Division of Highways is authorized to co-operate with the California garden clubs in erecting and maintaining an appropriate memorial marking in California on each of the Blue Star Memorial Highways; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the California garden clubs and the Division of Highways.

CHAPTER 108

Assembly Joint Resolution No. 24—Relative to chemical warfare.

[Filed with Secretary of State April 12, 1961]

WHEREAS, The present balance of power in the world today makes the threat of localized war greater than the threat of nuclear war; and

WHEREAS, There is a great possibility that the United States would suffer inestimable losses in such small conflicts; and

WHEREAS, In these small conflicts it is exceedingly difficult to strike the enemy armed forces without also severely harming the civilian population, which may well include people friendly to our side; and

WHEREAS, Such conflicts may involve many of the underdeveloped countries of the world and as a result require the United States to feed the population and rebuild the economy of these countries; and

WHEREAS, There is one form of warfare, known as chemical warfare, which can suppress a Communist advance without causing widespread loss of life and property; and

WHEREAS, The scientists working in the field of chemical warfare have developed amazing chemical agents which cause temporary incapacity without causing dangerous or lasting effects; and

WHEREAS, The United States is not a party to any major treaty which forbids the use of chemical warfare; and

WHEREAS, The American public and many of its elected representatives know little about the science of chemical warfare and propagandists have given the false impression that chemical warfare is vicious and inhuman; and

WHEREAS, Recent world events may lead to an urgent need for utilizing this type of military operation and there is a strong possibility that the United States has not developed the science of chemical warfare to its greatest capacity; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Congress of the United States be urged to give serious consideration to taking such steps as may be necessary to weld the Chemical Warfare Corps into an effective operating force in the use of nonlethal gases, and to inform the American people as to the true value and the humane nature of the use of chemical agents in limited warfare; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the President pro Tempore of the Senate, the Secretary of Defense, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 109

Assembly Joint Resolution No. 32—Relative to air pollution.

[Filed with Secretary of State April 12, 1961.]

WHEREAS, California has made significant progress in its battle to conserve air as a natural resource; and

WHEREAS, The State has established the first standards in the United States for air quality and motor vehicle emissions which serve as guidelines for control programs; and

WHEREAS, Local air pollution control districts in 12 of the State's 58 counties embracing 79 percent of the State's total population have made appreciable progress in controlling pollution from stationary sources; and

WHEREAS, California became the first state to establish a program for the control of pollution from mobile sources, the motor vehicle, when it created the Motor Vehicle Pollution Control Board; and

WHEREAS, This progress in California has been made possible by the research and technical assistance of both private and governmental agencies on a fedeal, state and local level including the United States Public Health Service; and

WHEREAS, In spite of the progress made, air pollution in California continues to spread and become more intense in ever-widening areas of the State and its effects have now been detected in 26 of California's 58 counties; and

WHEREAS, Photochemical air pollution is not solely a California problem but a problem of national concern, as evidenced by the fact that its manifestations have been detected in the

District of Columbia and in 19 states including Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Missouri, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Utah, Washington, and West Virginia; and

WHEREAS, There is in California and the rest of the nation a continuing and increasing need for research and technical data on the causes and effects of air pollution and particularly on the causes and effects of motor-vehicle-created air pollution and its relation to total air pollution; now, therefore, be it

Resolved by the Assembly and Senate of the State of California jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to make provision for an increase in the air pollution research programs of the United States Public Health Service to provide the technical information necessary for the establishment, improvement and implementation of air quality and motor vehicle emission standards in California and other states, and specifically to provide technical and research resources to California to assist with the State's program for the control of motor-vehicle-created air pollution; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 110

Senate Joint Resolution No. 21—Relative to single plane direct service between Sacramento and Fresno.

[Filed with Secretary of State April 14, 1961]

WHEREAS, United Air Lines for many years has had the exclusive right to render single plane direct service between Sacramento and Fresno, without the necessity of a stopover at San Francisco International Airport; and

WHEREAS, Direct single plane service involves less travel time as well as less travel cost to air passengers traveling between Sacramento and Fresno; and

WHEREAS, Origin and destination passenger surveys of the Civil Aeronautics Board reveal that more passengers to and from Fresno are generated to and from Sacramento than any other city in California except Los Angeles and San Francisco; and

WHEREAS, United Air Lines has not, except for an inadequate effort from May, 1955 to September, 1957, attempted to properly exploit the true traffic potential available between Sacramento and Fresno; and

WHEREAS, The Hearing Examiner of the Civil Aeronautics Board in the current Pacific Southwest Local Service Case has recommended against any other airline receiving said direct single plane service between Sacramento and Fresno; and

WHEREAS, This recommendation if permitted to stand by the board will continue to prevent adequate exploitation and development of the obvious air transportation needs between Sacramento and Fresno unless United Air Lines reinstitutes such service prior to the board's decision in said case; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Civil Aeronautics Board to carefully review the initial decision of the examiner in the Pacific Southwest Local Service Case to the end that one of the local service carrier applicants in said case shall be authorized to render direct single plane service between Sacramento and Fresno without a stopover at San Francisco International Airport if United Air Lines has failed to reinstitute such service when said case is reviewed by the board; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to each member of the Civil Aeronautics Board.

CHAPTER 111

Senate Joint Resolution No. 23.—Relative to research projects in connection with the aid to dependent children program.

[Filed with Secretary of State April 14, 1961]

WHEREAS, Federal regulations now require that the aid to dependent children program be administered uniformly in all parts of the State; and

WHEREAS, This requirement prevents the states from engaging in research projects in selected areas to determine the most efficient method of administering the program; and

WHEREAS, There are many phases of the program in which improvements could be made if the states could establish pilot studies in specified areas suitable for the conduct of such studies; and

WHEREAS, An attempt on the part of any state to do this at the present time would give rise to a question of conformity with federal requirements, and might cause the state to lose federal funds otherwise available to it; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature hereby requests the United States Department of Health, Education, and Welfare to modify its regulations to permit the states to conduct research projects limited in their scope to specific areas, so

that a state will not jeopardize its continued eligibility for federal funds under the aid to dependent children program; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Mr. Abraham Ribicoff, Secretary of Health, Education, and Welfare.

CHAPTER 112

Senate Joint Resolution No. 24—Relative to memorializing Congress to appropriate funds for research projects in connection with the aid to dependent children program.

[Filed with Secretary of State April 14, 1961.]

WHEREAS, The States would be enabled to restore to self-sufficiency many families now receiving assistance under the aid to dependent children program if more were known about the causes of dependency and means to reduce that dependency; and

WHEREAS, The States could also determine, by means of an adequate research program, how the administration and operation of the aid to dependent children program could be improved to the benefit of both recipients and taxpayers; and

WHEREAS, The States are not now financially able to undertake research programs of a magnitude sufficient to achieve these ends, and federal funds are not available to aid the States in this regard; and

WHEREAS, Federal funds spent for research would ultimately result in a less costly aid program by the reduction of the aid rolls and increased efficiency in administration; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby memorializes the Congress of the United States to appropriate funds for use by the States for research projects in connection with the aid to dependent children program; and be it further

Resolved, That the Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to the President of the United States, the President pro Tempore of the United States Senate, the Speaker of the House of Representatives, to each Senator and Representative in this State's delegation to the Congress of the United States, and to the United States Department of Health, Education, and Welfare.

CHAPTER 113

Senate Joint Resolution No. 25—Relating to repayments to the federal government under the aid to dependent children program.

[Filed with Secretary of State April 14, 1961.]

WHEREAS, There is a federal conformity question relating to whether the law enforcement agencies may deduct costs incurred by them in recovering funds paid out under the aid to dependent children program when the parent was gainfully employed or had sufficient assets to assist the recipient; and

WHEREAS, This question arises because the federal law requires that the program be administered by a single state agency; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is memorialized to take such steps as may be necessary to permit a county or state to deduct the costs incurred by the law enforcement agencies in recovering aid from the amount returnable to the federal government in proportion to the amount contributed by the federal government toward the aid recovered; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Health, Education, and Welfare, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the United States Department of Health, Education, and Welfare.

CHAPTER 114

Senate Joint Resolution No. 26—Relative to memorializing Congress to enact legislation permitting youths receiving aid to dependent children to earn money without affecting their aid grants.

[Filed with Secretary of State April 14, 1961.]

WHEREAS, The basic purpose of the aid to dependent children program is to assist children deprived of parental support and to enable these children to grow into self-supporting, independent, and responsible members of the community; and

WHEREAS, This purpose is now frustrated by federal statutes and regulations which require that the earnings of employed youth receiving aid to dependent children be deducted in computing their aid grants, thus discouraging them from seeking suitable part-time and summer employment; and

WHEREAS, Modification of this federal requirement would enable the youth to derive some immediate personal benefit from their employment in addition to teaching them the values of employment, self-support, and independence; and

WHEREAS, Such a modification would also, by assisting needy families to achieve self-support, ease the burden on the taxpayers, who are now compelled to support families which are potentially capable of supporting themselves; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation that would exempt 50 percent of the earnings of youth receiving aid to dependent children from deduction from aid grants, and thus to encourage these youth to become self-supporting; and be it further

Resolved, That the Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to the President of the United States, the President pro Tempore of the United States Senate, the Speaker of the House of Representatives, to each Senator and Representative in this State's delegation to the Congress of the United States, and to the Secretary of the United States Department of Health, Education, and Welfare.

CHAPTER 115

Senate Joint Resolution No. 27—Relative to memorializing Congress to provide aid to dependent children in boarding homes or foster homes.

[Filed with Secretary of State April 14, 1961]

WHEREAS, Federal funds are now available under the Aid to Dependent Children Program only for children who are in the homes of their parents or other relatives; and

WHEREAS, Many needy children are now deprived of the benefit of federal aid by reason of their being confined in boarding homes or foster homes; and

WHEREAS, The states, as a result, are severely handicapped in providing proper care and supervision for such children; and

WHEREAS, It is essential that children in boarding homes and foster homes be given the same opportunities and advantages as are available to those children whose families are available to care for them; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature hereby memorializes the Congress of the United States to enact legislation amending the Social Security Act to permit the payment of federal funds to the states for dependent children who are confined in boarding homes or foster homes; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a suitably prepared copy of this resolution to the President of the United States, the President pro Tempore of the United States Senate, the Speaker of the House of Representatives, to each Senator and Representative in this State's delegation to the Congress of the United States, and to the Secretary of the United States Department of Health, Education, and Welfare.

CHAPTER 116

Senate Joint Resolution No. 28—Relative to aid to dependent children.

[Filed with Secretary of State April 14, 1961.]

WHEREAS, There are a significant number of children receiving aid to dependent children whose caretakers misappropriate the funds granted to promote and protect the health and welfare of the children; and

WHEREAS, In many cases social casework services prove ineffective in correcting such money management problems; and

WHEREAS, The Social Security Act prohibits federal participation in aid-in-kind and vendor payments in such cases; and

WHEREAS, The counties of California in administering the aid to dependent children program have demonstrated a reluctance to place such cases on aid-in-kind and vendor payment status because of the loss of federal participation in the grant; and

WHEREAS, The effect, therefore, of the Social Security Act is to place in jeopardy the public funds expended under the aid to dependent children program and, more importantly, the health and welfare of such needy children, now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States is hereby urged to amend the Social Security Act to provide for federal participation in the costs of aid-in-kind and vendor payments to aid to dependent children recipients, but only after the extension of social casework services by the local administrators of the program, and such services have proved ineffective in solving money-grant mismanagement problems; and be it further

Resolved, That the Secretary of the Senate is directed to prepare and send copies of this resolution to the President and Vice President of the United States, the President pro Tempore of the Senate, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the United States Department of Health, Education, and Welfare.

CHAPTER 117

Assembly Joint Resolution No. 23—Relative to acquiring and establishing the John Muir Home in Martinez as a national monument.

[Filed with Secretary of State April 14, 1961]

WHEREAS, John Muir was one of the nation's foremost naturalists and an untiring proponent of the conservation of our great natural resources to preserve them for public use and enjoyment; and

WHEREAS, Although born in Scotland, John Muir came to the United States in 1849 and settled in California in 1868, where he traveled extensively throughout the State and North America, exploring, often on foot, the many wilderness areas of our State and our country; and

WHEREAS, Through accounts of his travels and his many other efforts and activities John Muir brought to the attention of his countrymen the beauties of nature and the scenic areas existing throughout California and North America and the need for national parks and reservations to preserve the great scenic and natural resources of our country; and

WHEREAS, There is in Martinez, California, the house John Muir called his home for nearly 20 years while making his many explorations and carrying on his worthwhile activities; and

WHEREAS, If this house is not preserved and saved for future generations as a monument to him and his many efforts on behalf of the citizens of our country it will eventually be lost to future generations; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States that funds be made available to acquire the John Muir home in Martinez, California, and establish it as a national monument; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 118

Assembly Joint Resolution No. 28—Relative to income tax incentives which encourage foreign investments.

[Filed with Secretary of State April 14, 1961]

WHEREAS, The economies of many foreign countries which are already highly developed and industrialized are expand-

ing at a rate greater than that at which the economy of the United States is expanding; and

WHEREAS, The Internal Revenue Code of 1954 contains provisions which are designed to indiscriminately encourage the investment of American capital in foreign countries; and

WHEREAS, Among such provisions are those relating to the tax treatment of foreign subsidiaries, foreign tax credit, differential rates, and tax-free exchanges; and

WHEREAS, These provisions have the effect of sending abroad capital that today is vitally needed in this country for domestic business and industry; and

WHEREAS, Indiscriminate American investment abroad is today contributing substantially to a critical reduction of our gold reserves, and thus may have an adverse effect on the value of the dollar; and

WHEREAS, It is essential to the national defense and to the health, welfare and safety of the people that the economy of the United States be stable and expand at a rate to meet its needs; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to revise the Internal Revenue Code of 1954 so as to limit the application of the provisions in it which are designed to encourage the investment of American capital in foreign countries to those countries of Africa, Asia and South America which are underdeveloped and underindustrialized; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 119

Senate Joint Resolution No. 17—Relative to air pollution control equipment.

[Filed with Secretary of State April 18, 1961]

WHEREAS, Air pollution control districts and other similar legislative agencies throughout the United States have adopted and will adopt further regulations controlling the emission of air pollution to the atmosphere; and

WHEREAS, There will be millions of dollars of air pollution control equipment installed in air pollution control districts for the community benefit in the immediate future; and

WHEREAS, Action by the federal government providing the quickest possible tax writeoff for capital expenditures for air

pollution control equipment will serve to encourage and support the installation of such equipment in air pollution control districts in California and elsewhere in the United States; and

WHEREAS, Air pollution control problems and the requirements for corrective equipment are becoming less and less a matter of protection against claims for property damage by neighbors of plants that are sources of air pollution and are becoming increasingly a matter of general community betterment, even though no public liability exists for claims against the source; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States to enact legislation that will provide the quickest possible tax writeoff for capital expenditures for air pollution control equipment; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 120

Senate Joint Resolution No. 34—Relative to the proposed closing of Benicia Arsenal

[Filed with Secretary of State April 18, 1961]

WHEREAS, The Department of Defense has ordered the closing of Benicia Arsenal, Benicia, California, a unit of the army ordnance depot and maintenance system; and

WHEREAS, Benicia Arsenal is the only ordnance depot located on deep water in the Western United States and has been a major supply and maintenance installation for the West Coast and the Pacific Area in World War II and the Korean conflict, and in support of military assistance in such crises as have occurred in Viet Nam, Formosa, and Laos; and

WHEREAS, The function now performed by Benicia Arsenal will be continued by the Army and will, as a result of this order, be transferred to another depot; and

WHEREAS, The Benicia Arsenal now employs 2,400 civilians and is essentially the single industry within the City of Benicia which has a population of only 6,000 persons; and

WHEREAS, The closing of Benicia Arsenal will, despite efforts to relocate existing employees, undoubtedly result in some unemployment; and

WHEREAS, The closing of the arsenal and exodus of employees from that community will cause grave problems regarding the financing of schools and other local governmental

agencies for which commitments have already been made, and the financing of the repayment of bond issues which have been passed by Benicia's schools and the City of Benicia to finance local improvements; and

WHEREAS, The City of Benicia since 1848 has existed primarily to serve the United States Army and to provide support to the Benicia Arsenal and its predecessor Army installations at that community and has developed a corps of dedicated and experienced employees to perform the vital functions of that depot; and

WHEREAS, The artificial creation of an economic depressed area and the imposition of hardship on thousands of Benicia residents can be averted by federal action in consideration of all the factors which may be involved in this problem; and

WHEREAS, Inspections made of Benicia Arsenal during this current year by personnel of the Department of the Army from Washington, D.C., have resulted in commendations to the arsenal for excellence of performance and citing the vital function performed at Benicia and the adequacy of workload to sustain that function there: now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States and the Secretary of Defense to reconsider the order closing the Benicia Arsenal at Benicia, California, in the light of all circumstances in order to prevent the hardships enumerated in this resolution; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Defense and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 121

Senate Concurrent Resolution No. 49—Relative to extending congratulations to Bishop Willinger.

[Filed with Secretary of State April 24, 1961.]

WHEREAS, July 2 of this year of 1961 marks the Golden Sacerdotal Jubilee of His Excellency, the Most Reverend Aloysius Joseph Willinger, C.S.S.R., D.D., Bishop of the Diocese of Monterey-Fresno; and

WHEREAS, This dedicated man of God, who was born in Baltimore, Maryland, on April 19, 1886, was ordained a priest on July 2, 1911, after extensive study at St. Mary's College, North East, Pennsylvania, and Mt. St. Alphonsus' House of Studies, Esopus, New York; and

WHEREAS, His early years in the priesthood were spent as a missionary in Puerto Rico, where he labored among the poorest of the poor; and

WHEREAS, The unique ability which he displayed while so engaged resulted in his elevation in 1929 to Bishop of the Roman Catholic Church in Puerto Rico; and

WHEREAS, In 1947 the Holy See transferred Bishop Willinger to Fresno where it was felt his talents could best serve the Lord; and

WHEREAS, Under his skillful leadership the Monterey-Fresno diocese, consisting of 12 Central California counties, has added 30 new parishes and 25 new schools and has experienced a growth in Catholic population from 200,000 to 386,000; and

WHEREAS, Bishop Willinger has proven himself to be a man possessed of unfailing wisdom, benign understanding, and generous disposition, which qualities have been a great source of inspiration to the members of his flock, and have won for him their deep love and abiding respect; and

WHEREAS, He has provided inspired guidance for the people of his faith during the many years of his priesthood and has lead a life devoted to the service of his calling; and

WHEREAS, On April 26, 1961, Bishop Willinger will celebrate a solemn pontifical mass in Thanksgiving in the Fresno Memorial Auditorium in the presence of His Eminence James Francis Cardinal McIntyre of Los Angeles, and the Most Reverend Egidio Vagnozzi, S.T.D., apostolic delegate to the United States; and

WHEREAS, On April 27, 1961, he will celebrate a solemn pontifical mass marking the elevation of the Carmel Mission to the rank of a minor basilica; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature extend to Bishop Willinger their most sincere congratulations on the occasion of his 50 years in the priesthood; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Bishop Willinger.

CHAPTER 122

Assembly Joint Resolution No. 30—Relative to the Camp Matthews Marine Corps rifle range.

[Filed with Secretary of State April 25, 1961.]

WHEREAS, The Legislature of the State of California is deeply interested in the development of a general campus of the University of California at San Diego surrounding the present site of the Scripps Institution of Oceanography; and

WHEREAS, The land comprising the Marine training center at Camp Matthews, now held by the federal government, is necessary for the complete development of this new campus; and

WHEREAS, Plans have been proposed to transfer the activities of Camp Matthews to the marine base at Camp Pendleton; and

WHEREAS, Under the current program for the transfer, the work and the cost are being spread over two fiscal years commencing with 1962; and

WHEREAS, It is desirable that the change be made more rapidly if possible, and that the present rifle range site at Camp Matthews be made available for development as part of the University of California campus in that area; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests the President and the Congress of the United States to accelerate the program to transfer the activities of Camp Matthews to Camp Pendleton by increasing the proposed appropriation of $6.1 million to the total estimated cost of $12.5 million for the 1962 fiscal year, and to enact legislation to authorize the transfer of the rifle range site at Camp Matthews to the Board of Regents of the University of California; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 123

Assembly Concurrent Resolution No. 82—Relative to the 1961 State Blue Book.

[Filed with Secretary of State April 25, 1961]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Printer shall charge to legislative printing the costs of the State Blue Book compiled, published and distributed in 1961 pursuant to Chapter 37 of the Statutes of 1961.

CHAPTER 124

Assembly Concurrent Resolution No. 74—Relating to motor vehicle pollution.

[Filed with Secretary of State May 2, 1961.]

WHEREAS, The Motor Vehicle Pollution Control Board and a program to control motor vehicle created air pollution were authorized by the California Legislature in 1960 through the enactment of Assembly Bill 17; and

WHEREAS, The Motor Vehicle Pollution Control Board, which became an operating agency in July, 1960, has proceeded in accordance with legislative directive with the initiation of the control program; and

WHEREAS, The board is developing detailed testing procedures to determine if devices meet state standards for the reduction of pollutants and is now screening applications which have been received from manufacturers seeking certification of control devices; and

WHEREAS, The board is currently directing its efforts toward the establishment of additional criteria for acceptable devices which relate to such characteristics of the device as its cost and life, its durability and reliability, its safety and other factors which relate to the suitability of the device for the control of pollution or for the health, safety and welfare of the public; and

WHEREAS, The board anticipates the rapid institution of an effective control program; and

WHEREAS, A time schedule for compliance will automatically become operative following the board's certification of two or more devices; and

WHEREAS, The ultimate success of the program to control motor vehicle created air pollution is dependent on the continuing co-operation of industry, government agencies and the public and on implementation of the legislation in a manner which is fair and equitable to both the public who will utilize the control device, and the manufacturers who will supply the control device; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Motor Vehicle Pollution Control Board is requested to proceed with the rapid implementation of the control program and that in so doing it continue to protect the interest of the motoring public through the establishment of sound, technically reliable and economically justifiable criteria; and be it further

Resolved, That the board take into consideration in its certification of devices, the time schedule for compliance as defined in state legislation and its relationship to the availability of devices, the production schedules of the automobile industry, the adequacy of methods of distribution of certified devices and any other marketing factors which affect the

pricing of devices in order to protect the economic interests of California motoring public; and, be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Motor Vehicle Pollution Control Board.

CHAPTER 125

Assembly Concurrent Resolution No. 91—Approving three certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the fourth day of April, 1961.

[Filed with Secretary of State May 2, 1961.]

City of Los Angeles' Charter amendments

WHEREAS, Proceedings have been taken and had for the adoption and ratification of three amendments, hereinafter set forth, to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the president of the city council and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
The City of Los Angeles

Certificate

We, John S. Gibson, Jr., President of the Council of The City of Los Angeles, and Walter C. Peterson, City Clerk of The City of Los Angeles, do hereby certify and declare as follows:

That said, The City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two million one hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the Council of The City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of The City of Los Angeles certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain general municipal election held on the 4th day of April, 1961, all as required by law, which said proposals were designated as proposed charter amendments 1, 3 and 4, respectively.

That on the 17th day of February, 1961, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of February 17, 1961, in "The Los Angeles Daily Journal", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 17, 1961, to and including April 4, 1961; and a notice was advertised and published on and from February 17, 1961, to and including April 4, 1961, in "The Los Angeles Daily Journal", a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election held on April 4, 1961, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of The City of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of the said The City of Los Angeles, which pursuant to law met on April 17, 1961, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That the said amendments to the Charter of The City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

Charter Amendment No. 1

The Charter of The City of Los Angeles is hereby amended by adding Section 39 thereto, to read as follows:

Public off-street parking

Sec. 39. Notwithstanding anything in this Charter to the contrary, the Council may provide by ordinance, order or resolution that any action, report or proceeding relating to public off-street parking, except for public off-street parking facilities under the jurisdiction of departments having control of their own funds, may be done, or taken by any board or officer of this city specified by it.

Charter Amendment No. 3

Section 376.1 is added to the Charter of The City of Los Angeles to read:

Period for presenting claims

Sec. 376.1. Notwithstanding the six-month period for the presentation of claims as provided for in Section 376, from and after January 1, 1962, the period for presenting claims as provided for in Section 376 shall be one year, and Section 376 shall be construed and applied in accordance with this section, except that this section shall have no retrospective effect as to claims and demands as to which the period for presentation thereof has expired prior to January 1, 1962.

Charter Amendment No. 4

Sections 249 and 250 are hereby repealed, and Section 248 is amended to read as follows:

City Traffic Engineer

Sec. 248. The General Manager of the Department of Traffic shall be known as the City Traffic Engineer. The position of General Manager of the Department of Traffic is hereby placed under the classified civil service provisions of this charter and the provisions of subsection (a) of Section 112 shall apply to the removal, discharge or suspension of said general manager, in lieu of the provisions of Section 79. This section supersedes Section 111 of this charter with respect to exemption of such general manager from the classified civil service.

In the event the incumbent General Manager of the Department of Traffic shall have been employed continuously in said position for a period of six (6) months immediately prior to the taking effect of this amendment, he shall be deemed to have the necessary qualifications required by the provisions of Article IX of this charter and shall retain his office until removed for cause, as provided therein. In the event such incumbent shall have been employed continuously in such position for a period of less than six (6) months immediately prior to the effective date of this amendment, then he shall, during the period of six months from and after said date, be deemed to be serving under probation, as provided for in Article IX of this charter.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of The City of Los Angeles to be affixed hereto this 17th day of April, 1961.

(SEAL)

JOHN S. GIBSON, JR.
President of the Council of The City of Los Angeles
WALTER C. PETERSON
City Clerk of The City of Los Angeles

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of the said the City of Los Angeles.

CHAPTER 126

Senate Concurrent Resolution No. 50—Approving amendments to the charter of the City of Porterville, a municipal corporation of the County of Tulare, State of California, voted for and ratified by the qualified electors of the city at a general municipal election held therein on the fourth day of April, 1961.

[Filed with Secretary of State May 3, 1961]

City of Porterville Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of certain amendments, hereinafter set forth, to the charter of the City of Porterville, a municipal corporation of the County of Tulare, State of California, as set out in the Certificate of the Mayor and City Clerk of the City of Porterville as follows:

CERTIFICATE OF AMENDMENT TO CHARTER OF THE CITY OF PORTERVILLE

State of California }
County of Tulare } ss

Certificate

We, the undersigned, William R. Rodgers, President of the City Council and Mayor of the City of Porterville, and M. L. Grimsley, City Clerk of the City of Porterville, do hereby certify and declare as follows:

That the City of Porterville is a municipal corporation in the County of Tulare, State of California, and is now and at all times hereinafter referred to, was a City containing a population of more than thirty five hundred (3500) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said City of Porterville is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8, Article 11 of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of the City of Porterville at an election duly held for that purpose on October 5, 1926, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 27th day of January, 1927 (Statutes 1927, Chapter 27, Page 2172);

That in pursuance of Section 8 of Article XI of the Constitution of the State of California, and on its own motion, the Council of the City of Porterville, being the legislative body of said City, by and in pursuance of a resolution passed and adopted by the City Council on the 17th day of January, 1961, and by more than a two-thirds vote of said Council, duly submitted to the qualified electors of the City of Porterville, a proposal for the amendment of Section 58 of the Charter of the City of Porterville, and a proposal for the amendment of Section 61 of the Charter of the City of Porterville to be voted on by said qualified electors, at a general municipal election, to be held in said City on the 4th day of April, 1961, which said proposals are hereinafter set forth at length;

That said proposed amendments were published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, in the Porterville Evening Recorder, which was then and there a daily newspaper, printed, published and circulated at and within the City of Porterville, County of Tulare, State of California, and was and is the official newspaper for said City;

That said City Council caused copies of said proposed amendments to be printed in convenient pamphlet form and kept in the office of the City Clerk of said City, and did, until the date fixed for the election upon said amendments, advertise in the Porterville Evening Recorder, a notice that such copies might be had upon application therefor, all in accord-

ance with the provisions of Section 8, Article XI of the Constitution of the State of California;

That said proposed amendments were published and advertised within fifteen (15) days after they were filed with the City Clerk and that the election at which they were voted on was by resolution of the City Council passed and adopted on the 17th day of January, 1961, set for April 4, 1961, which was not less than forty (40) nor more than sixty (60) days after the completion of the advertising in the official newspaper as aforesaid;

That thereafter, the Council of the City of Porterville did, in the manner provided by law, duly and regularly canvass the returns of said election, and that said City Council by resolution adopted on the 10th day of April, 1961, declared the result of said municipal election as determined from the canvassing of the returns thereof;

That at said municipal election held on the 4th day of April, 1961, said proposed amendments were ratified and adopted by more than a majority of the electors of said City voting thereon, there being cast in favor of the amendment to Section 58 of the Charter of the City of Porterville One Thousand sixty-nine (1069) votes and against said amendment Seven Hundred thirty-four (734) votes;

That said amendment so ratified by the electors of the City of Porterville is in words and figures as follows, to-wit:

"PENSIONS"

"Section 58: The Council shall have and is hereby granted full power and authority to establish, regulate, maintain, revise and amend, a retirement, disability, death benefit and pension system, or either or any of them, for its elective and appointive officers and employees of the City of Porterville and their dependents. Authority and power is hereby vested in the City of Porterville, its Council, its officers, agents and employees to do and perform any act or exercise any authority granted, permitted or required whereby the City of Porterville may fully participate in a retirement, disability, death benefit and pension system for its employees. Employees of the Porterville Public Library shall be considered employees of the City of Porterville for the purpose of establishment and maintenance of any retirement, disability, death benefit or pension system hereby authorized. A system for retirement, disability, death benefit and pension rights for employees and their dependents authorized by this section when established by the Council, shall not be terminated without securing the approval of a majority of the electors of the City of Porterville at an election held therefor. Pension system

"The City shall levy and collect taxes sufficient to pay all costs and expenses required to be paid by the City of Porterville to enable the City of Porterville to participate in any such retirement, disability, death benefit or pension system

established, set up or maintained by, for or on behalf of the City of Porterville and the limitations of Section 43 of the Charter of the City of Porterville, with respect to levying and collecting of municipal taxes, shall not apply to any tax authorized by this article."

That at said municipal election held on the 4th day of April, 1961, said proposed amendment of Section 61 of the Charter of the City of Porterville was ratified and adopted by more than a majority of the electors of said City voting thereon, there being cast in favor of said amendment of Section 61 of the Charter of the City of Porterville One Thousand sixty six (1066) votes and against said amendment Five Hundred ninety eight (598) votes;

That said amendment of said Section 61 of the Charter of the City of Porterville so ratified by the electors of the City of Porterville is in words and figures as follows, to-wit:

"CONTRACT WORK"

Competitive bidding

"Section 61: When the expenditure required for a public project exceeds Two Thousand Five Hundred Dollars ($2,500.00), it shall be contracted for and let to the lowest responsible bidder after notice.

"As used in this section public project means a project for the erection, improvement and repair of public buildings and works; work in or about streams, embankments, or other work for protection against overflow; street or sewer work except maintenance or repair; furnishing supplies or materials for any such project, including maintenance or repair of streets, sewers or water lines.

"The Council may reject any or all bids presented and may, at its discretion, readvertise for other bids, or, the Council may, after rejecting bids, determine and declare by a four-fifths (4/5) vote of all of its members that the work in question may be more economically or satisfactorily performed by day labor, or the labor or materials purchased at a lower price in the open market and after the adoption of a resolution to this effect it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section.

"The notice inviting sealed bids shall set a date for the opening of bids; the first publication shall be at least ten (10) days before the date of the opening of the bids; shall be published at least twice not less than five (5) days apart in the official newspaper selected by the Council.

"In case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council may, by resolution passed by a vote of four-fifths (4/5) of its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed without advertising for bids or receiving the same, to

expend, or enter into a contract involving the expenditure of any money required in such emergency, on hand in the City treasury and available for such purpose.''

That the returns of said election were in accordance with law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunder duly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of said proposals for the amendments to Section 58 and Section 61 of said Charter, and

That we, and each of us, further certify, that we have compared the foregoing and enclosed ratified amendments to the Charter of the City of Porterville with the original resolution and proposal submitting the same to the qualified electors of the City at the general municipal election held on April 4, 1961, and that the foregoing is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the Seal of the City of Porterville to be affixed, this 10th day of April, 1961.

WILLIAM R. RODGERS,
President of the City Council
and Ex-Officio Mayor
(SEAL)
M. L. GRIMSLEY,
City Clerk of the City of
Porterville

WHEREAS, The proposed amendments so ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, A majority of all Members elected to each House voting thereon and concurring therein, that the amendments to the charter of the City of Porterville, as proposed to and adopted and ratified by the qualified electors of the City of Porterville, are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of the City of Porterville

Approval

CHAPTER 127

Senate Concurrent Resolution No. 54—Relative to the United States Savings Bonds Program.

[Filed with Secretary of State May 3, 1961]

WHEREAS, Twenty years ago, 1941, marked the beginning of the United States Savings Bonds Program by the United States Treasury Department; and

WHEREAS, During these 20 years the program has become a bulwark of security to millions of American savers, an appreciable factor in federal debt management and the maintenance of a sound economy, and today stands at the peak of its accomplishment with the nation's citizens owning more than $43.5 billion in Series E and H savings bonds; and

WHEREAS, The State of California has enjoyed one of the nation's most successful savings bonds programs, assisted by outstanding volunteers representing every facet of the economy and every group of her citizens, with a record of sales for the State of California that exceeds $275,000,000 annually; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California hereby pays tribute to the individual volunteers, groups and institutions of California for their patriotic service in behalf of the Savings Bonds Program and that it hereby commends the citizens of California for outstanding response during the past 20 years; and be it further

Resolved, That during the 1961 20th anniversary year and in the years to come all Californians be urged to continue to support the Savings Bonds Program by their volunteer efforts and to continue to invest in United States Savings Bonds, which are tangible "shares in America" and evidence of faith in our country in these perilous times; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to each of the following officers of the Savings Bond Division of the United States Treasury Department who administer the Savings Bond Program in California: the Regional Director, the State Director for Northern California, the State Director for Southern California, the Area Manager for Northern California and the Area Manager for Southern California; and to each of the following citizens of California who have led, and who lead, the highly successful volunteer phase of the Savings Bond Program in this State: the Chairman of the National Executive Committee of Treasury Volunteers, the State Chairman for Northern California and the State Chairman for Southern California.

CHAPTER 128

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1¼ of Article XIII thereof, relating to the veterans' tax exemption.

[Filed with Secretary of State May 4, 1961.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1961 Regular Session, commencing on the second day of January, 1961, two-

thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that Section 1¼ of Article XIII of the Constitution of the State be amended to read:

SEC. 1¼. (a) The property to the amount of one thousand dollars ($1,000) of every resident of this State who has served in the armed forces of the United States (1) in time of war, or (2) in time of peace, in a campaign or expedition for service in which a medal has been issued by, or under the authority of, the Congress of the United States, and in either case has received an honorable discharge therefrom, or who after such service of the United States under such conditions has continued in such service, or who in time of war is in such service, or (3) who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions; or lacking such amount of property in his own name, so much of the property of the spouse of any such person as shall be necessary to equal said amount, shall be exempt from taxation; provided, this exemption shall not apply to any person described herein owning property of the value of five thousand dollars ($5,000) or more, or where the spouse of such person owns property of the value of five thousand dollars ($5,000) or more.

(b) The property to the amount of one thousand dollars ($1,000) of the surviving resident spouse in this State, or if there be no such surviving spouse, of the widowed mother resident in this State, of every person who has so served and has died, and the property to the amount of one thousand dollars ($1,000) of pensioned surviving spouses, fathers, and mothers, resident in this State, of persons described herein who have so served in the armed forces of the United States, shall be exempt from taxation; provided, this exemption shall not apply to any surviving spouse, father or mother described in this subdivision owning property of the value of ten thousand dollars ($10,000) or more.

(c) All real property owned by the Ladies of the Grand Army of the Republic and all property owned by the California Soldiers Widows Home Association shall be exempt from taxation.

No person described herein who has served in the armed forces of the United States shall be eligible for such exemption unless he was a resident of California at the time of his entry into such armed forces, or unless he was a resident of California at the effective date of the amendment of this section as proposed at the 1961 Regular Session of the Legislature.

No surviving spouse, father or mother of such person described herein who has served in the armed forces of the United States shall be eligible for such exemption unless such described person was eligible for such exemption at the time

of his death, and unless such surviving spouse, father or mother of such described person was a resident at the time of the application for such exemption.

CHAPTER 129

Senate Concurrent Resolution No. 39—Relative to scenic highways.

[Filed with Secretary of State May 4, 1961]

WHEREAS, California's scenic and historical resources have been a continuing source of education, inspiration, and enjoyment to her own citizens and visitors alike, and an important factor in the economic development of the State; and

WHEREAS, These cultural and economic benefits have increased in direct proportion to the ease and safety with which motorists could reach and traverse our scenic mountain, desert, and coastal areas; and

WHEREAS, Our great and rapid postwar population growth, the increase in per capita income, available leisure, and mobility, and improved accessibility provided by superior automobiles and roads have all vastly increased travel to and through these areas of scenic beauty and historical significance; and

WHEREAS, This ever-growing travel requires highway facilities which are having an inescapable impact upon our scenic and historical areas and these facilities themselves necessarily become a significant part of the landscape; and

WHEREAS, Many opportunities exist throughout California for the harmonious blending of the highway and the landscape through careful planning and design of both the highway and adjacent land development, as demonstrated by the plan for State Highway 1 recently completed by Monterey County; and

WHEREAS, The development of scenic highways would help greatly to attain the recreational objectives inherent in the highway, park, recreation, and water resources development programs of the State and its local agencies; and

WHEREAS, A preliminary investigation undertaken by the Departments of Public Works, Natural Resources, and Water Resources, and the State Office of Planning has indicated that the development of scenic highways, including certain portions of the state highway system, is desirable and feasible; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. There exists a need to designate certain highways within the state highway system as "state scenic highways";

2. The Departments of Public Works, Natural Resources, and Water Resources, and the State Office of Planning are requested to continue their collaborative investigation, com-

menced under Senate Resolution 26, 1960 First Extraordinary Session, and to prepare a report on, and recommendations for, a statewide system of scenic highways, which report shall be under the administrative direction of the Department of Public Works and shall recommend the following: (a) those portions of the state highway system to be designated and included in a new class of highways to be known as "state scenic highways"; (b) the procedures and standards to be adopted for the designation, planning, location, and design of such highways; and (c) such other actions as will carry out the intent of this resolution to provide for the development of a system of scenic highways;

3. The Department of Public Works is requested to defray such additional costs as may be required in preparing said report and recommendations with the money available from state and federal highway planning funds;

4. Agencies of the state government, of the counties and cities of the State, and, insofar as practicable, of the federal government are requested to co-operate with the four collaborating agencies named herein in the conduct of the studies necessary for the preparation of the report and to furnish necessary data or information at their own expense when requested by the Department of Public Works or any of the collaborating agencies;

5. Agencies of local government are specifically requested to collaborate by helping to identify and delineate scenic routes and corridors, by taking appropriate action to protect scenic and historical resources along possible state scenic highways, and by planning local feeder routes and roadside parks to supplement said highways;

6. The Speaker of the Assembly and the President pro Tempore of the Senate are requested jointly to appoint a committee of seven members, to consist of officials of counties and cities, of persons having special competence in the field of landscape architecture as it relates to scenic conservation, and others interested in highway, land planning, and park problems, to act in an advisory capacity to the Department of Public Works and its collaborators, and the four collaborating state agencies are directed to confer with the advisory committee so appointed;

7. The Speaker of the Assembly and the President pro Tempore of the Senate shall refer the subject matter of this resolution to the appropriate joint interim committee which may deal with highway transportation problems, if such committee is created at this session of the Legislature, or if no such committee is created, then the subject matter shall be referred to the appropriate interim committee of each of the respective houses by the Speaker and the President pro Tempore respectively;

8. The Department of Public Works and the collaborating state agencies named herein are requested to submit a report on the subject matter of this resolution to the appropriate com-

mittee or committees not later than March 15, 1962; and be it further

Resolved, That the Secretary of the Senate shall transmit a copy of this resolution to the Departments of Public Works, Natural Resources, and Water Resources, and to the State Office of Planning.

CHAPTER 130

Senate Joint Resolution No. 33—Relative to an international exposition in 1966.

[Filed with Secretary of State May 4, 1961.]

WHEREAS, In the past, four international expositions have been held in California, two in San Diego and two in San Francisco, but none in Los Angeles; and

WHEREAS, No more fitting and appropriate site than the modern, dynamic Los Angeles area could be named for an exposition dedicated to the unity of the peoples of all nations and the dignity of man; and to the promotion of trade and industry in our new age of space; and

WHEREAS, The consummation of an international exposition in Los Angeles in 1966 will bring renown, prestige, and innumerable economic advantages to our entire State, and particularly to the Los Angeles area; and

WHEREAS, No greater contribution to peace and international good will could be made than to demonstrate to the world that the people of the State of California are dedicating the next five years to the preparation and consummation of the greatest exhibition of peaceful pursuits ever held in the history of the world; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to designate Los Angeles County as the site of an international exposition in 1966; and be it further

Resolved, That this resolution shall not be construed to commit, nor to imply that a commitment may be forthcoming from, the State of California, or any agency or political subdivision thereof, for any financial support, contributions, or assistance for such international exposition; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, and to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 131

Assembly Concurrent Resolution No. 72—Relative to air pollution.

[Filed with Secretary of State May 8, 1961.]

WHEREAS, The California State Department of Public Health is responsible for the establishment of maximum allowable emissions of contaminants from motor vehicles in accordance with Section 426 5 of the Health and Safety Code; and

WHEREAS, The Department of Public Health has established standards defining the maximum allowable emissions of hydrocarbons and carbon monoxide from the tailpipe exhaust systems and for hydrocarbon emissions from the crankcase which apply to all motor vehicles; and

WHEREAS, The department is further directed to revise the standards from time to time as technical information indicates the need for such revision; and

WHEREAS, Diesel-powered motor vehicles emit smoke and fumes which constitute a local nuisance and other pollutants such as oxides of nitrogen, carbonyls and other irritants not now included in the state standards; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Health be directed to:

1. Obtain data as to the identity of pollutants and irritants emitted from the diesel engine, as to the part they may play in photochemical smog creation, and as to the effects of specific irritants on the public health and well-being on both a localized and communitywide basis.

2. Establish standards defining maximum allowable emissions for smoke, odorous compounds, and any other pollutants from the diesel-powered motor vehicle as may be found necessary for the protection of the public health and well-being.

3. Report back to the Legislature by January 1, 1963, its preliminary findings and recommendations; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to the Director of the Department of Public Health.

CHAPTER 132

Assembly Concurrent Resolution No. 81—Relative to amending Rule No. 34 of the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State May 8, 1961.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Rule No. 34 of the Joint Rules of the Senate and Assembly is amended to read:

34. Whenever the Legislative Counsel issues an opinion to any person other than the first-named author analyzing the constitutionality, operation or effect of a pending bill or other legislative measure, or of any amendment made or proposed to be made to such bill or measure, he is authorized and instructed to deliver two copies of the opinion to the first-named author as promptly as feasible after the delivery of the original opinion and also to deliver a copy to any other author of the bill or measure who so requests.

CHAPTER 133

Assembly Concurrent Resolution No. 96—Approving a charter amendment to the charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of the city at an election held therein on the 11th day of April, 1961.

[Filed with Secretary of State May 8, 1961.]

City of Glendale Charter amendment

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the charter of the City of Glendale, a municipal corporation of the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows:

CERTIFICATION OF RATIFICATION OF CHARTER AMENDMENT BY ELECTORS OF THE CITY OF GLENDALE

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.
CITY OF GLENDALE }

Certificate

We, E. C. Cannon, Mayor of the City of Glendale, and John H. Walters, City Clerk and ex-officio Clerk of The Council of the City of Glendale, do hereby certify and declare as follows:

That the City of Glendale, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That the City of Glendale is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of the City at a special municipal election held for that purpose on the 29th day of March, 1921, and approved by the

Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 11th day of May, 1921 (Assembly Concurrent Resolution No. 30, Chapter 71, Statutes 1921, p. 2205).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, The Council of the City of Glendale, being the legislative body of the City, on its own motion, by Resolution No. 13,802 adopted on the 5th day of January, 1961, duly and regularly submitted to the qualified electors of the City one proposal for the amendment of the Charter of the City which was designated as Charter Amendment No. 1, and The Council ordered that the proposed charter amendment be submitted to the qualified electors of the City at a special municipal election to be held in the City on the 11th day of April, 1961, which date was fixed in the resolution as the date for holding the special municipal election.

That on the 28th day of February, 1961, the proposed charter amendment was published and advertised in accordance with Section 8, Article XI of the Constitution, in the Glendale News-Press, the official newspaper of the City and a newspaper of general circulation therein, and in each edition thereof during the day of publication.

That copies of the proposed charter amendment were printed in convenient pamphlet form in type of not less than ten-point, and were mailed to each of the qualified electors of the City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from March 1, 1961, to and including April 11, 1961; and a notice was advertised and published on and from March 1, 1961 until April 10, 1961, in the Glendale News-Press, a newspaper of general circulation in the City, that copies thereof might be had at the office of the City Clerk of the City upon application therefor.

That The Council of the City did, by ordinance designated as Ordinance No. 3265, which was duly passed on March 9, 1961, order the holding of a general and a special municipal election in the City of Glendale on the 11th day of April, 1961, which date was not less than forty days, and not more than sixty days after the completion of the publication of the proposed charter amendment as aforesaid, which said ordinance was published once a week for two weeks prior to the time for the holding of said election, to wit: on March 28, 1961, and April 4, 1961, pursuant to the provisions of the Charter of the City of Glendale, in the Glendale News-Press; and The Council of the City did by the ordinance order the special municipal election consolidated with the General Municipal Election to be held in the City on the 11th day of April, 1961.

That the special municipal election was held in the City of Glendale on the 11th day of April, 1961, which day was not less than forty days, and not more than sixty days after the proposed amendment to said Charter had been published once in the Glendale News-Press.

That thereafter The Council of the City of Glendale did in the manner provided by law duly and regularly canvass the returns of the special municipal election and did, by resolution adopted on April 17, 1961, duly declare the results of the special municipal election as determined from the canvass of the returns thereof.

That at the special municipal election, Charter Amendment No. 1 was ratified by a majority of the electors of the City voting thereon.

That the charter amendment so ratified by the electors of the City of Glendale is in words and figures as follows:

CHARTER AMENDMENT No. 1

Section 7 of Article XXIV of the Charter of the City of Glendale is amended to read:

Unclassified service

"(ARTICLE XXIV) SECTION 7. APPLICATION OF ARTICLE; EXCEPTION AS TO UNCLASSIFIED SERVICE. The provisions of this article shall apply to all positions now existing or hereafter created, except those in the unclassified service.

The unclassified service shall consist of the following offices and employments:

All officers elected by the people.

All members of appointive boards and commissions, and persons serving without compensation.

The chief examiner of the civil service commission.

The city assessor.

The city manager.

The assistant city manager.

The secretary of the city manager.

The city tax collector.

The city health officer.

One secretary of any officer elected by the people.

The city physician.

Special officers of the police and fire departments.

Positions in any unskilled labor class created for a special or temporary purpose and which do not exist for a period of longer than thirty days; provided that the commission may, upon application of the appointing agency and after public notice and hearing, by the affirmative vote of four-fifths of its members, exempt any position in any unskilled labor class or any part-time, seasonal or temporary position for such period of time as it may determine; and provided further, that any such exemption shall not affect the tenure of any person whose appointment has become complete under this article.

Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character."

We further certify that we have compared the text of the foregoing charter amendment with the original proposal submitting the same to the electors of the City and find that the foregoing is a full, true, correct and exact copy thereof. That

as to said charter amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Glendale to be affixed hereto, this 17 day of April, 1961.

(SEAL)

E. C. CANNON
Mayor of the City
of Glendale
JOHN H. WALTERS
City Clerk of the City
of Glendale

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the charter of the City of Glendale, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of the City of Glendale.

CHAPTER 134

Assembly Joint Resolution No. 25—Relative to extending and expanding the school milk program.

[Filed with Secretary of State May 8, 1961.]

WHEREAS, The health, growth, and physical fitness of our school children is a matter of paramount importance to the nation; and

WHEREAS, Milk is one of the foods most needed by school children for proper health, growth, and physical fitness; and

WHEREAS, In many areas of the United States children are unable to obtain sufficient milk at home for proper health, growth, and physical fitness; and

WHEREAS, In recognition of this need on the part of our school children for milk and the inability of many children to obtain sufficient milk, the government of the United States has instituted and maintained a school milk program; and

WHEREAS, The school milk program, unless extended, will terminate on June 30th of this year and leave hundreds of

thousands of our school children without its many benefits; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to extend and expand the school milk program in order that our school children will continue to receive sufficient milk for their continued health, growth, and physical fitness; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 135

Senate Joint Resolution No. 6—Relative to pollution of Klamath River.

[Filed with Secretary of State May 8, 1961.]

WHEREAS, Klamath River is an interstate stream over which the United States and the States of California and Oregon exercise jurisdiction in varying degrees; and

WHEREAS, The quality of Klamath River waters results in excessive algal growth, creating a condition of pollution and nuisance; and

WHEREAS, The California Water Plan envisions extensive future development of Klamath River waters; and

WHEREAS, A report on investigations of pollution in the Klamath River System dated June, 1955, prepared by the U.S. Public Health Service, states that "Until the natural pollution in Klamath River is controlled, the use of these waters for drinking, culinary or recreational purposes will be impaired"; and

WHEREAS, This water quality condition now constitutes a serious problem to the residents, water users, and the fish and wildlife resources in the State of California; and

WHEREAS, In order to achieve an equitable and comprehensive solution to the present problem and to assure adequate water quality for future development under the California Water Plan, it is essential that a co-operative study be conducted by the appropriate governmental agencies of the United States, the State of California, and the State of Oregon; and

WHEREAS, It is the policy of the United States, as declared in the Federal Water Pollution Control Act, to encourage such co-operative studies with respect to water pollution, including pollution of interstate streams, and funds are available under said federal law for grants for such purposes; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the United States and the State of Oregon to join with the State of California in conducting a co-operative study of the problem existing on the Klamath River; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States; to the Secretary of Health, Education, and Welfare, the Surgeon General of the Public Health Service, the Secretary of the Interior, and the Commissioner of Reclamation; to the Governor, the Legislature, the State Engineer, and the State Sanitary Authority of the State of Oregon; to the Klamath River Compact Commission; and to the Departments of Water Resources and Fish and Game and the State and Regional Water Pollution Control Boards of the State of California.

CHAPTER 136

Assembly Concurrent Resolution No. 47—Relative to requesting a study of the determination of the amount of gasoline taxes unclaimed by small boat owners.

[Filed with Secretary of State May 9, 1961.]

WHEREAS, Each year small boat owners purchase many millions of gallons of gasoline and pay tax on each gallon in the same amount as that required of purchasers of gasoline for use in motor vehicles; and

WHEREAS, Although small boat owners are permitted to reclaim the moneys paid pursuant to such tax, many do not, and therefore an undetermined amount of gasoline tax moneys accrue each year to the Motor Vehicle Fuel Fund; and

WHEREAS, In partial recognition of this fact, and in order to make funds available for the activities of the Small Craft Harbors Commission and Small Craft Harbors Division of the Department of Natural Resources, the Legislature in 1959 (Stats. 1959, Ch. 822) provided that each year the sum of seven hundred fifty thousand dollars ($750,000) should be transferred to the Small Craft Harbors Revolving Fund from the Motor Vehicle Fuel Fund; and

WHEREAS, The original sum of seven hundred fifty thousand dollars ($750,000) so provided by the Legislature may have been unrealistic and may not have truly reflected the appropriate proportionate amount of unclaimed tax moneys of boat owners in the Motor Vehicle Fuel Fund, and in the intervening two years boating in California has increased; and

WHEREAS, In the future boating and use of gasoline by small boat owners in our State will increase and unless some method of determining unclaimed gasoline tax moneys paid by small boat owners is devised, the sum of seven hundred fifty thousand dollars ($750,000) annually, may become with each passing year a less appropriate proportion of the funds in the Motor Vehicle Fuel Fund attributable to unclaimed gasoline taxes paid by small boat owners; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Legislative Budget Committee is requested to conduct a study as to how the amount of gasoline tax which is paid by small boat owners and unclaimed by them can be determined on an annual basis and to report is findings and recommendations thereon to the Legislature by the first calendar day of the 1963 Regular Session; and be it further

Resolved, That the Small Craft Harbors Commission of the Department of Natural Resources shall furnish assistance, data and services to the Joint Legislative Budget Committee in the conduct of the survey and for this purpose may incur expenditures from the Small Craft Harbors Revolving Fund not to exceed ten thousand dollars ($10,000); and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Small Craft Harbors Commission of the Department of Natural Resources.

CHAPTER 137

Assembly Concurrent Resolution No. 86—Relative to Curry-Bidwell Bar State Park.

[Filed with Secretary of State May 9, 1961.]

WHEREAS, There is now an operating unit of the California state park system, known as Curry-Bidwell Bar State Park; and

WHEREAS, This state park and its facilities are to be inundated by the construction and filling of the Oroville Reservoir, which is an important and integral part of the State Water Resources Development System; and

WHEREAS, The historical interpretation program at Curry-Bidwell Bar State Park includes the display of important historical exhibits, objects and artifacts such as the suspension bridge, the Mother Orange Tree and various structures and plaques and these objects will be destroyed by this inundation; and

WHEREAS, It is the policy of the Department of Water Resources to adopt all feasible measures which will ensure the preservation of fish and wildlife resources and recreation facilities when such resources or facilities would be otherwise impaired, lost or destroyed because of water project construction; and

WHEREAS, The Oroville Heritage Council, the Native Sons of the Golden West, the Native Daughters of the Golden West, the Butte County Historical Society, the Oroville Chamber of Commerce and other interested groups and citizens are extremely desirous and interested in preserving these artifacts; and

WHEREAS, These groups have suggested the relocation of these objects as one possible solution to their preservation; and

WHEREAS, Reasonable efforts consistent with sound fiscal procedures should be made to ensure the enjoyment of these historical exhibits by the public; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Natural Resources, Division of Beaches and Parks, is hereby requested to cause investigations, studies and surveys to be made, and present recommendations on the disposition of the historical objects at Curry-Bidwell Bar State Park; these recommendations are to consider fully the effects of the new recreation areas which will be created surrounding the reservoir including administration, costs and the State's responsibilities for the health, safety and welfare of the general public which must be assumed upon the completion of the Oroville Reservoir including the diversion reservoir and afterbays, and to report thereon to the State Legislature at the 1962 Session; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to prepare and transmit copies of this resolution to the Director of Natural Resources and the Chief of the Division of Beaches and Parks of the Department of Natural Resources.

CHAPTER 138

Assembly Concurrent Resolution No. 108—Relative to the anniversary of the Cinco de Mayo.

[Filed with Secretary of State May 9, 1961.]

WHEREAS, While the United States was engaged in the tragic Civil War testing the principle upon which it was founded that "all men are created equal," its neighboring Republic of Mexico was invaded by an army of foreign troops from Europe; and

WHEREAS, This invading foreign army was met by an outnumbered force of Mexican soldiers under the command of Juan Zaragosa on the battlefield of Guadalupe on the fifth day of May, 1862; and

WHEREAS, The soldiers of Mexico through their courage and self-sacrifice defeated this invading force in this great battle; and

WHEREAS, This victory stood as an encouragement and a symbol in the long struggle of Mexico against this foreign invader which eventually culminated in the ousting of the monarchy established by these foreign troops and the re-establishment of Mexico as a sovereign and independent nation; and

WHEREAS, Cinco de Mayo has since been celebrated the world over as a day symbolizing the opposition of people to foreign domination and the triumph of freedom over tyranny; and

WHEREAS, This day is recorded in the annals of time as one of the great days in the advancement of human liberty along with the Fourth of July and Bastille Day (July 17); now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature extend to our neighbors to the south, the people of Mexico, on behalf of the people of the State of California, their congratulations and felicitous greetings on the occasion of the anniversary of the Battle of Guadalupe, the Cinco de Mayo, and convey to them our warmest expression of friendship; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to His Excellency, Adolfo López Mateos, the President of the Republic of Mexico.

CHAPTER 139

Senate Concurrent Resolution No. 40—Relative to transportation of live poultry.

[Filed with Secretary of State May 10, 1961.]

WHEREAS, The present law prohibits any vehicle to operate on a highway if any of its contents or load are allowed to escape from the vehicle; and

WHEREAS, In the transporting of live chickens, sufficient air must circulate throughout the load during transportation or the chickens will die; and

WHEREAS, If the chickens are molting, it is virtually impossible with the use of the present cages and coops to keep all feathers of the birds from escaping from the load; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the University of California is hereby requested to conduct a study to determine what type of equipment might best be used in the transporting of live poultry that would both prevent feathers from blowing from the load and yet keep the poultry from suffocating, and the

University of California shall report to the Legislature and to the Senate Standing Committee on Agriculture at the 1962 Regular Session; and be it further

Resolved, That the Secretary of the Senate shall transmit a copy of this resolution to the University of California.

CHAPTER 140

Senate Concurrent Resolution No. 41—Relative to state park sites in San Bernardino County.

[Filed with Secretary of State May 10, 1961.]

WHEREAS, The Californians residing in San Bernardino County have demonstrated a great interest in procuring state parks for that area; and

WHEREAS, Such state parks would fill a definite need for recreational facilities in the area involved, and would serve the millions of people in Southern California seeking outdoor areas for recreation purposes; and

WHEREAS, Property necessary in connection with the establishment of such state parks can be acquired at a price extremely advantageous to the State, if the necessary preliminary studies in connection with the establishment of the state park are completed at a reasonably early date; and

WHEREAS, Section 5017 of the Public Resources Code provides for investigations, studies, and surveys to be made, and generalized plans to be prepared, by the Division of Beaches and Parks whenever the Legislature directs the division to plan a state beach or park or recreational development; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Beaches and Parks, Department of Natural Resources, be requested to cause investigations, studies, and surveys to be made, and generalized plans to be prepared, with respect to the proposed establishment of state parks in the following described locations:

(1) Cienega Seca, located between Barton Flats and Big Bear; (2) Cedar Springs, adjacent to the Feather River water storage lake being proposed and acquired as a part of the Feather River water development project; (3) Black-Opal Canyon, located north of Hinkley and west, northwest of Barstow in the Mojave Desert; (4) Whipple Mountains, located near Parker Dam on the Lower Colorado River; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to the Chief of the Division of Beaches and Parks, Department of Natural Resources.

CHAPTER 141

Senate Concurrent Resolution No. 51—Approving amendments to the charter of the City of San Bernardino, County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the 21st day of March, 1961.

[Filed with Secretary of State May 10, 1961.]

City of San Bernardino Charter amendments

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of amendments, hereinafter set forth, to the charter of the City of San Bernardino, a municipal corporation situated in the County of San Bernardino, State of California, as set out in the certificate of the mayor and city clerk of said city as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO } ss.
CITY OF SAN BERNARDINO

Certificate

We, the undersigned, Raymond H. Gregory, Mayor of the City of San Bernardino, State of California, and Jack T. Felton, City Clerk of said city, do hereby certify and declare as follows:

The City of San Bernardino, in the County of San Bernardino, State of California, was at all times mentioned herein and now is a city of the State of California existing and acting under a Charter duly adopted and approved under and by virtue of Section 8, Article XI of the Constitution of the State of California, containing a population of over fifty thousand inhabitants.

The legislative body of said city on its own motion submitted to the electors of said city, at a Primary Municipal Election, held within said city on the 21st day of March, 1961, certain proposed amendments to the city Charter of said city.

Said proposed amendments were published in The San Bernardino Evening Telegram, being a newspaper of general circulation printed and published in said city and having a general circulation therein, and being an official newspaper of said city, on the 7th day of February, 1961, in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California

Said legislative body caused copies of said amendments to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said city and, until the day fixed for said election, advertised in The San Bernardino Evening Telegram, being a newspaper having a general circulation in said city, a notice that copies thereof could be had upon application therefor, and in accordance with said notice copies thereof could be had upon application therefor.

Said election was duly and regularly held on the said 21st day of March, 1961, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendments, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendments to said city Charter.

Said proposed amendments were duly and regularly submitted to, and duly ratified by, the said qualified voters of said city, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said city have been complied with.

Said amendments are as follows:

Article II. Section 10 of the Charter of the City of San Bernardino is amended to read as follows:

Primary elections

Section 10. A primary election shall be held in said City on the first Tuesday in February of each odd numbered year, for the nomination of candidates to be elected at the ensuing general election, and a general election shall be held in said City on the second Tuesday in April of each odd numbered year, for the election of City Officers Said election shall be conducted in the manner provided for by general law; provided, however, that the Mayor and Common Council shall have power, by ordinance, to provide for the manner of holding such election.

Article XI of the Charter of the City of San Bernardino is amended to read as follows:

School Districts

School districts

Section 190. The City Schools, as such term is used in this Charter, shall comprise all of the public schools of the City of San Bernardino School District and of the City of San Bernardino High School District, as such districts now or may hereafter exist. The City Schools, for the purpose of establishing the governing boards thereof, and fixing the number of members of such Board of Education their qualifications, manner of election, and other matters relative thereto, are divided into the City of San Bernardino School District and the City of San Bernardino High School District.

Board of Education

City Board of Education

Section 191. The City Board of Education shall consist of five members. The Board of Education for the City of San Bernardino High School District shall consist of the members of the City Board of Education and two additional members, who, at the time of their election and during the time they respectively hold office, must be residents of that portion of the City of San Bernardino High School District not included within the City of San Bernardino School District. The two additional members shall be elected for four year terms and

not more than one shall be elected at one time. The members of the City of San Bernardino High School District Board of Education who are residents of the City of San Bernardino School District shall constitute the Board of Education of the City of San Bernardino School District and shall be known as the City Board of Education. The City Board of Education shall have all the powers and duties now or hereafter prescribed by the Education Code of the State of California for such boards.

In the event that the City of San Bernardino School District and the City of San Bernardino High School District shall hereafter become unified in accordance with the provisions of state law, the Board of Education for the unified school district shall consist of seven members who are residents of the unified school district, and who shall be elected at large from within the boundaries of the unified school district.

Board of Education: Term, Election

Term, election

Section 192. The terms of office and the election of the Boards of Education shall be in accordance with and pursuant to the provisions of the Education Code of the State of California governing the election of governing boards of school districts.

Vacancies

Vacancies

Section 193. Vacancies in the office of members of the Board of Education shall be filled by the remaining members of the board at the next regular meeting after such vacancy occurs. The member so appointed shall hold such office for the unexpired term of his predecessor.

Article III, Section 31 of the Charter of the City of San Bernardino is amended to read as follows:

Adoption of ordinances

Section 31. Except for emergency or urgency ordinances, no ordinance may be adopted by the Common Council on the day of its introduction, nor within five days thereafter, nor except at a regular or adjourned regular meeting. At the time of adoption of an ordinance or resolution it shall be read in full unless, except for its title, the reading thereof is waived by unanimous consent of all Council members present. If an ordinance is altered after its introduction (except for the correction of typographical or clerical errors), it shall not be adopted except at a regular or adjourned regular meeting held not less than five days after the date of such alteration. Ordinances and codes may be adopted by reference in accordance with general law.

Emergency or urgency ordinances and each resolution may be adopted on the day of introduction and may take effect upon adoption; provided, however, that this section is not intended, nor shall it be deemed to affect the method of adopting special ordinances and resolutions as required by municipal improvement acts, laws relating to elections, taxation,

annexations and appropriations, or other provisions of the general laws prescribing the time, form and manner for the adoption of ordinances and resolutions in special cases.

No order, resolution or ordinance shall have effect without the approval of the Mayor, except when four members of the Common Council concur in its adoption. In case of orders, the approval of the Mayor shall be presumed unless at the same meeting at which the order is passed, the Mayor causes his disapproval, with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances after passage must be submitted to the Mayor who shall, within five days after he has received the same, endorse his approval, or disapproval thereon, giving the reason for his disapproval. Each ordinance or resolution to be valid must be passed by a vote of not less than three councilmen and approved by the Mayor, provided that if the Mayor fails to approve the same it may be passed by a vote of not less than four councilmen, and shall take effect as if approved by the Mayor

We have compared the said ratified amendments with the original proposed amendments submitted to the qualified electors of the said city, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and each of them, are true.

In witness whereof, we have hereunto set out hands and caused the corporate seal of the City of San Bernardino to be attached on this 6th day of April, 1961.

RAYMOND H. GREGORY
Mayor of the City of San Bernardino, California
JACK T. FELTON
City Clerk of the City of San Bernardino, California

and

WHEREAS, Said amendments to the Charter of the City of San Bernardino so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8, Article XI of the Constitution of the State of California, now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of San Bernardino as proposed to and adopted and ratified by the electors of said city and hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments and as part of the said charter of the City of San Bernardino. Approval

CHAPTER 142

Senate Concurrent Resolution No. 55—Relating to the late Dr. Hugh Hammond Bennett.

[Filed with Secretary of State May 10, 1961.]

WHEREAS, The late Dr. Hugh Hammond Bennett, first chief of the United States Soil Conservation Service, was the leader in developing the science, art and practice of soil conservation throughout the world; and

WHEREAS, Through his efforts a universal appreciation of the need for soil and water conservation became accepted as a fundamental concept of conservation; and

WHEREAS, Prior to his leadership, there was no universal appreciation of the necessity to conserve these resources and they were being depleted through misuse and mismanagement; and

WHEREAS, The efforts of Dr. Bennett brought forth a system of organized programs whereby soil and water resources of the State of California and of the world can be carefully husbanded, managed and developed to the everlasting benefit of mankind; and

WHEREAS, The leadership and concepts of the science, art and practice of soil and water conservation will be a profound influence upon the future of the State of California and all mankind; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California does commemorate the life and the work of Dr. Hugh Hammond Bennett and commends his teachings and accomplishments to the people of the State of California and the world; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to the Soil Conservation Society of America, the California Chapter of the Soil Conservation Society of America, and the Kern County Section of the California Chapter of the Soil Conservation Society of America.

CHAPTER 143

Senate Joint Resolution No. 22—Relative to the President's message on natural resources.

[Filed with Secretary of State May 10, 1961.]

WHEREAS, The President of the United States has sent to the Congress a message outlining a vast program for the development of our country's natural resources; and

WHEREAS, The presidential message proposed the planning and execution of many large resources projects affecting the State of California; and

WHEREAS, The President's message on natural resources offers great and long-lasting importance to the prosperity and well-being of every Californian; and

WHEREAS, The President's natural resources program urged the establishment of planning commissions to develop comprehensive river-basin plans by 1970 in co-operation with individual states, and the passage of legislation to enable the government to reserve "known future reservoir sites" whenever such protection is necessary; and

WHEREAS, The President's natural resources message told Congress that all federal agencies concerned are being asked to provide data on flood control hazards in specified areas in all 50 states, and to help the states in regulating or zoning the flood plains; and

WHEREAS, The President's natural resources message rejected the "no new starts" on water storage projects attributed to the previous national administration, and directed federal agencies to chart a "progressive, orderly program" for starting new flood control projects; and

WHEREAS, The President's natural resources message called for quick congressional action to preserve the Point Reyes area in Marin County as a shoreline national park; and

WHEREAS, The President's natural resources message called for greater governmental and industrial effort to meet the problems of water and air pollution; and

WHEREAS, The President's natural resources message notified Congress that the national administration is redoubling its effort to de-salt sea water for drinking and industrial use, saying, "No water resources program is of greater long-range importance"; and

WHEREAS, The President, in his message on natural resources, noted that the pace of power facility expansion must be tripled by 1980 to meet the needs of the economy and national defense, adding, "Sustained heavy expansion by all power suppliers—public, co-operative and private—is clearly needed"; and

WHEREAS, The President urged continued emphasis on building hydroelectric facilities and on co-operating with industry to develop full-scale nuclear reactors to generate electricity; and

WHEREAS, The President, in his natural resources message, told the Congress he has asked the Secretary of the Interior to plan for further national co-operative pooling of electric power, both public and private; and

WHEREAS, The President has asked for "concerted attention" to increase research and development of our ocean resources, including the gathering of data on reserves of oil and natural gas in the continental shelf, fish conservation, and the training of scientific specialists in oceanography; and

WHEREAS, The President informed Congress in his natural resources message he has ordered a long-range federal-state wildlife conservation program; and

WHEREAS, The President urged Congress to enact a much-needed wilderness protection bill; and

WHEREAS, The President's message on natural resources asked Congress to "accelerate" forest planting and developing on federal lands, and to speed up federal advice and assistance to independent timber owners on ways to increase yields; and

WHEREAS, The President told Congress he has instructed the Secretaries of Interior and Agriculture to hurry the building of access roads to public forests "to make additional supplies of merchantable timber available to small businesses; and

WHEREAS, The President, in his natural resources message, after noting that the problems of resource development cannot be delayed or ignored much longer, said, "We must face up to them now"; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully endorses these proposals in the President's message to Congress outlining his program for development of our natural resources, and urges the California delegation in the Congress to take favorable and speedy action thereon; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 144

Senate Joint Resolution No. 33—Relative to California Indian lands.

[Filed with Secretary of State May 10, 1961.]

WHEREAS, The government of the United States is contemplating action to terminate all federal trusteeships with regard to California Indian lands; and

WHEREAS, The domestic water supply and sewage disposal systems of some of the lands involved do not meet state and county health laws and standards; and

WHEREAS, The Indians involved will be required to meet these state and county health laws and standards upon accepting title to said lands; and

WHEREAS, Most of the Indians involved are unaware of the impact the state and county sanitary laws will have upon their limited financial resources; and

WHEREAS, Many of the Indians have small pensions or other inadequate incomes and might lose their homes and be forced to become county welfare recipients because of their inability to comply with these necessary laws; and

WHEREAS, The inadequate sewage disposal systems are or will be a menace to the health of a great many people through water contamination; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States to take such steps as may be necessary to improve the domestic water supply and sewage disposal systems on these Indian lands so as to meet the standards and laws of the State and of the counties where such lands are located; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 145

Senate Joint Resolution No. 35—Relating to imports of ceramic tile.

[Filed with Secretary of State May 10, 1961.]

WHEREAS, The ceramic tile industry of the United States has in past years sought protection from excessive imports of ceramic tile from low-wage foreign countries; and

WHEREAS, The production and employment in the ceramic tile industry and related business in the producing communities have been seriously curtailed and are threatened with further curtailment; and

WHEREAS, The ceramic tile industry of California has particularly been hampered by foreign imports and is threatened with serious unemployment; and

WHEREAS, Other industries in California such as the talc mines, are dependent on the ceramic tile industry for the use of their talc and clay; and

WHEREAS, Definite relief for the ceramic tile industry from the serious effect of excessive importation of ceramic tile for sale at prices below domestic costs of production, is generally necessary in order to halt the progressive decline in ceramic tile production in many areas; and

WHEREAS, The ceramic mosaic tile industry has recently appealed to the United States Tariff Commission for reasonable relief; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress to provide immediate relief to the ceramic tile industry of the United States from the vast and ever increasing quantities of low-cost imported ceramic tile which is flooding our markets; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the United States Tariff Commission to provide immediate relief to the ceramic mosaic tile industry under the terms of the escape clause of the Trade Agreements Act by granting the increased duty requested on imported ceramic mosaic tile in Escape Clause Investigation No. 100; and be it further

Resolved, That after such time as the United States Tariff Commission has made its recommendation to the President of the United States, the Legislature of the State of California respectfully memorializes the President, Vice President and members of the President's Foreign Policy Trade Commission to grant any requested relief; and be it further

Resolved, That the Secretary of the Senate is directed to immediately transmit a copy of the resolution to each member of the United States Tariff Commission; and be it further

Resolved, That the Secretary of the Senate is directed to transmit on or after May 10, 1961, a copy of the resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States and to each member of the Foreign Trade Policy Committee of the President.

CHAPTER 146

Assembly Concurrent Resolution No. 112—Relative to congratulating Commander Alan B. Shepard.

[Filed with Secretary of State May 11, 1961.]

WHEREAS, On the morning of May 5, 1961, Commander Alan B. Shepard became United States' first man into space, with the successful completion of our first manned space flight; and

WHEREAS, This successful venture into space has served notice to the world that the United States can and will successfully launch manned space vehicles in a well-planned and ever-increasing program of exploration of outer space; and

WHEREAS, This thrilling event, which will surely take its place among the greatest of events which have occurred during the existence of our nation, has lifted the spirits of Americans everywhere; and

WHEREAS, Tremendous credit must be given to the multitude of persons involved in the National Aeronautics and Space Administration's Project Mercury, who have worked so brilliantly, patiently, and diligently to bring about the signal success of this first space flight of Project Mercury, but particularly great credit must be given to Commander Shepard who, like many pioneers in new scientific endeavors before him, risked his very life to further the cause of science and mankind; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California joyously join with Americans everywhere in congratulating Commander Alan B. Shepard, and all of the other persons involved in the National Aeronautics and Space Administration's Project Mercury who helped make his flight possible, upon the outstanding and unforgettable contribution they have made towards America's space exploration program by successfully completing the first manned space flight attempted by the United States; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to Commander Alan B. Shepard, to the Administrator of the National Aeronautics and Space Administration, and to the President of the United States.

CHAPTER 147

Assembly Concurrent Resolution No. 48—Relative to requesting a study of harbors of refuge.

[Filed with Secretary of State May 11, 1961.]

WHEREAS, The coastline of our State is in large part rugged and without natural harbors capable of providing suitable refuge for the small craft which travel along our coast; and

WHEREAS, Throughout the year great numbers of craft travel along our coast while engaged in commercial fishing and recreational activities; and

WHEREAS, These small craft are menaced at various times by storms, fog and mechanical disabilities and need suitable places of refuge for the security of the craft and their occupants; and

WHEREAS, The cost of a survey to determine the need, location and major components needed for harbors of refuge shall be paid from the Small Craft Harbors Revolving Fund; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Small Craft Harbors Commission of the Department of Natural Resources is requested to conduct a survey, at a cost not to exceed forty thousand dollars ($40,000), to determine the need, location and major components needed for harbors of refuge along the California coastline for small craft and to report its findings and recommendations thereon to the Legislature by the first calendar day of the 1963 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Small Craft Harbors Commission of the Department of Natural Resources.

CHAPTER 148

Senate Joint Resolution No. 40—Relative to relocating California Avenue in Washington, D.C.

[Filed with Secretary of State May 15, 1961.]

WHEREAS, Various streets in our nation's capital are named after the states of the union; and

WHEREAS, The street named for California is only one block long in a remote area; and

WHEREAS, California is the second most populous state in the union and, as such, deserves a larger and more prominently located street named after it; now therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes Congress that an appropriate street be named for the great State of California and that the renaming of 15th Street between "K" Street and Constitution Avenue be considered for this purpose; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the Speaker of the House of Representatives and the President of the Senate, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 149

Senate Joint Resolution No. 43—Relative to construction of the Mammoth Pass Road.

[Filed with Secretary of State May 15, 1961.]

WHEREAS, A Mammoth Pass Road would be of great significance not only to the residents of the two areas which would thus be joined by a direct route but also to the defense of our nation by providing access to the Naval Ammunition Depot at Hawthorne, Nevada, and other areas in Nevada strategic to the defense of California; and

WHEREAS, Federal-aid Secondary Highway No. 962 in California is a partially constructed county travelway directly connecting the road systems of two important counties of this State otherwise connected only by long and circuitous travelways through several other counties; and

WHEREAS, Over the last several years both counties directly concerned have expended and are continuing to expend reasonable portions of the funds available to them for county road and highway purposes upon the improvement to presently required highway standards of the county approach connections to this federal-aid secondary highway unit; and

WHEREAS, Said connection is presently desirable for vehicular movements but funds now available and becoming available

for construction work on Federal-aid Secondary Highway No. 962 are so limited that the completion thereof will be delayed for a great number of years; and

WHEREAS, A substantial portion of the entire proposed connecting system between the two counties lies within the boundaries of United States national forests; and

WHEREAS, The inclusion of this portion of the entire routing in the Forest Highway System will make additional funds for construction available and materially accelerate the date of completion; and

WHEREAS, The State Legislature of the State of California in 1955 by joint resolution requested the federal government to construct this route in its entirety as a national defense highway; and

WHEREAS, The completion of this intercounty unit will complete and make available for immediate use an additional interstate way of travel materially shortening the interstate travel distances to substantial portions of California and also remove traffic from other presently congested interstate roads and highways; and

WHEREAS, Federal-aid Secondary Highway No. 962 will meet the criteria of a forest highway in the following respects in that it will:

(1) Be a principal road into and through national forests;

(2) Be of nationwide significance for transportation, development of natural resources, national security, and the general welfare of the people;

(3) Serve as a major artery for interstate traffic and statewide travel;

(4) Provide a link in the principal highways important to national defense and population dispersion;

(5) Carry traffic to and from tributary forest development roads and trails; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President and the Congress of the United States and the United States Bureau of Public Roads are respectfully requested to forthwith place in the United States Forest Highway System that portion of California Federal-aid Secondary Highway No. 962 lying within the boundaries of the United States national forests, and the Legislature of the State of California expresses by way of this resolution its desire that the Mammoth Pass Road be constructed and that the United States Bureau of Public Roads is advised that the Legislature finds there is a public necessity for the inclusion of this road in the United States Forest Highway System; and be it further

Resolved, That the Secretary of the Senate shall transmit copies of this resolution to the President and Vice President of the United States, to the Bureau of Public Roads, United States Department of Commerce, and to each senator and representative from California in the Congress of the United States.

CHAPTER 150

Assembly Concurrent Resolution No. 107—Approving an amendment to the charter of the City of Piedmont, a municipal corporation in the County of Alameda, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the 18th day of April, 1961.

[Filed with Secretary of State May 15, 1961.]

City of Piedmont Charter amendment

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the charter of the City of Piedmont, a municipal corporation of the County of Alameda, State of California, as hereinafter set forth in the certificate of the president of the council and city clerk of the city, as follows:

To the Legislature of the State of California:

PETITION OF CITY OF PIEDMONT, A MUNICIPAL CORPORATION IN THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, FOR APPROVAL OF A CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF PIEDMONT, VOTED FOR AND RATIFIED BY THE QUALIFIED ELECTORS OF SAID CITY AT A SPECIAL MUNICIPAL ELECTION HELD IN THE CITY OF PIEDMONT ON THE 18TH DAY OF APRIL, 1961.

State of California }
County of Alameda } ss
City of Piedmont }

Certificate

We, the undersigned, Harold R. Breakenridge, President of the Council of the City of Piedmont, State of California, and John D. Preston, City Clerk of said City, do hereby certify and declare as follows:

That the City of Piedmont is a Municipal Corporation in the County of Alameda, State of California, now is and at all times herein mentioned was, a city containing a population of more than thirty-five hundred (3500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and is now organized, existing and acting under a freeholder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose February 27, 1923, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 23rd day of March 1923. (Statutes 1923, Page 1564).

That in pursuance of Section Eight of Article Eleven of the Constitution of the State of California, on its own motion

the Council of the City of Piedmont being the legislative body of said City, by and in pursuance of a certain Resolution passed and adopted by the City Council on the 20th day of February, 1961, duly submitted to the qualified electors of said City of Piedmont, a certain proposal for the amendment of the Charter of said City, to be voted on by said qualified electors at a Special Municipal Election held in said City on the 18th day of April 1961, which said proposal was and is in the words and figures following, to-wit:

Shall Section 37 of the Charter of the City of Piedmont be amended to read as follows: (All words to be deleted are in *italic* type, and all words to be added added are underlined)

SECTION 37 TAX LIMIT. The amount of the annual tax levy, exclusive of the tax to pay the interest on and maintain the sinking funds of any indebtedness of the City, and exclusive of the tax to pay for the maintenance, acquisition and improvement of parks, squares, public grounds, playgrounds and public libraries shall not exceed the rate of *one dollar and eighty-five cents ($1.85)* two dollars and twenty-seven cents ($2.27) on each one hundred dollars valuation of the property assessed. The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended, provided no increase over said limit shall be made in any fiscal year, unless authorized by ordinance adopted by vote of the people.

Tax limit

That said proposed amendment was published and advertised in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Piedmont in "The Piedmonter" which was then and there a newspaper of general circulation within said City of Piedmont, and in all the editions thereof issued during the day of publication, there being no official newspaper printed and published within the said City of Piedmont.

That the Council of the City of Piedmont, a legislative body of said City, by its certain resolution passed and adopted on the 20th day of February 1961, did order the holding of a Special Municipal Election on the 18th day of April, 1961, and did provide in said resolution for the submission of the proposed amendment to the Charter, to the qualified electors of said City for their ratification at such election.

That said election was duly called and held on the 18th day of April, 1961, and at said election a majority of qualified electors, voting thereon, voted in favor of and the ratification of, and did ratify the proposed amendment to the Charter of the City of Piedmont hereinbefore set forth.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined,

and declared by the proper officers thereunto duly and properly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of and ratified the said proposed amendment to said Charter as hereinbefore set forth, and we and each of us further certify that we have compared the foregoing enclosed and ratified amendment to the Charter of the City of Piedmont with the original proposal, submitted to the electors of said City at the Special Municipal Election held on the 18th day of April, 1961, and find that the foregoing is a true, full, correct, and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Piedmont to be affixed hereto this 1st day of May 1961.

(SEAL)

HAROLD R. BREAKENRIDGE
President of the City Council
and ex officio Mayor

JOHN D. PRESTON
City Clerk
Approved as to form:
J. MARCUS HARDIN
City Attorney

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the charter of the City of Piedmont, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of the City of Piedmont.

CHAPTER 151

Assembly Concurrent Resolution No. 109—Approving charter amendments to the charter of the City of Modesto, a municipal corporation in the County of Stanislaus, State of California, ratified by the qualified electors of the city at an election held therein, on the 11th day of April, 1961.

[Filed with Secretary of State May 15, 1961.]

City of Modesto-Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of the City of Modesto, a municipal corporation of the County

of Stanislaus, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF MODESTO AT A MUNICIPAL ELECTION HELD ON THE 11TH DAY OF APRIL, ONE THOUSAND NINE HUNDRED AND SIXTY-ONE, OF AMENDMENTS TO THE CHARTER OF THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

State of California
County of Stanislaus } ss.
City of Modesto

Certificate

We, Don D. Hammond, Mayor of the City of Modesto, and Rex E. Gailfus, City Clerk of the City of Modesto, do hereby certify as follows:

That said City of Modesto, in the County of Stanislaus, State of California, is now and was at all times herein mentioned, a city containing more than three thousand, five hundred (3,500) inhabitants and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City is now, and was at all the times herein mentioned, organized and existing under a Freeholders Charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a Special Municipal Election held therein on the 14th day of February, 1951, and approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 15th day of March, 1951; and

That the legislative body of said City, namely, the City Council thereof, did by its own motion duly adopt and did, pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Modesto five (5) amendments to the Charter of said City and ordered that said proposed amendments be submitted to said qualified electors of said City at a Special Municipal Election to be held in said City on the 11th day of April, 1961; and

That said five (5) proposed amendments to be so submitted on April 11, 1961, were designated as Propositions 1, 2, 3, 4 and 5 and said propositions were duly published the 1st day of March, 1961, in the Modesto Bee, and in each edition thereof during said date of publication; and

That said Modesto Bee was, on the date of publication, and at all times hence has been, and now is, a daily newspaper of general circulation within said City of Modesto, and was, upon the date of the publication of said proposed amendments, and at all times hence has been, and now is, published in said City

and said newspaper was, upon the date of the publication of said proposed amendments, and at all times hence has been and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed amendments; and

That said proposed Charter amendments were submitted to the electors of said City for adoption and ratification at a Special Municipal Election duly and regularly held in said City of Modesto on the 11th day of April, 1961, which said day was not less than forty (40) nor more than sixty (60) days after the completion of the advertising in the above-mentioned official paper of the proposed Charter amendments aforesaid; and

That in accordance with the provisions of the Election Code of the State of California, the Council of the City of Modesto had adopted, on the 1st day of February, 1961, by Resolution No. 61-38, wherein said Council duly ordered consolidated with said General Municipal Election of Modesto City School District Election, a Special Municipal Charter Amendment Election; and

That said Municipal Election was held in said City of Modesto on April 11, 1961, which date was not less than forty (40) days nor more than sixty (60) days after the completion of the publication of said proposed amendments in the Modesto Bee, as aforesaid; and

That the City Council did, by Resolution No. 61-161, adopted on the 18th day of April, 1961, duly declare the results of said Municipal Election and did duly find, determine, and declare that a majority of the qualified voters of said City of Modesto voting thereon voted in favor of and had ratified all five (5) of said proposed amendments; and

That said proposed amendments to the Charter of the City of Modesto, so ratified by the voters of said City, as aforesaid, are respectively in words and figures as follows, to wit:

Proposition No. 1

Ordinances

To amend the Charter of the City of Modesto by amending Section 717 of Article VII to read as follows:

Section 717. Ordinances. When Required. Each legislative act of the Council establishing a fine or penalty, imposing a new or additional tax, or granting a franchise, or when so provided by this Charter, shall be by ordinance.

Proposition No. 2

To amend the Charter of the City of Modesto by amending Section 900 of Article IX to read as follows:

Officers and employees

Section 900. Officers and Employees. General. The officers of the City of Modesto shall consist of a Mayor, the Council, the Board of Education, a City Manager, a City Clerk, a City Attorney, a City Auditor, and such other or subordinate

officers, assistants, deputies and employees as the Council may deem necessary to provide by ordinance or resolution. The City Clerk, the City Attorney, and the City Auditor, shall be appointed by and may be removed by affirmative votes of four members of the Council. The City Manager shall be appointed and removed as provided by Section 800 of this Charter. All other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager.

Proposition No. 3

To amend the Charter of the City of Modesto by amending Section 905 of Article IX to read as follows:

Section 905. Financial Interest Prohibited. The provisions of Article 4, Chapter 1, Division 4, Title I of the Government Code of the State of California as the same now exist or hereafter may be amended, relating to prohibitions applicable to specified officers, are hereby adopted by reference and shall apply to the City of Modesto. Prohibited financial interests

Proposition No. 4

To amend the Charter of the City of Modesto by amending Section 1312 of Article XIII to read as follows:

Section 1312. Presentation of Demands. Except as otherwise provided by the provisions of State law applicable to chartered cities, demands against the City shall be presented and audited as prescribed by ordinance. Demands

Proposition No. 5

To amend the Charter of the City of Modesto by deleting Article XV, consisting of Sections 1500 through 1510, inclusive. Deletion

The foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Modesto, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Modesto.

In witness whereof, Don D. Hammond, Mayor, as aforesaid, and Rex E. Gailfus, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Modesto to be thereunto duly affixed on this 1st day of May, 1961.

DON D. HAMMOND
Mayor of the City of Modesto
REX E. GAILFUS
City Clerk of the City of Modesto

(SEAL)

Approved as to form:
ALLEN GRIMES, City Attorney

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the City of Modesto, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Modesto.

CHAPTER 152

Assembly Concurrent Resolution No. 102—Approving an amendment to the charter of the City of Fresno, a municipal corporation in the County of Fresno, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 11th day of April, 1961.

[Filed with Secretary of State May 16, 1961.]

City of Fresno Charter amendment

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the charter of the City of Fresno, a municipal corporation of the County of Fresno, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENT BY ELECTORS OF THE CITY OF FRESNO.

State of California
County of Fresno } ss
City of Fresno

Certificate

We, Arthur L. Selland, Mayor of the City of Fresno, and D. E. Roughton, City Clerk of the City of Fresno do hereby certify and declare as follows:

That the City of Fresno, in the County of Fresno, State of California is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That the City of Fresno is now, and was at all of the times herein mentioned, organized and existing under a charter adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was

duly ratified by a majority of the electors of the City at a general municipal election held for that purpose on the 8th day of April, 1957, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 10th day of June, 1957 (Assembly Concurrent Resolution No. 163, Chapter 277, Statutes 1957, Page 4680).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, the Council of the City of Fresno, being the legislative body of the City, on its own motion, by Resolution No. 6406 adopted on the 9th day of February, 1961, duly and regularly submitted to the electors of the City a proposal for the amendment of the charter of the City which was designated as "Proposed Charter Amendment", and the Council ordered that the proposed charter amendment be submitted to the electors of the City at the general municipal election to be held in the City on the 11th day of April, 1961.

That on the 1st day of March, 1961 the proposed charter amendment was published and advertised in accordance with Section 8, Article XI of the Constitution, in the Fresno Bee-The Republican, a newspaper of general circulation within the City, and in each edition thereof during the day of publication.

That copies of the proposed charter amendment were printed in convenient pamphlet form in type not less than 10-point, and were mailed to each of the qualified electors of the City; that copies thereof could be had upon application therefor at the office of the City Clerk on and from March 2, 1961, to and including April 11, 1961; and that a notice was advertised and published on and from March 2, 1961 until April 11, 1961, in the Fresno Bee-The Republican, a newspaper of general circulation within the City, that copies thereof might be had at the office of the City Clerk of the City upon application therefor.

That pursuant to the provisions of Section 1400 of the charter of the City of Fresno a general municipal election was required to be held in the City of Fresno on the 11th day of April, 1961, which date was not less than forty (40) days, and not more than sixty (60) days, after the completion of the publication of the proposed charter amendment as aforesaid.

That the said general municipal election was held in the City of Fresno on the 11th day of April, 1961.

That thereafter the Council of the City of Fresno did, in the manner provided by law, duly and regularly cause to be canvassed the returns of the said general municipal election and did, by resolution adopted on April 21, 1961, duly declare the results of the said general municipal election as determined from the canvass of the returns thereof.

That at the said general municipal election the said proposed charter amendment was ratified by a majority of the qualified voters of the City voting thereon.

That the said proposed charter amendment so ratified by the qualified voters of the City of Fresno is in words and figures as follows:

PROPOSED CHARTER AMENDMENT

Repeal "Sections 1214 and 1215 of the Charter of the City of Fresno are hereby repealed."

We, and each of us, further certify that we have compared the text of the foregoing charter amendment with the original proposal submitting the same to the electors of the City, and find that the foregoing is a full, true, correct and exact copy thereof; and that as to said charter amendment this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Fresno to be affixed hereto, this 21st day of April, 1961.

(SEAL)

A. L. SELLAND
Mayor of the City of Fresno
D. E. ROUGHTON
City Clerk of the City of Fresno

Approved as to form:
JOHN H. LAUTEN
City Attorney of the City of Fresno
Date: April 21, 1961.

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval *Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That the amendment to the charter of the City of Fresno, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of the City of Fresno.

CHAPTER 153

Assembly Concurrent Resolution No. 105—Relative to recognizing the 50th anniversary of naval aviation.

[Filed with Secretary of State May 16, 1961]

WHEREAS, The date of May 11, 1961 is the 50th anniversary of the aviation forces of the U.S. Navy; and

WHEREAS, This branch of the service has influenced the economic, cultural and industrial aspects of this State to a substantial degree; and

WHEREAS, The pioneering efforts including the first seaplane operations and the first shipboard aircraft operations were conducted in San Diego Bay; and

WHEREAS, It is fitting and proper that this vital branch of our national defense be recognized for its history of development within the State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California recognizes the 50th anniversary of naval aviation occurring on May 11, 1961; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the Secretary of the Navy and to the Commandants of the 11th and 12th Naval Districts which are located in California.

CHAPTER 154

Senate Concurrent Resolution No. 59—Approving an amendment to the charter of the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the 11th day of April, 1961.

[Filed with Secretary of State May 17, 1961.]

City of San Buenaventura· Charter amendment

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of an amendment hereinafter set forth to the charter of the City of San Buenaventura, a municipal corporation, in the County of Ventura, State of California, as set out in the certificate of the mayor and the city controller and ex officio city clerk of said city as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA

State of California }
County of Ventura } ss.
City of San Buenaventura }

Certificate

We, Charles W. Petit, Mayor of the City of San Buenaventura, California, and Charles W. Reiman, City Controller and Ex-Officio City Clerk of said City, do hereby certify and declare as follows:

That the City of San Buenaventura, a municipal corporation in the County of Ventura, State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than three thousand five hundred, but less than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the qualified electors of said City at an election duly held for that purpose on the 7th day of January, 1932, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1933, (Statutes of 1933, p. 2870).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Buenaventura, being the legislative body of said City, on its own motion, by Ordinance No. 1142, duly and regularly submitted to the qualified electors of said City a certain proposal for the amendment of the charter of said City to be voted on by said qualified electors at the general municipal election called and held for that purpose in said City on the 11th day of April, 1961.

That on the 1st day of March, 1961, the said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the California Constitution and the charter of the City of San Buenaventura, in each and every edition of said day of March 1, 1961, in "The Ventura County Star-Free Press", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper of said City; all as shown by the affidavit of publication on file in the office of the City Controller and Ex-Officio City Clerk of said City.

Such proposed charter amendment was submitted to the electors of said City for adoption and ratification at a general municipal election held on April 11, 1961, which was not less than forty, nor more than sixty, days after completion of the advertising in the official newspaper of the proposed charter amendment aforesaid.

At said election a majority of the qualified electors voting upon the proposed charter amendment voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Council of the City of San Buenaventura, which pursuant to law met on April 20, 1961, and duly declared the result of said canvass of the returns of said election by Resolution No. 5208.

That the said amendment to the charter of the City of San Buenaventura, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

Section 3 of Article XV of the Charter of the City of San Buenaventura be amended to read:

"Section 3: Election and Term. Each member of the Board of Education shall serve for four years from and after the first day of May following the date of his election, and until his successor is elected and qualified; provided, that the term of office of each of the three members of the Board of Education elected to serve until May 1, 1963, shall then expire, and the term of office of the two members elected to serve until May 1, 1965, shall then expire. Election; term

At each General Municipal Election members of the Board of Education shall be elected to take the places of members whose terms expire in that year, to fill any vacancy, and also to fill the place of each member appointed to fill a vacancy. In the election of members of the Board of Education where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms, but the person or persons elected by the highest number of votes shall be elected for the full term or terms and the person receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be.

All vacancies in the Board of Education shall be filled by a majority vote of the remaining members, and the person so appointed shall serve until his successor is elected at the next succeeding General Municipal Election and qualified. In the event that three or more vacancies exist in said Board at one time, the Council shall appoint enough members to give the Board of Education three members qualified to act. Such appointees shall hold office until the next succeeding General Municipal Election?"

We further certify that we have compared the text of the foregoing amendment to the charter of the City of San Buenaventura with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy of said amendment. That as to all of said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the seal of the City of San Buenaventura to be affixed hereto this 20th day of April, 1961.

(SEAL)

CHARLES W. PETIT
Mayor of the City of San Buenaventura, California
CHARLES W. REIMAN
City Controller and Ex-Officio City Clerk of the City of San Buenaventura, California

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of San Buenaventura as proposed to, and adopted and ratified by the electors of said city and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as amendment to and as part of the charter of said City of San Buenaventura.

CHAPTER 155

Senate Joint Resolution No. 29—Relative to the loan deadline of the Small Business Investment Act of 1958.

[Filed with Secretary of State May 17, 1961.]

WHEREAS, The Small Business Investment Act of 1958 presently provides for no loans to be made to local development companies after June 30, 1961; and

WHEREAS, Local development companies perform a highly significant function in aiding systematic and planned urbanization and prevention of the blight of our fair cities brought on by haphazard development; and

WHEREAS, There has been introduced a bill in the Senate of the United States, namely S. 902, 87th Congress, First Session, to eliminate the time restriction after which no loans may be made to local development companies; and

WHEREAS, This bill is worthy of support and passage by the Congress of the United States; and

WHEREAS, Without the strong federal participation and aid to local development companies provided by the Small Business Investment Act of 1958, many community development projects would fail to be initiated; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress to eliminate the time limitation on loans that may be made to local development companies in order that such companies' significant contribution to the public good may be continued to its fullest extent; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 156

Assembly Concurrent Resolution No. 110—Approving certain amendments to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the 18th day of April, 1961.

[Filed with Secretary of State May 18, 1961.]

City of Oakland Charter amendments.

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth, to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

State of California,
County of Alameda, } ss.
City of Oakland.

Certificate.

We, the undersigned, Clifford E. Rishell, Mayor of the City of Oakland, State of California, and Gladys H. Murphy, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the fifteenth day of February, 1911 (Statutes of 1911, p. 1551.).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Oakland, being the legislative body of said City, on its own motion by its Resolution No. 40368 C.M.S. passed January 31, 1961, duly and regularly proposed and submitted to the qualified electors of said City ten certain proposals designated as Propositions 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, for amending the Charter of said City, to be voted upon by said qualified electors at a special municipal election called and held for that purpose in said City on the 18th day of April, 1961. That said special election was duly and regularly called, authorized and provided for by said Council of said City of Oakland by said aforementioned Resolution No. 40368 C.M.S., and that by said resolution said special election was duly and regularly consolidated with the Nominating Municipal Election to be held in said City on said date. That said consolidated Special Municipal Election was duly and regularly held in said City in accordance with the provisions of the Charter of the City of Oakland and in manner provided by law, after due notice given and published, with the said Nominating Municipal Election, on the 18th day of April, 1961, which said day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendments in the "Oakland Tribune", the official newspaper of said City.

That such proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Oakland, on the 1st day of March, 1961, in the "Oakland Tribune", a daily newspaper of general circulation published in said City of Oakland and the official newspaper of said City, and in each edition thereof, during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form, and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City, in accordance with the Constitution of the State of California and the Charter of the City of Oakland; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Oakland was published in said "Oakland Tribune", a newspaper of general circulation published in said City, on the 8th day of March, 1961, and on each day thereafter to and including the 18th day of April, 1961, the date of said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Oakland, the Council of said City provided for the formulation and printing of a statement not exceeding five hundred words in length, descriptive of and explaining the nature or purpose of said proposals to amend the Charter of said City; that a copy of said printed statement was mailed

and distributed by the City Clerk of said City to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendments.

That as to each of the amendments to the Charter of the City of Oakland hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that all provisions of law and of the Charter of the City of Oakland applicable thereto have been fully conformed to and complied with.

That in accordance with the provisions of the Charter of the City of Oakland, and with the law in such cases made and provided, the Council of the City of Oakland, on the 24th day of April, 1961, at a meeting duly and regularly called and held at its usual place of meeting, which meeting was recessed to and reconvened on the 25th day of April, 1961, duly canvassed the returns of said consolidated elections, as certified by the election boards, and at a meeting of said Council duly and regularly called and held on the 25th day of April, 1961, at its usual place of meeting, said Council by its Resolution No. 40690 C.M.S., duly found, determined and declared that each of the said proposed amendments to the Charter of the City of Oakland, designated as Propositions 1, 2, 4, 5, 6, 8 and 10, was ratified by a majority of the qualified electors of said City voting thereon; and that said proposed amendments to said Charter designated as Propositions 3, 7 and 9 received less than a majority of the votes of the qualified electors voting thereon, and were not ratified; that the proposed amendments to the Charter of the City of Oakland which were so ratified by a majority of the electors of said City are in words and figures as follows:

Amend Section 6 (1) of the Charter to read as follows:

General Election Regulations.

Sec. 6 (1). The provisions of the State law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable and not in conflict with the specific provisions of this Charter, shall govern all municipal elections, provided that the Council shall meet as a canvassing board and duly canvass the election returns within six days after any Municipal Election, unless such election has been consolidated and the canvassing of returns delegated pursuant to general law. Elections

Add Section 5 (4a) to the Charter to read as follows:

Combined Nomination Petitions.

Sec. 5 (4a). Any person who has filed a declaration of candidacy for both an unexpired term and a full term for the Nomination petitions

same office may combine the Petition of Nomination for both terms in a single Petition.

Add Section 12 (3) to the Charter to read as follows:

Vacancies in City Council.

Vacancies in City Council

Sec. 12 (3) Notwithstanding any other provision of this Charter to the contrary, if vacancies shall occur in membership of the City Council to the extent that there are less than five members of the Council, a majority of the remaining members of the Council, if there be more than two, shall appoint persons to fill such vacancies If but two members or one member of the Council remain, then said remaining members or member shall appoint three or four persons to fill such vacancies until there are five members of the Council. In the event of a tie vote for any such appointment, or vacancies occur to the extent that there are no members of the Council, then a majority of the members of the Board of Supervisors of Alameda County representing Supervisorial Districts in which a part of the City of Oakland is included shall have power to fill such vacancy or vacancies by appointing a person or persons qualified therefor under this Charter, to fill such vacancy or vacancies until there are five members of the Council.

All of the aforesaid persons so appointed shall hold office in accordance with the provisions of this Charter.

Add Section 126 (1) to the Charter to read as follows:

Recordation of bids Repeal

Sec. 126 (1). The requirement set forth in Section 126 of this Charter that an abstract of each bid shall be recorded in the minutes of the Council or Board, as the case may be, by the City Clerk or the Secretary of such Board is hereby repealed

Add Section 46 (13) to the Charter to read as follows:

Maps

Sec. 46 (13). When a map or plat constitutes a part of an ordinance the same shall not be required to be published with the publication of the ordinance, but may be incorporated therein by reference to a copy thereof on file in the office of the City Clerk

Amend Section 46 (7) of the Charter to read as follows:

Ordinances Required in Certain Cases.

Ordinances

Sec. 46 (7) No action providing for the transfer, sale or lease of public property; for the acquisition of real property, or any interest therein, the purchase price of which is over One Thousand Dollars ($1,000.00); for the levying of any tax or assessment; for establishing or changing fire limits, or for the imposing of any penalty, shall be taken, and no franchise shall be granted, except by ordinance; provided, that such

exceptions be observed as may be called for in cases where the Council takes action in pursuance of a general law of the State.

Any provisions of Section 178 of this Charter which may be applicable shall not apply to the acquisition of real property, or any interest therein, the purchase price of which is not more than One Thousand Dollars ($1,000 00).

All appropriations of money by the Council shall be by ordinance, provided that appropriations for sums of One Thousand Dollars ($1,000.00) or less may be made by resolution, on which a vote by ayes and noes shall be taken and recorded; provided further that six affirmative votes shall be required to pass such resolutions; provided further that only one such resolution shall be passed appropriating money, directly or indirectly, for any one purpose or object, or for any two or more purposes or objects directly or indirectly related to each other or which may be directly or indirectly parts of the same general or particular scheme or proposition.

Amend and renumber Section 120 of the Charter and add Section 120 (2) to the Charter to read as follows:

Working Capital Fund

Working Capital Fund

Sec. 120 (1). The Council shall create and maintain a permanent revolving fund, to be known as the "Working Capital Fund", for the purpose of putting the payment of the running expenses of the City on a cash basis. For this purpose the Council may provide that, from the money collected from the annual tax levy and from money received from other sources, a sum may be placed in such fund from time to time until the accumulated amount in such fund shall be deemed sufficient to meet all legal demands against the treasury for the necessary period of the succeeding fiscal year.

The Council shall have power to transfer from the "Working Capital Fund" to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. All money so transferred from the "Working Capital Fund" shall be returned thereto before the end of the fiscal year by necessary transfers made by the Auditor-Controller

On the recommendation of the Auditor-Controller, the approval of the City Manager, and authorization of the Council by majority vote, the "Working Capital Fund" may be reduced by such sum as deemed necessary by transfer to any other fund or funds for the operation of the City.

Temporary transfers

Sec. 120 (2) In the event that funds are not available in the "Working Capital Fund" to meet authorized expenditures of any fiscal year, the Council, on the recommendation of the Auditor-Controller and the City Manager, and the written approval of the controlling Board or Commission, may by ordinance authorize the Auditor-Controller to make temporary transfers or loans for specified periods of idle unencum-

bered balances in any fund, except a pension fund or other fund specifically restricted by law. Any transfer or loan made as herein authorized shall be repaid prior to the end of the fiscal year, and the Auditor-Controller is authorized and directed to take such appropriate action as may be necessary to effect the said required repayment when due. Such loans shall be secured by and made solely in anticipation of the collection of taxes levied or to be levied for the current fiscal year; provided, however, that tax anticipation loans made as may be authorized, shall constitute a prior lien on said taxes levied or to be levied or collected.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Oakland with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this 28th day of April, 1961.

(SEAL)

CLIFFORD E. RISHELL
Mayor of the City of Oakland
GLADYS H. MURPHY
City Clerk of the City of Oakland

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Oakland as proposed to, and adopted and ratified by the electors of the said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of Oakland.

CHAPTER 157

Assembly Concurrent Resolution No. 111—Approving amendments to the charter of the City of Pacific Grove, a municipal corporation in the County of Monterey, State of California, ratified by the qualified electors of the city at an election held therein on the 10th day of April, 1961.

[Filed with Secretary of State May 18, 1961.]

City of Pacific Grove Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the charter of the City of Pacific Grove, a municipal corporation of the County of

Monterey, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF PACIFIC GROVE

State of California
County of Monterey } ss.
City of Pacific Grove

Certificate

We, the undersigned, Alfred B. Wells, Mayor of the City of Pacific Grove, and John H. Scoggin, City Clerk of said City do hereby certify and declare as follows:

That the City of Pacific Grove, a municipal corporation in the County of Monterey, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population of more than 3,500 and less than 50,000 inhabitants.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of said city, being the legislative body thereof, on its own motion submitted to the qualified electors of said city certain proposals for the amendment of the Charter of said city at a general municipal election duly and regularly called and held in said city on the 10th day of April, 1961, said charter amendments being herein designated as Pacific Grove Charter Amendments.

That on the 10th day of February, 1961, said City Council caused said Pacific Grove Charter Amendments to be duly and regularly published and advertised in each and every edition of said 10th day of February, 1961, in the Monterey Peninsula Herald, the official newspaper of said city, printed and published in Monterey and circulated in Pacific Grove

That said general municipal election was duly and regularly held in said city on the date fixed by said Council, to wit, April 10, 1961, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed charter amendments, and the returns of said general municipal election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify said Charter Amendments, hereinafter specifically set forth.

That said amendments to the charter of said city so ratified by the voters of said city are as follows, to wit:

Pacific Grove Charter Amendments

Article 2 (a) was amended to read as follows:

Boundaries

Article 2 (a) Boundaries.

The boundaries of the City of Pacific Grove shall continue as now established and be changed only in a manner authorized by law.

Article 8 (b) First sentence amended to read as follows:

Elections

Article 8 (b) Elections.

General municipal elections shall be held in said City on the second Tuesday in April in each odd-numbered year under and pursuant to the provisions of the general laws of the State of California governing elections in the cities of the sixth class so far as the same may be applicable, and except as herein otherwise provided.

Article 9 (c) was amended to read as follows:

Canvass

Article 9 (c) Canvass of Returns.

The Council of said City shall meet at its usual meeting place on the first Tuesday after any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any.

Article 12 (d) was amended to read as follows:

Mayor

Article 12 (d) The Mayor

A Mayor shall be elected at each general municipal election and shall hold office for the term of two years from and after the Monday next succeeding the day of such election and until his successor is elected and qualified The Mayor shall receive no compensation and shall be ineligible to hold any other office or employment with the city except as a member of any board, commission, or committee thereof of which he is constituted such member by general law. In case of riot, insurrection or extraordinary emergency the Mayor shall assume general control of the city government and all of its branches and be responsible for the suppression of disorders and the restoration of normal conditions. In the name and on behalf of the city he shall sign all contracts, deeds, bonds and other legal instruments in which the city is a party. He shall represent the city at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the city represented officially thereat. In case of vacancy in the office of Mayor during the temporary absence of disability of the Mayor, the

Council shall choose one of its members to act as Mayor pro-tempore.

Article 13 (e) First Paragraph Amended to read as follows:

Article 13 (e) The Council

Council

Three Councilmen shall be elected at each general municipal election and shall hold office for the term of four years each from and after the Tuesday next succeeding the day of such election, and until their successors are elected and qualified.

Article 17 (f) Last Sentence was amended to read as follows:

Article 17 (f) The Initiative and Referendum.

Initiative; Referendum

The Council may provide by ordinance additional procedures for carrying out the provisions of this Article.

Article 21 (g) (11) was added to the Charter to read as follows:

Article 21 (g) City Manager

City Manager

To cause a quarterly statement of all funds in the treasury to be submitted to the Council. Such statements shall be submitted not later than the first meeting in November, February, May and August.

Article 20 (h) Third paragraph of Article 20 was amended to read as follows:

Article 20 (h) City Clerk-Treasurer

City Clerk-Treasurer

It shall be the duty of the City Clerk-Treasurer to receive and safely keep all moneys and securities belonging to the City and coming into his hands, and pay out the same only on warrants signed by the proper officers.

Article 24 (i) Last sentence of paragraph 1 was amended to read as follows:

Article 24 (i) City Attorney

City Attorney; retainer

The retainer of the City Attorney shall be fixed by ordinance.

Article 24 (j) First sentence of paragraph 2 to read as follows:

Article 24 (j) City Attorney

Same: Temporary substitute

When from any cause the City Attorney is unable to perform the duties of his office, he shall with the consent of the Council appoint some other qualified attorney to act temporarily in his place.

Article 28 (k) Last Sentence was amended to read as follows:

Article 28 (k) Chief of the Fire Department

Chief of Fire Department

He shall make rules and regulations for the operation of the department, subject to the approval of the City Manager.

Article 45 (*l*) was amended to read as follows:

Article 45 (*l*) Payment of City Moneys

Warrants

Money shall be drawn from the treasury only upon warrants as herein prescribed. Every demand against the City, from whatever source, must be presented to the City Manager. The City Manager shall satisfy himself whether the money demanded is legally due and its payment authorized by law. If he approves the demand he shall endorse thereon the word "approved" and sign his name thereto. It shall thereafter be presented to the City Council and if by them allowed shall be signed by the Mayor and City Clerk, and a warrant, numbered and dated the same as the demand, issued and signed by the same officers shall be drawn upon the treasurer. No demand shall be approved or paid unless it shall specify each item of the claim and the date thereof.

Provided, however, that warrants for wages and salaries shall be approved by the City Manager and paid regularly from the treasury without the necessity of any demand therefor or approval thereof as in this article prescribed for other claims, and at such time, not in conflict with this Charter, as may be prescribed by ordinance.

That we have compared the amendments as stated herein with the original proposals submitted to the electors of said city, and find and certify that all of said amendments are a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Pacific Grove to be affixed hereto this 1st day of May, 1961.

(SEAL)

A. B. WELLS
Mayor of the City of
Pacific Grove, California
JOHN H. SCOGGIN
City Clerk of the City of
Pacific Grove, California

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the City of Pacific Grove, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Pacific Grove. Approval

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CHAPTER 158

Assembly Concurrent Resolution No 85—Relative to a study of the New Jersey plan of drivers' license suspensions

[Filed with Secretary of State May 18, 1961]

WHEREAS, The State of California has in past years been one of the leaders among its sister states in presenting a strong highway safety program; and

WHEREAS, California has had a sound approach to the suspension or revocation of the driving privilege of its citizens, when such citizens through violations of the driving rules, have brought into play the mandatory or permissive authority to suspend or revoke drivers' licenses as provided in the Vehicle Code; and

WHEREAS, Such suspensions or revocations have been, and are, in most part, for definite periods of time; and

WHEREAS, The State of New Jersey has inaugurated a program of indefinite periods for suspensions and revocations; and

WHEREAS, The citizens of New Jersey are placed in the position of not only proving their ability to drive, but also proving their willingness to conform to the rules before reinstatements are considered; and

WHEREAS, The California Legislature is desirous of determining the effectiveness of the New Jersey plan and its comparison to the California program of definite periods for suspensions or revocations; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the subject matter of this resolution be referred to the Rules Committees of each house for assignment by them to appropriate interim committees or to a joint committee, if such be created on the subject of vehicle laws, for interim study; and be it further

Resolved, That such committees or joint committee be directed to report their, or its, findings, conclusions, and recommendations to the Legislature by the end of the first week following the commencement of the 1962 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Governor of the State of California, and to the Director of Motor Vehicles.

CHAPTER 159

Senate Concurrent Resolution No. 31—Relative to the insuring of aircraft based in California.

[Filed with Secretary of State May 19, 1961.]

WHEREAS, General aviation is showing a firm and steady growth in California and is an important part of the aviation industry; and

WHEREAS, The aircraft owners must realize their responsibility to the people of the State of California over whom they fly; and

WHEREAS, Some of the airports of California have required all based aircraft to carry bodily injury and property damage insurance; and

WHEREAS, The League of California Cities has urged all cities owning airports to require based aircraft to be so insured; and

WHEREAS, The California Association of Airport Executives has expressed an interest in having this problem solved by the airports; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California respectfully urges all airport owners to require that all aircraft based at their airports carry bodily injury and property damage insurance.

CHAPTER 160

Senate Concurrent Resolution No. 33—Relating to purchases of lumber by public agencies.

[Filed with Secretary of State May 19, 1961.]

WHEREAS, Heavy unemployment now exists in many areas of the State and particularly in the lumber industry; and

WHEREAS, The welfare of the State requires that public agencies do all within their power to reduce unemployment and alleviate the pockets of hardship that exist in particular localities and industries; and

WHEREAS, Many state agencies have appropriations available for public works construction and improvement purposes which if used now for the purchase and stockpiling of needed lumber and lumber products would contribute to providing work for California citizens and reducing unemployment as well as permitting the agencies to economize by acquiring lumber and lumber products at their currently reduced prices; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That state agencies which have appropriations available for public works construction and

improvements to be performed by the agency and which need or will need to purchase lumber or lumber products take appropriate action to purchase California lumber or lumber products now when they are available at a cheaper price and when such action will help to improve the economy of the State and reduce unemployment; and be it further

Resolved, That the Secretary of the Senate send a copy of this resolution to the director of each state department.

CHAPTER 161

Assembly Concurrent Resolution No 89—Relative to expenses of the Joint Interim Committee on Law Revision.

[Filed with Secretary of State May 22, 1961.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the sum of one thousand seven hundred dollars ($1,700) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Interim Committee on Law Revision (created by Section 10301 of the Government Code), and its members and for any charges, expenses or claims it may lawfully incur, to be paid from said contingent funds equally and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 162

Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article IV thereof a new section to be numbered 31 5, relating to benefits for widows of veterans.

[Filed with Secretary of State May 22, 1961.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the second day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 31 5 to Article IV thereof, to read:

SEC. 31.5. Nothing contained in this Constitution shall prohibit the use of state money or credit in aiding widows of veterans who served in the armed forces of the United States during time of war, in the acquisition of, or payments for, farms or homes.

CHAPTER 163

Senate Joint Resolution No. 2—Relative to the Auburn Dam and Folsom South Canal.

[Filed with Secretary of State May 22, 1961.]

WHEREAS, There is presently pending before the Congress of the United States legislation introduced by Senators Clair Engle and Thomas H. Kuchel and by Congressmen Harold T. Johnson, John E. Moss, and John J. McFall to authorize construction by the Bureau of Reclamation, as part of the Central Valley Project, of both the Auburn Dam on the American River and the Folsom South Canal; and

WHEREAS, The multiple-purpose project of the Auburn Dam will furnish additional water which can be used in the American River watershed, the Sacramento-San Joaquin Delta region, the San Joaquin Valley, and areas to the south, and will produce additional electric power which would be available for pumping water to areas of deficiency in California's statewide water program; and

WHEREAS, The Folsom South Canal will serve to bring urgently needed supplemental water supplies to areas in the Sacramento-San Joaquin Delta region and the northern San Joaquin Valley area, which supplies would be made available from storage of water in Folsom Reservoir, as supplemented by the proposed Auburn Dam and Reservoir; and

WHEREAS, Both the proposed Auburn Dam and the Folsom South Canal are part of the California Water Plan and would complement the State's efforts to meet the water requirements of California's rapidly expanding population; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact into law, at the earliest possible time, the proposed legislation to authorize the construction of the Auburn Dam and the Folsom South Canal; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 164

Assembly Concurrent Resolution No. 103—Relative to augmenting the funds of the Joint Committee on Legislative Organization.

[Filed with Secretary of State May 23, 1961]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available, the sum of ten thousand dollars ($10,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and the Senate, in equal shares, for the expenses of the Joint Committee on Legislative Organization (created by Section 9107 of the Government Code and Joint Rule No. 40) and its members and for any charges, expenses, or claims it may incur under said resolution to be paid from the said contingent funds and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 165

Senate Concurrent Resolution No. 37—Relative to requesting a study of medical education needs.

[Filed with Secretary of State May 23, 1961.]

WHEREAS, The State of California must substantially increase its facilities for medical education to keep pace with its growing population, as documented in the report of the Governor's Committee on Medical Aid and Health; and

WHEREAS, The proposed new medical school at the San Diego Campus of the University of California and proposed expansion of other medical school facilities in the State will only begin to meet the need; and

WHEREAS, The State is committing tens of millions of dollars to construction of medical school facilities, and millions more to their operation each year; and

WHEREAS, Planned expansion should take private as well as public medical school facilities and other medical facilities into account; and

WHEREAS, The State should gear its planning for medical manpower needs with that of the federal government; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Coordinating Council on Higher Education is directed to develop in co-operation with the State Department of Public Health, the Board of Regents of the University of California, representatives of private medical education centers, and representatives of the public, a plan

for the expansion of medical education in California during the next 10 years, taking into account the several communities in California which afford opportunities for the establishment of new medical schools, the needs for physicians, the need for grants-in-aid to increase enrollment in private medical schools, the need for scholarships and loans to selected financially needy students, and the possible assistance from the federal government; and be it further

Resolved, That the department is directed to submit its report to the Legislature by the first Monday of February, 1962; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to all of the agencies concerned.

CHAPTER 166

Senate Concurrent Resolution No. 58—Relative to commending the Division of Agricultural Sciences, University of California.

[Filed with Secretary of State May 23, 1961.]

WHEREAS, The spotted alfalfa aphid, an insect pest which first appeared in California in 1953, spread so rapidly that in 1955 it cost the State's agriculture over twelve and three-quarter million dollars; and

WHEREAS, The spotted alfalfa aphid threatened to wipe out California's entire alfalfa crop and with it the basis for the State's vast dairy industry; and

WHEREAS, The loss of this annual four-hundred-million-dollar crop would have meant ruin to many farmers and allied agricultural business as well as an increase in the consumer cost of many food items; and

WHEREAS, At the request of farmers and the California Legislature, the University of California at once responded to this critical situation and in co-operation with the U. S. Department of Agriculture vigorously attacked the problem; and

WHEREAS, The University of California's research and programs of action were so successful that the spotted alfalfa aphid is now under control and is no longer a serious threat to the State's agriculture; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Legislature hereby commends the Division of Agricultural Sciences of the University of California for its part in this scientific triumph, a true example of the value of research in agriculture to all the people of the State; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Regents of the University of California, to the President of the University and to the Division of Agricultural Sciences thereof

CHAPTER 167

Assembly Joint Resolution No. 33—Relative to the stockpiling of food, clothing and medicines in appropriate areas of California.

[Filed with Secretary of State May 26, 1961.]

WHEREAS, In the event of an outbreak of major hostilities between the United States and an enemy power intent upon our destruction, the primary targets of any enemy would probably include the main centers of population in California and the major military establishments in this State; and

WHEREAS, For the most part, the stores of food, clothing, and medicines in California are located in or near the main centers of population of the State, the same areas that would in all likelihood be destroyed or contaminated by radioactive fallout, in the event of an attack; and

WHEREAS, Without substantial stores of food, clothing and medicines the citizens of California cannot hope to survive an attack or to assist in the defeat of our enemies; and

WHEREAS, There are in the several portions of this State vast areas accessible by means of adequate roads and railway facilities, which are located at some distance from any primary target areas, out of the probable fallout patterns; and

WHEREAS, The stockpiling of food, clothing, and medicines in these areas would preserve these vital items from destruction or contamination in the event of enemy attack, now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to undertake the stockpiling of food, clothing, and medicines in the appropriate areas of this State in order to better prepare our citizens to survive any possible future conflict; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 168

Assembly Concurrent Resolution No. 118—Approving certain amendments to the charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on May 2d, 1961.

[Filed with Secretary of State May 26, 1961.]

City of Santa Barbara Charter amendments

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of five amendments, hereinafter set forth, to the charter of the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, and set out in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF SANTA BARBARA

State of California }
County of Santa Barbara } ss.
City of Santa Barbara }

Certificate

We, the undersigned, Edward L. Abbott, Mayor of the City of Santa Barbara, and Helen V. Barclay, City Clerk of said city, do hereby certify and declare as follows:

That the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the Council of said city, being the legislative body thereof, duly and regularly submitted to the qualified electors of said city certain proposals for the amendment of the Charter of said city at a general municipal election duly and regularly called and held for that purpose in said city on the 2nd day of May, 1961, said charter amendments being herein designated as Charter Amendment No. 1, Charter Amendment No. 2, Charter Amendment No. 6, Charter Amendment No. 7 and Charter Amendment No. 8.

That on the 21st day of March, 1961, said Council caused said proposed charter amendments to be duly and regularly published and advertised in each and every edition of said 21st day of March, 1961, in the Santa Barbara News-Press, a daily newspaper of general circulation, printed, published and circulated in said city, there being no official paper of said city.

That said Council caused copies of said proposed charter amendments to be printed in convenient pamphlet form and in type of not less than 10-point and caused copies thereof to be mailed to each of the qualified electors of said city.

That said Council, until the day fixed for the election upon said proposed charter amendments, did advertise in said Santa Barbara News-Press, a daily newspaper of general circulation in said city, a notice that copies thereof might be had upon application therefor; that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said city up to and including the day fixed for said general municipal election.

That said general municipal election was duly and regularly held in said city on the date fixed by said Council, to wit, May 2nd, 1961, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed charter amendments, and the returns of said general municipal election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify Charter Amendment No. 1, Charter Amendment No. 2, Charter Amendment No. 6, Charter Amendment No. 7, and Charter Amendment No. 8 hereinafter specifically set forth.

That said amendments to the Charter of said city so ratified by the voters of said city are as follows, to wit:

CHARTER AMENDMENT No. 1

That Section 117 of Article XVI of the Charter of the City of Santa Barbara be amended to read as follows:

"Article XVI

The Board of Harbor Commissioners

Deposit of revenues

Section 117. All license fees, tolls and fines collected in pursuance of this article shall be paid into the general fund of the City as collected except that any revenue collected or derived from the conduct or operation of any harbor development or improvement procured or aided by a loan of funds from the State of California, Division of Small Craft Harbors, shall by Council order be deposited into a special fund to be created by the Council by ordinance for the exclusive purpose of such repayment of such a loan."

CHARTER AMENDMENT No. 2

That Section 15.4 be added to Article II of the Charter of the City of Santa Barbara, to read as follows:

"Article II

Officers of the City

Mayor: Salary

Section 15.4. The Mayor shall receive a salary of $700.00 per month. In any and all respects wherein the within added Section of the Charter of the City of Santa Barbara conflicts with Section 15 of said Charter, the latter shall to the extent of such conflict only be deemed to be repealed."

CHARTER AMENDMENT No. 6

That Section 22 of Article III of the Charter of the City of Santa Barbara be amended to read as follows:

"Article III

Legislative Department

Vacancy

Section 22. Any vacancy occurring in the office of Councilman shall be filled by appointment of the Mayor, and the person so appointed by him shall possess the qualifications hereinabove prescribed for members of the Council, and shall hold office for the unexpired term of his predecessor."

CHARTER AMENDMENT No. 7

That Section 146 of Article XXII of the Charter of the City of Santa Barbara be amended to read as follows:

"Article XXII

Miscellaneous Provisions

Vacations

Section 146. The City Council, by ordinance, shall prescribe the vacation rights of all officers and employees throughout the city government, which shall be not less than a total of two weeks of vacation with full pay during each year of service subsequent to the first year of service."

CHARTER AMENDMENT No. 8

That Section 30 of Article III of the Charter of the City of Santa Barbara be amended to read as follows:

"Article III

Legislative Department

Section 30. Every ordinance, except those of emergency, before its adoption, must be read at three regular meetings, unless the Council by majority vote of members present direct that it be read by reference to its title only, and provided that the third reading may be dispensed with by unanimous vote of the Councilmen present. Ordinances-Readings

An emergency measure is an ordinance for the immediate preservation of the public peace, health or safety, or for appropriating money for some special need, and which contains a declaration of and the facts constituting its urgency, and is passed by five affirmative votes in the Council."

That we have compared the amendments as stated herein with the original proposals submitted to the electors of said city, and find and certify that they are full, true and correct copies thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Santa Barbara to be affixed hereto this 9th day of May, 1961.

(SEAL)

EDWARD L. ABBOTT
Mayor of the City of
Santa Barbara, California
HELEN V. BARCLAY
City Clerk of the City of
Santa Barbara, California

and

WHEREAS, Said proposed charter amendments as ratified (being hereinabove set forth) have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned five amendments to the charter of the City of Santa Barbara as proposed to, and adopted and ratified by, the qualified electors of said City of Santa Barbara be and the same hereby are approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the City of Santa Barbara. Approval

CHAPTER 169

Senate Concurrent Resolution No. 46—Relative to state park sites in Siskiyou County.

[Filed with Secretary of State May 29, 1961.]

WHEREAS, The people residing in the County of Siskiyou have shown a great interest in the creation of a state park in their county; and

WHEREAS, There are several excellent park sites in Siskiyou County which are located on federally owned land; and

WHEREAS, These s tes would provide ideal recreational facilities for approximately 10,000 persons per year if public use facilities were available, and the optimum use is estimated to be approximately 200,000 visitors annually; and

WHEREAS, The creation of state parks in this area would benefit thousands of Californians in their recreational pursuits; and

WHEREAS, Section 5017 of the Public Resources Code provides for investigations, studies, and surveys to be made, and generalized plans to be prepared, by the Division of Beaches and Parks whenever the Legislature directs the division to plan a state park or parks or recreational development; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Beaches and Parks, Department of Natural Resources, be requested to cause investigations, studies, and surveys to be made, and generalized plans to be prepared, with respect to the proposed establishment of state parks in the following locations in Siskiyou County:

(1) Taylor Lake, Scott Valley, and surrounding area;

(2) Castle Lake, Gumboot Lake, and surrounding area;

and, be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to the Chief of the Division of Beaches and Parks, Department of Natural Resources.

CHAPTER 170

Assembly Concurrent Resolution No. 117—Approving an amendment to the charter of the City of Grass Valley, a municipal corporation in the County of Nevada, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the first day of May, 1961.

[Filed with Secretary of State May 29, 1961.]

City of Grass Valley: Charter amendment

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the charter of the City of Grass Valley, a municipal corporation of the

County of Nevada, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION OF AMENDMENT TO THE CHARTER OF THE CITY OF GRASS VALLEY

State of California,
County of Nevada, } ss.
City of Grass Valley,

Certificate

We, the undersigned, Arnold S. Thorsen, Mayor of the City of Grass Valley, State of California, and J. A. Simmons, Clerk of said city, do hereby certify and declare as follows:

That said City of Grass Valley at all times mentioned herein was, and now is, organized and existing under the freeholders charter adopted under the provisions of Section 8, of Article XI of the Constitution of the State of California, which said charter was duly adopted and ratified by a majority of the qualified electors on the 18th day of September, 1951, and approved by the Legislature of the State of California on the 19th day of March, 1952.

That on the 27th day of December, 1960, the Council of the City of Grass Valley, adopted on its own motion the following resolution, to-wit:

Resolution No. 148 NS

Be it resolved by the Council of the City of Grass Valley:

That the following proposal be submitted to the qualified electors of the City of Grass Valley at the General Municipal Election to be held in said City on Monday, May 1, 1961, for the purpose of amending the Charter of the City of Grass Valley duly adopted and ratified by the electors of said City on the 18th day of September, 1951, and approved by the Legislature of the State of California March 19, 1952, to-wit:

Proposition No. 1

That Section 12, Article VI, of the Charter of the City of Grass Valley be amended to read as follows:

Compensation

"Section 12: Compensation. Each Councilman shall receive the sum of twenty-five ($25.00) dollars per month as his total compensation."

Adopted as a resolution of the Council of the City of Grass Valley at a regular meeting thereof on the 27th day of December, 1960, by the following vote:

Ayes: Councilmen Thorsen, Hodge, Heather, Myers, Pepper
Noes: Councilmen None
Absent: Councilmen None

ARNOLD S. THORSEN
Mayor

Attest: J. A. SIMMONS
City Clerk

That the said proposed amendment to said City Charter was advertised by publication thereof once on the 13th day of March, 1961, in each edition during the day of publication of The Union, the official newspaper of said city, and a newspaper of general circulation printed and published in said city.

That at the said general municipal election duly and regularly held on the 1st day of May, 1961, being not less than forty (40) days, and not more than sixty (60) days, after the completion of the advertising in the official newspaper, a majority of the qualified voters voting thereon voted in favor of such proposed charter amendment and the city council of said city at a meeting held on May 2, 1961, in the manner and time required by law, duly canvassed the returns of said election and it duly found, determined and declared that a majority of said qualified electors voting thereon had voted for and ratified said charter amendment; that said amendment to said City Charter, as the same was proposed and ratified as herein set forth is as follows, to-wit:

"Article VI, Section 12: Compensation. Each Councilman shall receive the sum of twenty-five ($25.00) dollars per month as his total compensation."

In witness whereof, we have hereunto set our hands and affixed the corporate seal of the City of Grass Valley, County of Nevada, State of California, this 9th day of May, 1961

ARNOLD S. THORSEN
(SEAL) Mayor of the City of Grass Valley.
J. A. SIMMONS
City Clerk of the City of Grass Valley.

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the charter of the City of Grass Valley, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of the City of Grass Valley.

CHAPTER 171

Senate Concurrent Resolution No. 44—Relative to making additional funds available to the Joint Legislative Budget Committee.

[Filed with Secretary of State May 30, 1961.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available to it, the sum of four hundred fifty thousand dollars ($450,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and of the Assembly for the payment of any and all expenses incurred by the Joint Legislative Budget Committee or its members pursuant to and under authority of the provisions of Joint Rule No. 37 to be expended equally from the Contingent Funds of the Senate and of the Assembly.

CHAPTER 172

Senate Concurrent Resolution No. 56—Relative to boat safety education survey.

[Filed with Secretary of State May 30, 1961.]

WHEREAS, There has been a sudden and marked increase in boating activities in the State of California and throughout the nation; and

WHEREAS, All types and sizes of watercraft are being, and will be, utilized under greatly varying conditions of weather and geography; and

WHEREAS, The forces of nature are unpredictable, capricious, and have great capacity for effecting injury or destruction on the boatman and his craft; and

WHEREAS, Knowledges and skills appropriate to the type of craft and conditions of operation are essential to safe and enjoyable boating; and

WHEREAS, The increased leisure time and general economic well being of the people of the State of California and of the nation has created opportunities for extensive participation in boating by people of all ages, many of whom have had no previous experience in boating; and

WHEREAS, Statistics concerning injuries and fatalities due to boating activity indicate a widespread lack of such knowledge and skills sufficient to insure the safety of boating enthusiasts and their families and guests; and

WHEREAS, It is apparent from the above facts that effective boating safety education would be in the interest of the people of the State of California; and

WHEREAS, In order for the Legislature to enact suitable legislation to protect the people of California in the matter of

water safety, it is necessary for the Members to be fully informed on all phases of boating safety education; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Education in conjunction with the Division of Small Craft Harbors is requested to conduct a complete and exhaustive survey of the present status of boating safety education in the State of California, such survey to cover:

(a) Formal and informal school courses or components of courses, dealing with boating safety conducted as a regular part of the curriculum or as an extra-curricular activity, in all grades and levels from primary through college.

(b) Sources of aid available through co-operating agencies which furnish or might furnish course content, literature, training aids, instructors, advice, or guidance in this field.

(c) Courses conducted outside the schools, with identification of the various agencies, such as Power Squadron, Coast Guard Auxiliary, Red Cross, Green Cross, boating clubs, marine dealers, and recreational, regulatory and rescue agencies, including the nature and extent of such courses, and data on materials, instructors, objectives, and financial support.

(d) Contact with every school district, city or county recreation department, boating organization and every other agency which might be expected to conduct boating safety education; and be it further

Resolved, That the Department of Education and the Division of Small Craft Harbors are requested to file with the Legislature, by the fifth calendar day of the 1963 General Session, a joint report of their survey, together with recommendations for legislation based on the existing boating safety education programs and the nature of the needs for such education in each locale of the State.

CHAPTER 173

Senate Concurrent Resolution No. 60—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization and the State Personnel Board, and the Members of the Senate and Assembly.

[Filed with Secretary of State May 30, 1961.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That leaves of absence from the State for a longer period than 60 days during their terms of office are hereby granted to his Excellency Edmund G. Brown, Governor of the State of California; the Honorable Glenn M. Anderson, Lieutenant Governor of the State of California; to Frank M. Jordan, Secretary of State; to Stanley Mosk, Attor-

ney General; to Alan Cranston, Controller; to Bert A. Betts, Treasurer; to Roy E. Simpson, Superintendent of Public Instruction; to George R. Reilly, John W. Lynch, Paul Leake, and Richard Nevins, members of the Board of Equalization; to Glenn R. Baker, Ford A. Chatters, Robert S. Ash, Robert D. Gray, and Joseph Wyatt, Jr., members of the State Personnel Board; and to the following Members of the Senate and the Assembly:

Senators Stanley Arnold, Leland M. Backstrand, John C. Begovich, Charles Brown, Hugh M. Burns, Paul L. Byrne, Ronald G. Cameron, Carl L Christensen, Jr, James A. Cobey, Randolph Collier, Richard J. Dolwig, Hugh P. Donnelly, Fred S. Farr, Hugo Fisher, Samuel R. Geddes, Luther E. Gibson, Donald L. Grunsky, John J. Hollister, Jr., John W. Holmdahl, Ed. C. Johnson, J. Eugene McAteer, James J. McBride, John F. McCarthy, George Miller, Jr, John A. Murdy, Jr., Virgil O. O'Sullivan, Aaron W. Quick, Joseph A Rattigan, Edwin J. Regan, Richard Richards, Albert S. Rodda, Stanford C. Shaw, Alan Short, Waverly Jack Slattery, Walter W. Stiern, Vernon L. Sturgeon, Stephen P. Teale, John F. Thompson, J. Howard Williams, Robert D. Williams; Assemblymen Bruce F. Allen, Don A. Allen, Sr., William T. Bagley, Tom Bane, Jack A. Beaver, Carlos Bee, Frank P. Belotti, Clark L. Bradley, Carl A. Britschgi, George E. Brown, Jr., Ralph M. Brown, Montivel A. Burke, Phillip Burton, John A. Busterud, Ronald Brooks Cameron, Tom C. Carrell, Jack T. Casey, Charles Edward Chapel, John L. E. Collier, Gordon R. Cologne, Charles J. Conrad, Glenn E. Coolidge, Robert W. Crown, Rex M. Cunningham, Lou A. Cusanovich, Walter I. Dahl, Pauline L. Davis, Bert DeLotto, Clayton A. Dills, Edward E. Elliott, Houston I. Flournoy, Louis Francis, Myron H. Frew, Edward M. Gaffney, Charles B. Garrigus, W. S. Grant, Richard T. Hanna, Augustus F. Hawkins, Sheridan N. Hegland, W. A. Hicks, James L. Holmes, Leverette D. House, Joseph M. Kennick, Vernon Kilpatrick, John T. Knox, Frank Lanterman, Robert L. Leggett, Harold K. Levering, Lloyd W. Lowrey, Frank Luckel, Paul J. Lunardi, Milton Marks, Lester A. McMillan, Charles W. Meyers, James R. Mills, Robert T. Monagan, Don Mulford, William A. Munnell, Eugene G. Nisbet, John A. O'Connell, Alan G. Pattee, Nicholas Petris, Carley V. Porter, Bruce V. Reagan, Thomas M. Rees, William B. Rumford, Jack Schrade, Harold T. Sedgwick, Joseph C. Shell, Bruce Sumner, Howard J. Thelin, Vincent Thomas, Jesse M. Unruh, Jerome R. Waldie, John C. Williamson, George A. Willson, Charles H. Wilson, Gordon H. Winton, Jr., Chet Wolfrum, Edwin L. Z'berg.

The leaves of absence granted by this resolution are also granted to the successors of any of the above named officers during their terms of office as such successors.

CHAPTER 174

Senate Concurrent Resolution No. 61—Relative to the Press-Legislative Golf Tournament.

[Filed with Secretary of State May 30, 1961.]

WHEREAS, The Press-Legislative Golf Tournament was started in 1951 in order to promote a friendly tournament between the newsmen of the capitol press corps and the Members of the Legislature; and

WHEREAS, This tournament has been held biennially since 1951, and all participants have enjoyed immensely this rivalry on the golf links and the award dinner and ceremonies which follow the competition; and

WHEREAS, The 1961 tourney was held at the El Macero Country Club in Yolo County on May 5, with the Legislative Team defeating the Press Team and thereby bringing their victories to a total of two, as compared with four victories for the members of the fourth estate; and

WHEREAS, This traditional event is sponsored by the working members of the capitol press; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature do hereby express their appreciation and thanks to the members of the capitol press corps for the fine tourney held this year and the splendid dinner which followed.

CHAPTER 175

Senate Concurrent Resolution No. 64—Approving an amendment to the charter of the County of San Mateo, State of California, ratified by the qualified electors of the county at an election held therein on the 18th day of April, 1961.

[Filed with Secretary of State May 30, 1961.]

County of San Mateo: Charter amendment

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the charter of the County of San Mateo, State of California, as hereinafter set out in the certificate of the chairman of the board of supervisors and the county clerk and ex officio clerk of the Board of Supervisors of the County of San Mateo, as follows:

State of California }
County of San Mateo } ss.

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF A CERTAIN AMENDMENT TO THE CHARTER OF SAID COUNTY OF SAN

MATEO, SUBMITTED TO THE QUALIFIED ELECTORS OF SAID COUNTY OF SAN MATEO ON TUESDAY, THE 18TH DAY OF APRIL, 1961.

BE IT KNOWN THAT:

Whereas, the County of San Mateo, State of California, has been at all times herein mentioned, and now is, a body politic, and corporate, and a political subdivision of the State of California, and is now and has been, since the twenty-eighth day of January, 1933, organized and acting under and by virtue of a freeholder's charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the eighth day of November, 1932, and approved by the Legislature of the State of California in the Fiftieth Session thereof, and filed in the office of the Secretary of State on the twenty-eighth day of January, 1933; and

Whereas, the Board of Supervisors of said County, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by Resolution No. 15838, adopted January 20, 1961, duly propose to the qualified electors of said County of San Mateo Fourteen amendments to the charter of said county, designated in said resolution and order as proposed county Charter amendments numbered "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", and "N", and ordered that said amendments be submitted to the qualified electors of said county at a special election, to be held in said county on Tuesday, the 18th day of April, 1961, which date was fixed in said resolution as the day for holding said general election; and

Whereas, the Board of Supervisors of said County, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did by Ordinance No. 1444, adopted March 7, 1961, establish the election precincts for said special county election, designate the polling places for said special county election, and designate the election officers for said special county election; and

Whereas, said special county election was consolidated with the general consolidated elections conducted in the various school districts throughout the County of San Mateo on said date for the election of governing board members of said school districts, and with the general election conducted throughout said County on said date for the election of members of the County Board of Education of said County in the manner provided by law and in accordance with said Resolution No. 15838 and said Ordinance No. 1444 above mentioned; and

Whereas, said proposed charter amendments numbered "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", and "N", were published for ten times in the Redwood City Tribune, a daily newspaper of general circulation, printed, published and circulated in said County,

to-wit: on February 24, 25, 27, and 28, and March 1, 2, 3, 4, 6, and 7, 1961; and

Whereas, said Ordinance No. 1444 was published for five times in the Redwood City Tribune, a daily newspaper of general circulation, printed, published and circulated in said County, to-wit: on March 20, 21, 22, 23, and 24, 1961; and

Whereas, said special election, at which said proposed amendments were submitted to the qualified electors of said county, was not less than 30 nor more than 60 days after publication of said proposed amendments, as aforesaid; and

Whereas, a copy of the proposed charter amendment propositions, and a sample ballot containing said propositions, was mailed to every qualified elector in said County of San Mateo; and

Whereas, said special election was held in said County of San Mateo on Tuesday, the 18th day of April, 1961, which said day was not less than 30 days nor more than 60 days after said proposed amendments to said charter had been published for 10 times in said Redwood City Tribune; and

Whereas, thereafter the County Clerk and ex-officio Clerk of the Board of Supervisors of said County of San Mateo did, in the manner provided by law, duly and regularly canvass the returns of said election, and the said Board of Supervisors of said County, on the 2nd day of May, 1961, did duly declare the results of said special election as determined from the canvass of the returns thereof; and

Whereas, at said special election held on the said Tuesday, the 18th day of April, 1961, 24,175 votes were cast in favor of said proposed charter amendment numbered "A" and 30,012 votes were cast against said proposed charter amendment numbered "A"; 28,135 votes were cast in favor of said proposed charter amendment numbered "B" and 25,632 votes were cast against said proposed charter amendment numbered "B"; 19,173 votes were cast in favor of said proposed charter amendment numbered "C" and 31,171 votes were cast against said proposed charter amendment numbered "C"; 11,860 votes were cast in favor of said proposed charter amendment numbered "D" and 41,594 votes were cast against said proposed charter amendment numbered "D"; 9,052 votes were cast in favor of said proposed charter amendment numbered "E" and 42,968 votes were cast against said proposed charter amendment numbered "E"; 12,925 votes were cast in favor of said proposed charter amendment numbered "F" and 38,591 votes were cast against said proposed charter amendment numbered "F"; 15,215 votes were cast in favor of said proposed charter amendment numbered "G" and 37,136 votes were cast against said proposed charter amendment numbered "G"; 15,507 votes were cast in favor of said proposed charter amendment numbered "H" and 36,087 votes were cast against said proposed charter amendment numbered "H"; 13,529 votes were cast in favor of said proposed charter amendment numbered "I" and 37,012 votes were cast against said pro-

posed charter amendment numbered "I"; 18,264 votes were cast in favor of said proposed charter amendment numbered "J" and 31,791 votes were cast against said proposed charter amendment numbered "J"; 20,679 votes were cast in favor of said proposed charter amendment numbered "K" and 31,014 votes were cast against said proposed charter amendment numbered "K"; 14,470 votes were cast in favor of said proposed charter amendment numbered "L" and 37,253 votes were cast against said proposed charter amendment numbered "L"; 15,827 votes were cast in favor of said proposed charter amendment numbered "M" and 35,824 votes were cast against said proposed charter amendment numbered "M"; 20,924 votes were cast in favor of said proposed charter amendment numbered "N" and 30,785 votes were cast against said proposed charter amendment numbered "N"; and

Whereas, said proposed charter amendment numbered "B" was ratified by a majority of the electors of said county voting thereon, to-wit: PROPOSITION B: and

Whereas, said Proposition B appeared on the official ballot as follows:

PROPOSITION B

Shall the Charter of the County of San Mateo be amended to eliminate obsolete and superseded provisions of said Charter pertaining to certain duties of the Board of Supervisors with respect to courts and State offices, compensation of fish and game wardens, probation officers and other officers, and ordinances required within one year after the adoption of said Charter, pertaining to former incumbent County officers, to the first County officers, boards and commissions under said Charter and to township officers, and pertaining to the establishment of the appointive County Manager and of Civil Serv ice to provide for minor grammatical and wording corrections involving no change in meaning, and to provide, in conformity with general law, for correcting the title of the Probation Committee, requiring meetings of the Board of Supervisors and of the Civil Service Commission to be public, and providing for purchases of school supplies by the Purchasing Agent, by amending paragraphs (k), (*l*) and (o) of Section 2 of Article III, Section 3 of Article III, Section 1 of Article IV, Sections 7, 8, 9, and 10 of Article VI, Section 3 of Article VII, the first paragraph of Section 4 and paragraph (d) of Section 4 of Article VII, paragraph (c) of Section 6 of Article VII, Sections 1 and 2 of Article IX, Section 3 of Article X, Sections 1 and 3 of Article XII, Sections 2, 5, 10, 14, and 15 of Article XIII, Sections 1 and 2 of Article XIV, and paragraph 2 of Section 4 of Article XIV, and by repealing paragraphs (e), (p) and (r) of Section 2 of Article III, Section 4 of Article IV and by changing the words "County Executive" to "County Manager" wherever "County Executive" appears in said Charter, and by repealing Sections 6, 7 and 8 of Article IV, Section 6 of Article IX, and Sections 14, 19 and 20 of Article XIV; and

Whereas, in all election precincts where voting machines were used said Proposition B was reduced into a condensed statement of said proposition and appeared on the front of each voting machine as a ballot label of said measure as follows:

PROPOSITION B

Shall the Charter of the County of San Mateo be amended to eliminate obsolete and superseded provisions of said Charter, to make minor grammatical and wording corrections in said Charter, and to make certain provisions of said Charter conform with general law, without substantial change in meaning or effect; and

Whereas, said charter amendment number "B" so ratified by the electors of said County of San Mateo is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and is in words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to-wit:

PROPOSITION B
PROPOSED CHARTER AMENDMENT

That paragraphs (k), (*l*) and (o) of Section 2 of Article III of the County Charter, pertaining to additional duties of the Board of Supervisors be amended to read as follows:

Bond (k) To require, if deemed proper, any County officer or employee, before or after entering upon the duties of his office or service, to give bond for the faithful performance thereof, in such penal sum as may be fixed by the Board of Supervisors.

Code of rules (*l*) To provide, publish, and enforce a complete code of rules, not inconsistent with general law or this Charter, prescribing in detail the method of procedure of the Board of Supervisors and specifying in detail the powers, duties, methods and procedure of all offices and institutions.

Temporary advisory commission (o) To provide for any temporary advisory commission to serve, with or without compensation, and to assist the Board of Supervisors, or any County officer, in the conduct of County functions.

That Section 3 of Article III be amended to read as follows:

Meetings Section 3. Regular Meetings. The Board of Supervisors shall convene in regular session, at least twice in each calendar month, and said Board shall, by ordinance, provide for such holding of regular public meetings.

That Section 1 of Article IV be amended to read as follows:

Qualifications Section 1. Qualifications The person holding the office of County Manager shall be chief administrative officer of the County. The County Manager shall be a person of demonstrated administrative ability and shall be chosen and appointed on the basis of his executive and administrative quali-

fications. No member of the Board of Supervisors shall be eligible for appointment to the office of County Manager during his tenure in office as Supervisor, nor within one year after his retirement therefrom.

That Sections 7, 8, 9 and 10 of Article VI be amended to read as follows:

Terms

Section 7. Terms of Office. Terms of all officers, boards and commissions unless otherwise herein or by law provided shall be four years, and until their successors shall have qualified, unless sooner removed in the manner provided by law. Every board and commission shall consist of five members except where additional members are provided for by this Charter or by ordinance of the Board of Supervisors.

Probation

Section 8. Probation Officer and Probation Committee. The manner and method of appointment and removal of the probation officers and the members of the Probation Committee shall be as now or as hereafter may be provided by general law.

Vacancies

Section 9. Vacancy in Elective Office, How Filled. Whenever a vacancy shall occur in any elective County office, other than in the Board of Supervisors or in the Board of Education, the Board of Supervisors shall fill the same in the manner, and the appointee shall hold office for the time provided by general law.

Same

Section 10. Vacancy in Appointive Office, How Filled. Whenever a vacancy shall occur in any appointive County office, such vacancy shall be filled subject to the manner and method herein provided with respect to the original appointment by the person, board, or commission, as the case may be, empowered herein to make such original appointment.

That Section 3 of Article VII be amended to read as follows:

District attorney

Section 3. District Attorney. The District Attorney shall advise the Board of Supervisors and all County and district officers in all matters and questions of law pertaining to their respective functions, powers, and duties and. subject to the provisions of the general law empowering the Board of Supervisors to employ special counsel, shall have exclusive charge and control of all civil actions and proceedings in which the County, or any officer, board or commission of said County is a party, or is officially concerned or interested. He shall also act as attorney for the Public Administrator as to all estates in which such officer is personal representative, and the District Attorney shall, in every such matter, collect the attorneys fees allowed therein by law and pay same into the County treasury.

That the first paragraph of Section 4 and paragraph (d) of Section 4 of Article VII, pertaining to the duties of the County Engineer be amended to read as follows:

Engineer

Section 4. Engineer. The County Engineer shall have the powers and perform the duties of County Surveyor. The County Engineer, in addition to such other powers and duties

as are herein vested in him shall have and exercise the following powers and duties:

(d) To inspect, or cause to be inspected, all County roads, highways and bridges and to keep such roads, highways and bridges clear of obstructions and in good repair; to employ all men, equipment, and all help necessary therefor, when the same is not let by contract, and to report to the County Manager and the Board of Supervisors with respect thereto, to certify to the correctness of all payrolls for work done by day labor of force account on County roads, highways and bridges.

That paragraph (c) of Section 6 of Article VII pertaining to the duties of the Purchasing Agent be amended to read as follows:

(c) To act as Purchasing Agent on behalf of the County Superintendent of Schools for the purchase of standard school supplies and equipment in accordance with the regulations of the County Board of Education when authorized to do so by said Superintendent.

That Sections 1 and 2 of Article IX be amended to read as follows:

Road district

Section 1. Single Road District. There shall be a single road district which shall comprise all the territory lying within the County.

County Engineer

Section 2. County Engineer to be Ex-Officio Road Commissioner. The County Engineer shall be, ex-officio, road commissioner of the County and of the single road district described in Section 1 of this article.

That Section 3 of Article X be amended to read as follows:

Budget Examination

Section 3. Budget Examination by County Manager. All offices, departments, boards, commissions, and institutions shall, twenty days prior to the time that they are required by law to submit their budget estimates to the Controller, submit their budget estimates to the County Manager for advice, counsel and suggestions. The Board of Supervisors, upon receiving the County budget so submitted by the County Controller, shall immediately refer the budget to the County Manager for his advice, counsel and criticism before said Board of Supervisors shall hold any public hearings or take any official action thereon.

That Sections 1 and 3 of Article XII be amended to read as follows:

Elections

Section 1. Nomination and Election. Excepting where otherwise herein provided, all elective County officers shall be nominated and elected at the time and in the manner and for the terms now or hereafter provided by general law for the nomination and election of such officers.

Recall

Section 3. Recall. The holder of any elective County office may be recalled, in the manner provided by law, by the electors at any time after he has held office six months.

That Sections 2, 5, 10, 14, and 15 of Article XIII be amended to read as follows:

Expenses

Section 2. Traveling Expenses. Whenever any person in the service of the County is compelled to travel in the performance of his duty, he shall, in addition to his regular compensation, be reimbursed for his actual and necessary expenditures for transportation, lodging, and meals. An itemized account of such expenditures shall be filed with and approved by the Controller before payment. The Board of Supervisors shall fix a maximum price to be paid for such travel, lodging and meals, which shall be applicable to all such persons alike, including members of said Board of Supervisors, and said allowance for mileage will be made for all County officers, whose traveling is authorized by the Board of Supervisors at a rate not to exceed ten cents per mile.

Compensation

Section 5. Compensation in Full for Services. The compensation provided to be paid to all elective and appointive County officers, boards, and commissions shall, when so paid, be in full for all services rendered.

Severability

Section 10. Constitutionality. If any section, subsection, sentence, clause, or phrase of this Charter is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Charter, it being hereby expressly declared that this Charter and each section, subsection, sentence, clause, and phrase thereof would have been prepared and proposed, adopted, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

Section 14. Effective Date of Charter. This Charter shall take effect upon its approval by the legislature.

Purpose

Section 15. Purpose of Charter. The purpose of this Charter is to establish and maintain in the County a local self-government operating through a Board of Supervisors elected by the people of the County in the manner provided by law.

To carry out this purpose the Board of Supervisors shall be the legislative and policy-fixing branch of the Government of the County, and the County Manager shall carry out those policies under the direction of said Board except as otherwise expressly provided in this Charter.

That Sections 1 and 2 of Article XIV be amended to read as follows:

Civil Service Comission

Section 1. Civil Service Commission The Civil Service Commission, hereinafter called the Commission, shall consist of five members, no two of whom may be residents of the same supervisorial district. Qualifications for membership on the Commission shall be the same as those required for the members of the Board of Supervisors, hereinafter called the Board, provided that no member of the Board, or any officer or employee of the County shall be a member of the Commis-

sion nor shall any Commissioner be employed by the County in any other capacity during his service on the Commission.

TERMS OF OFFICE OF THE CIVIL SERVICE COMMISSION

Term

The term of office for a member of the Commission shall be four years and until his successor is appointed by the Board and qualified. Vacancies occurring in the Commission shall be filled by appointment by the Board for the remainder of the unexpired term only.

SELECTING THE OFFICERS OF THE COMMISSION

Officers

The Commission at the first meeting of each year shall elect one of its members as chairman and another one of the members as vice chairman.

COMMISSION MEETINGS; QUORUM; REMOVAL FOR CAUSE

Meetings

Section 2. Commission Meetings; Quorum; Removal for Cause. The Commission shall hold regular public meetings quarterly during the first ten days of January, April, July, and October in the San Mateo County Courthouse and, in addition thereto, shall hold such additional public meetings upon the call of the chairman, or any two members of the Commission, at such time and place as the business of the Commission may require. The County Manager, by virtue of that office, shall be notified of and may attend all meetings of the Commission.

A majority of the Commission shall constitute a quorum for the transaction of business.

Members of the Commission shall be subject to removal in accordance with the procedure provided elsewhere in this Charter for the suspension and removal of Commission members appointed by the Board.

That paragraph 2 of Section 4 of Article XIV, pertaining to positions not in the classified service of the County, be amended as follows:

2. Members of all boards and commissions appointed by the Board of Supervisors or other officers elected by the people.

That the County Charter be amended by repealing paragraph (e) of Section 2 of Article III requiring the Board of Supervisors to provide for necessary court rooms and other office facilities and services for State officers assigned for duty in the County, by repealing paragraph (p) of Section 2 of Article III requiring the Board of Supervisors to fix the compensation of fish and game wardens, probation and other officers as may be provided by general law, and by repealing paragraph (r) of Section 2 of Article III authorizing the Board of Supervisors to adopt a limited civil service system for County officers and employees.

That the County Charter be amended by amending the words "County Executive" to read "County Manager" in any article, section or paragraph of the Charter in which the words "County Executive" appear, and by repealing Section 4 of Article IV providing that the County Manager has all the powers and duties of the County Executive and further providing that wherever the term "County Executive" is used in the Charter it shall be amended to read "County Manager".

That the County Charter be amended by repealing Section 6 of Article IV pertaining to the term of office of the incumbent County Executive, by repealing Section 7 of Article IV pertaining to the repeal of sections inconsistent with said Article IV, and by repealing Section 8 of Article IV pertaining to the constitutionality of said Article IV.

That the County Charter be amended by repealing Section 6 of Article IX pertaining to the duty of the Board of Supervisors to adopt ordinances to effectuate the consolidation of existing road districts into one road district under the County Engineer as ex-officio Road Commissioner at the time the Charter becomes effective.

That the County Charter be amended by repealing Section 14 of Article XIV pertaining to the establishment of a retirement system by the Board of Supervisors within one year after said Article XIV becomes effective, by repealing Section 19 of Article XIV pertaining to the repeal of sections inconsistent with said Article XIV, and by repealing Section 20 of Article XIV pertaining to the constitutionality of said Article XIV.

State of California }
County of San Mateo } ss.

Certificate

We the undersigned, E. R. McDonald, Chairman of the Board of Supervisors of the County of San Mateo, State of California, and John A. Bruning, County Clerk and ex-officio Clerk of the Board of Supervisors of said County of San Mateo, do hereby certify:

That the foregoing proposed and ratified amendment to the charter of said County of San Mateo, submitted to the electors of said County at a special election held in said county on said Tuesday, the 18th day of April, 1961, has been compared by us, and each of us, with the proposed amendment Proposition "B" set forth in the resolution adopted by said Board of Supervisors, as hereinabove set forth, and that the foregoing is a full, true correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board

of Supervisors of the County of San Mateo this 11th day of May, 1961.

E. R. McDONALD
(SEAL) Chairman
Board of Supervisors of the County of San Mateo, State of California.
JOHN A BRUNING
County Clerk and ex-officio Clerk of the Board of Supervisors of the County of San Mateo, State of California.

WHEREAS, Said proposed amendment numbered "B" to the charter of said County of San Mateo, so ratified by the electors thereof, has been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now therefore be it

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for adoption of this resolution and concurring therein, That said amendment to the charter of the County of San Mateo numbered "B" as proposed, adopted and ratified by the electors of said County of San Mateo, and as hereinbefore set forth, be and the same is hereby approved as a whole, without amendment or alteration, and as an amendment to, and as a part of, the charter of the County of San Mateo, State of California.

CHAPTER 176

Senate Joint Resolution No 38—Relative to the Arab League boycott of American citizens, business and industry

[Filed with Secretary of State May 30, 1961.]

WHEREAS, Arab nations including the United Arab Republic, Iraq, Jordan, Lebanon, Saudi Arabia, Yemen, Libya, Sudan, Tunisia and Morocco, functioning as the Arab League, have been conducting a boycott of American citizens, business and industry; and

WHEREAS, The Arab League has blacklisted all American ships which have touched at Israeli ports of call; and

WHEREAS, American firms doing business with Israel are cut off from trade with Arab countries; and

WHEREAS, Most American companies controlled or managed, partially or wholly, by Americans of the Jewish faith are not permitted to establish commercial relationships with countries that are members of the Arab League; and

WHEREAS, American servicemen and armed forces employees of the Jewish faith are not permitted to serve at the Dhahran airbase in Saudi Arabia; and

WHEREAS, American citizens of the Jewish faith are generally not permitted to disembark on Arab soil, by land, sea, or air; and

WHEREAS, Approximately 500 American business firms during 1960 received warnings through the United States mails from Arab boycott officers in Damascus and Kuwait that if Americans have commercial dealings with Israel, they must forego doing business with Arab countries; and

WHEREAS, Individual Hollywood motion picture stars have also been blacklisted; and

WHEREAS, American citizens of the Jewish faith are generally excluded from private employment in any capacity in any Arab owned or controlled company; and

WHEREAS, The United States Navy reserves the option to cancel the charter of any vessel carrying Navy cargo, if any Arab country refuses to allow the vessel to load or unload cargo, because of the ship's charterers or owners have previously done business with Israel; and

WHEREAS, With the approval of the Department of Agriculture, Commodity Credit Corporation and the United States Navy, contracts for the shipment of United States surplus wheat to the United Arab Republic provide that the vessel may not have traded at Israeli ports; and

WHEREAS, The Democratic Party platform of 1960 has pledged the protection of the rights of American citizens to travel, to pursue lawful trade, and to engage in other lawful activities abroad without distinction as to race or religion; and has further pledged to oppose any international agreement or treaty which by its terms or practices differentiates among American citizens on grounds of race, or religion; and

WHEREAS, The Republican Party platform of 1960 pledged to seek an end to transit and trade restrictions, blockades and blacklists, and further pledged to secure freedom of navigation on international waterways and the cessation of discrimination against Americans on the basis of religious beliefs, now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States to instruct the Department of State to take a firm position against Arab interference in the conduct of the affairs of American citizens and businessmen; and be it further

Resolved, That the Department of State abstain from any co-operation with Arab League boycott activities and policies; and be it further

Resolved, That the Department of State resist any efforts by Arab nations to maintain or widen its boycott activities in the United States; and be it further

Resolved, That the Department of State exert all possible efforts and utilize its resources to the fulfillment of the spirit and purposes of this resolution; and be it further

Resolved, That the Secretary of the Senate is directed to prepare and transmit suitable copies of this resolution to the President and Vice President of the United States, to the Secretary of State, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 177

Assembly Concurrent Resolution No. 66—Relative to the preparation of the Summary Digest.

[Filed with Secretary of State May 31, 1961.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislative Counsel is directed to prepare a Summary Digest of statutes enacted and constitutional amendments proposed at the 1961 Regular Session of the Legislature; and be it further

Resolved, That copies of this publication be mailed to the Members of the Legislature by the Chief Clerk of the Assembly as soon as possible after printing; and be it further

Resolved, That the Chief Clerk of the Assembly shall cause to be printed 2,000 copies of the Summary Digest, the cost thereof to be payable from the legislative printing appropriation.

CHAPTER 178

Assembly Concurrent Resolution No. 87—Relative to state park sites in Siskiyou County.

[Filed with Secretary of State May 31, 1961.]

WHEREAS, The people residing in the County of Siskiyou have shown a great interest in the creation of a state park in their county; and

WHEREAS, There are several excellent park sites in Siskiyou County which are located on federally owned land; and

WHEREAS, The creation of state parks in this area would contribute significantly to the economic development of the County of Siskiyou and the State as a whole, as well as providing much needed recreational facilities for the people of the State; and

WHEREAS, Section 5017 of the Public Resources Code provides for investigations, studies, and surveys to be made, and generalized plans to be prepared, by the Division of Beaches and Parks whenever the Legislature directs the division to plan a state park or parks or recreational development; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Beaches and Parks, Department of Natural Resources, is directed to investigate, study, survey and prepare a report, including generalized plans of development, on the establishment of a state park or parks in Siskiyou County at Taylor Lake and the surrounding area, in Scott Valley, and at Castle-Gumboot Lake and the surrounding area, and, after giving equal consideration to each of the proposed sites, to make a final recommendation as to which site or sites would be advantageous as a state park or parks; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Chief of the Division of Beaches and Parks, Department of Natural Resources.

CHAPTER 179

Assembly Joint Resolution No. 37—Relative to securing a Nubian Temple to be located in California.

[Filed with Secretary of State May 31, 1961.]

WHEREAS, It has come to the attention of the people of the world that the Aswan Dam now being constructed on the Nile River in Egypt will inundate the fabled Nubian Valley; and

WHEREAS, The world will, upon the completion of this work, lose the priceless treasures of early civilization including such ancient monuments as the Semna Fort (erected 2000 B.C.), Buhen Temple (erected 1500 B.C.), Abu Simbel, Gerf Hussein and Sebua Temples (erected 1300 B.C.); and

WHEREAS, The United Arab Republic and Sudan have launched into the tremendous task of conservation of the treasures for future generations and have offered them for sale to UNESCO and foreign nations; and

WHEREAS, The President of the United States, John F. Kennedy, has proposed that the United States government give $10 million for the preservation of these temples; and

WHEREAS, Lucile Carnes, Secretary of the Indio Chamber of Commerce, has initiated a program to secure one of the Nubian Temples for location and preservation in Indio, Riverside County, California, a climate and surrounding very similar to that found in Egypt and which will lend a great deal of atmosphere and interest to these works of art; and

WHEREAS, Mr. John A. Wilson of the University of Chicago and Executive Secretary of the U.S. National Committee for the Preservation of Nubian Monuments, has shown a real interest in this movement and aided the Indio Chamber of Commerce in the project; and

WHEREAS, Mr. Vittorino Veronese, Director General, UNESCO, now advises that the United Arab Republic is seriously considering the offer of the Indio Chamber of Commerce; and

WHEREAS, This will offer a rare museum of early civilization and historical interest within our State as a cultural and educational attraction for all people; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide funds and institute negotiations with the appropriate agencies of the governments of the United Arab Republic and Sudan, and with the UNESCO to the end that they try to secure for location at Indio, in the State of California, one of the Nubian Temples, as a cultural and educational monument in the United States; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 180

Assembly Concurrent Resolution No. 126—Relative to the 25th year of June Dairy Month.

[Filed with Secretary of State June 5, 1961]

WHEREAS, The total annual retail value of milk and dairy products sold in California amounts to one billion dollars; and

WHEREAS, The production, processing, manufacture, and distribution of milk and other dairy products in California constitutes the paramount agricultural industry in this state which not only provides substantial and required revenues for the state and its political subdivision and employment and a means of livelihood for over 300,000 California citizens, but also furnishes essential foods that are vital to the public health and welfare; and

WHEREAS, The Legislature of the State of California by law recognizes the essentiality of milk and dairy products in proper human nutrition and in the maintenance of a high level of public health; and

WHEREAS, It has long been recognized that of all factors in man's environment, none is more important to his welfare than food and of all food, none is more important than milk; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the dairy industry of the State and the Dairy Council of California are most heartily congratulated upon the occasion of the 25th anniversary of June Dairy Month and are particularly commended for the tremendous contribution the milk industry has and is making to the economic welfare and the physical well-being of the citizens of the State of California.

CHAPTER 181

Senate Concurrent Resolution No. 69—Relative to approving an amendment to the charter of the City of Oroville, County of Butte, State of California, ratified by the qualified electors of the city at an election held therein on the 11th day of April, 1961.

[Filed with Secretary of State June 7, 1961.]

City of Oroville: Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the charter of the City of Oroville, a municipal corporation of the County of Butte, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF PROCEDURE FOR APPROVAL OF CHARTER AMENDMENT TO THE CHARTER OF THE CITY OF OROVILLE

State of California }
County of Butte } ss

Certificate

We, the undersigned, Conrad L. Weisker, Mayor of the City of Oroville, and R. M Carpenter, Clerk of the City of Oroville, do hereby certify and declare, as follows:

That the City of Oroville in the County of Butte, State of California, has at all times mentioned herein been, and now is, a Municipal Corporation of the State of California, containing a population of more than thirty-five hundred (3500) inhabitants and less than fifty thousand (50,000) inhabitants, and have ever since the 27th day of January, 1933, organized, existing and acting under a freeholders charter adopted under and by virtue of the provisions of Section VIII, Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election held for that purpose on the 22nd day of October, 1931, and approved by the Legislature of the State of California, on the 27th day of January, 1933.

That the legislative body of said City, to-wit, the Council of said City, of its own motion, pursuant to the provisions of Section VIII, Article XI of the Constitution of the State of California, by resolution adopted on the 8th day of February, 1961 and duly published in the manner and form required by law, duly proposed to the qualified electors of the City of Oroville a certain amendment to the charter of said City, and did order that said proposed amendment be submitted to the qualified electors of said City on the 11th day of April, 1961, at a General Municipal Election to be held in said City, the date of which election is fixed by said charter of the City of Oroville hereinbefore referred to, and which said date was fixed in said Resolution as the date for voting upon said amendment proposed.

That the proposed amendment was duly and regularly published and advertised on the 1st day of March, 1961, in accordance with Section VIII, Article XI of the Constitution of the State of California, in the "Oroville Mercury-Register," a daily newspaper of general circulation printed and published in the City of Oroville and having a general circulation therein.

That the said Council of the City of Oroville did by Resolution No. 2003 entitled, "A Resolution Calling General Municipal Election to be Held on Tuesday, the 11th Day of April, 1961," duly adopted on the 6th day of February, 1961, order the holding of the General Municipal Election of the said City of Oroville on the 11th day of April, 1961, for the purpose, among other things, of causing a vote upon the ratification of said proposed charter amendment, which said date so fixed was not less than forty days nor more than sixty days after the completion of the publication of the proposed charter amendment. That due and legal notice of said election was given as provided by law as appears from the affidavit of publication now on file in the office of the City Clerk of the City of Oroville.

That said General Municipal Election was held in the City of Oroville on the 11th day of April, 1961, which said day was not less than forty days nor more than sixty days after the publication of the "Resolution Proposing an Amendment to the Charter of the City of Oroville for Submission to the Electors at the General Election to be Held on the 11th day of April, 1961," as aforesaid.

That the Council of the City of Oroville did in the manner provided by law, duly and regularly canvass the returns of said election, and did duly declare the results of said election insofar as it concerned the said proposed Charter amendment as determined from the canvass of the returns thereof, which results were as follows:

Total ballots cast	879
In favor of ratification of said proposed Charter amendment	639
Against the ratification of said proposed Charter amendment	240

That at the said General Municipal Election held on the 11th day of April, 1961, as aforesaid, that the said proposed Charter amendment was ratified by a majority of the qualified electors of said City voting thereon.

That the Charter amendment so ratified by the qualified electors of the City of Oroville is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section VIII, Article XI of the Constitution of the

State of California, and which is in the words and figures as follows:

Charter Amendment No. XI

Shall the first paragraph of Section No. 1 of Article IX of the Charter of the City of Oroville be amended to read as follows:

There shall be a board of Planning Commissioners consisting of the Mayor as an ex-officio member without vote except in the case of a tie; one other member of the Council, the City Engineer and six citizens to be appointed by the Council to serve for four years each, without compensation. Planning Commissioners

We further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Oroville with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact correct copy thereof.

In Witness Whereof, we have hereunto set our hands and caused the seal of the City of Oroville to be affixed hereto this 15th day of May, 1961.

(SEAL)

CONRAD L. WEISKER
Mayor
R. M. CARPENTER
City Clerk

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein. That the amendment to the charter of the City of Oroville, as presented to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as amendment to and as part of the charter of the City of Oroville. Approval

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CHAPTER 182

Senate Joint Resolution No. 36—Relating to the Office of Saline Water of the United States Department of the Interior

[Filed with Secretary of State June 7, 1961]

WHEREAS, The Office of Saline Water of the United States Department of the Interior has requested Congress for $1,755,000 in appropriations to continue its program of research and development of sea and brackish water conversion processes; and

WHEREAS, In testimony before the House of Representatives Appropriations Subcommittee, officials of the Office of Saline Water said that construction of larger plants and incorporation of additional improvements can lower present costs considerably, and research "holds promise of developing entirely new methods which may permit the attainment of a major breakthrough;" and

WHEREAS, The Office of Saline Water, by contracts with private industrial firms authorized in their program by Congress, will complete construction in the summer of this year a demonstration plant to convert sea water into fresh water at Point Loma, near San Diego; and

WHEREAS, The chief of basic research of the Office of Saline Water testified before a House of Representatives appropriations subcommittee, "I think we are approaching economically competitive converted water"; and

WHEREAS, All these signs point to the fact that the future municipal and industrial water needs of the Southern California coastal shelf could soon be served economically and feasibly from the bordering Pacific Ocean; and

WHEREAS, An economic process to treat brackish waters so as to improve their quality and permit their reuse would be of great benefit to a number of areas of California; and

WHEREAS, Water conversion processes, when applied in an economically feasible manner, will help permit the State of California to go to the bond market to finance other needed programs in addition to water development; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully endorses the aims and purposes of the program of the Office of Saline Water, and urges the California delegation in the Congress to support the appropriations requested by the Office of Saline Water, Department of the Interior; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 183

Senate Joint Resolution No. 12—Relative to federal income taxation of the interest derived from public bonds.

[Filed with Secretary of State June 7, 1961.]

WHEREAS, The State of California and the political subdivisions thereof have in the past and are now currently engaged in financing, through the issuance of bonds, needed public improvements such as the building of schools, highways, water

and sewer distribution systems and other projects for the promotion of the health, safety, and welfare of the people; and

WHEREAS, The interest income which the owner derives from such bonds has in the past and is now currently exempt from the imposition of any federal income tax; and

WHEREAS, The federal taxation of the interest of such bonds, as income, would result in the curtailment of construction of needed public improvements, and would result in either an increase of taxes imposed by the State of California and any political subdivision thereof in order to pay higher interest costs, or the assumption by the federal government of the responsibility of financing such improvements; and

WHEREAS, There is currently a national movement to permit the imposition of the federal income tax on the interest income from the bonds issued or to be issued by the several states and their political subdivisions; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to oppose any amendment of the Constitution of the United States, or any other action by the Congress of the United States, or the executive branch thereof, which would have the effect of subjecting the income from state and local bonds to a federal tax or to cause the tax to be increased because of such bond holdings by a taxpayer whether or not the increase is in fact titled a tax; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 184

Senate Joint Resolution No. 45—Relative to establishment of a Youth Conservation Corps

[Filed with Secretary of State June 7, 1961.]

WHEREAS, The Senate and House of Representatives of the United States are now considering legislation to establish a Youth Conservation Corps; and

WHEREAS, Among the most pressing and depressing problems of today are the rise in unemployment, rising relief costs, and increase of juvenile delinquency; and

WHEREAS, It has been established that a Youth Conservation Corps would be a most important resource of combating all of these three undesirable phases of our national life, and

WHEREAS, Such a Youth Conservation Corps could achieve essential public improvements, worth more than the cost entailed; and

WHEREAS, The work most needed to be done generally lies in national forests, in national parks, or in such projects as flood prevention and prevention of soil erosion, far removed from the cities or states where most of the youths enrolled for such program now reside; and

WHEREAS, The State of California and several of the counties of this State have camp programs for youths already under sentence by the courts, and the Federal Youth Conservation Corps would provide for voluntary enrollment; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully urges Congress to enact legislation as proposed in S. 404, which would authorize the establishment of a Youth Conservation Corps to provide healthful outdoor training and employment for young men and to advance the conservation, development, and management of national resources of timber, soil, and range, and of recreational areas; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 185

Assembly Joint Resolution No. 34—Relative to the proposed cutting down of trees in the Presidio.

[Filed with Secretary of State June 7, 1961.]

WHEREAS, It has been reported that the United States Army intends to cut down 26 acres of beautiful and hand-planted eucalyptus, acacia, pine and other trees in the Presidio in San Francisco in order to expand a cemetery; and

WHEREAS, The felling of these trees and removal of the shrubs from these rolling acres in the Presidio will remove an area of rare beauty which has laboriously been planted and maintained since the first planned reforestation, on a large scale, in 1882, and would put off, probably forever, the release of any acreage of the Presidio to the City of San Francisco for a new and unique San Francisco residential area; and

WHEREAS, With the armed forces declaring their various real estate holdings surplus at a growing rate, it is indeed appropriate to ask if among these other properties an appropriate site for a cemetery could not be found without permanently destroying or impairing the historic beauties of the Presidio; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of

the United States and the Secretary of the Department of Defense to take appropriate executive and legislative action to prevent the removal of trees at the Presidio in San Francisco for the extension of a cemetery, to direct the United States Army to seek another more appropriate site among its vast real property holdings for such a cemetery, and to take such other action as will insure that the historic and carefully nurtured natural beauties of the rolling acres of the Presidio will remain for the enjoyment and appreciation of the people of the entire nation as well as the citizens of the State of California and the City of San Francisco; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the Department of Defense, and to the Secretary of the Army.

CHAPTER 186

Assembly Joint Resolution No. 38—Relative to Fort Funston.

[Filed with Secretary of State June 7, 1961.]

WHEREAS, Fort Funston in San Francisco has been declared surplus federal property by the General Services Administration; and

WHEREAS, This land, comprising about 116 acres of sand dunes and beach, would make an excellent public park and recreation area along the Pacific Ocean; and

WHEREAS, A public auction to sell part of the land to private developers could be scheduled at any time; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the National Park Service is requested to recommend the development of surplus Fort Funston property for a state park and recreational area; and be it further

Resolved, That the General Services Administration is requested to take no action to dispose of the Fort Funston property until the State of California has an opportunity to take such action as may be necessary to acquire the property for a public park and recreational area; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to prepare and transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the Interior, to the Director of the National Park Service, and to the Administrator of General Services.

CHAPTER 187

Assembly Concurrent Resolution No 60—Relative to efficiency and economy in state printing.

[Filed with Secretary of State June 7, 1961]

WHEREAS, The Legislature has undertaken to economize in the cost of its operation as it relates to legislative printing and is currently engaged in a study of this problem through the Joint Committee on Legislative Organization as provided by Assembly Concurrent Resolution No. 141 of the 1959 Regular Session (Res. Ch. 219) ; and

WHEREAS, The Joint Budget Committee has recommended certain changes in the accounting and cost analysis system of the State Printing Office to improve its efficiency; and

WHEREAS, Such studies as have been made to date indicate that all state printing is interrelated and that legislative printing averages less than one-tenth of the total amount of ten million dollars ($10,000,000) expended annually for state printing; and

WHEREAS, Recent events have indicated that the public interest requires a careful study of the printing of school textbooks in the State Printing Office and the effect thereof on other state printing costs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Committee on Legislative Organization is hereby directed to continue and expand its study of state printing to include a study and investigation of all facts relating to state printing and the operation of the State Printing Office, including the printing of school textbooks, and to report to the Legislature thereon not later than the fifth calendar day of the 1963 Regular Session, and to include in its report any recommendations it may have designed to bring about greater economy and efficiency in state printing.

CHAPTER 188

Assembly Concurrent Resolution No. 119—Relative to Admission Day.

[Filed with Secretary of State June 7, 1961]

WHEREAS, The ninth day of September, 1961, will mark the 111th anniversary of the admission of California as the 31st State admitted into the Union of States of the United States; and

WHEREAS, It has been the tradition of the Order of the Native Sons of the Golden West to designate one central location for a statewide celebration in commemoration of the anniversary; and

WHEREAS, The City of Long Beach has been selected as the official place of celebration for the 1961 celebration; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature declare that it is fitting and proper for the citizens of California to commemorate and celebrate this historic event, and thus preserve the historical traditions of this great State and revive the memories of its pioneer days; and be it further

Resolved, That all Californians are urged to participate, insofar as possible, in the official Admission Day observance in the City of Long Beach on the ninth day of September, 1961.

CHAPTER 189

Assembly Concurrent Resolution No. 125—Relative to Stanislaus State College.

[Filed with Secretary of State June 7, 1961.]

WHEREAS, Stanislaus State College opened for classes last September as the 15th unit in the State College System; and

WHEREAS, Stanislaus State College will complete its first year of operation with commencement exercises at the temporary campus in Turlock on June 10, 1961; and

WHEREAS, Degrees will be awarded 64 students at these ceremonies, who are in addition to the 25 receiving bachelor of arts degrees at the January commencement; and

WHEREAS, Stanislaus State College is well on its way toward its expected ultimate enrollment of 10,000 with 830 students attending the current semester and 790 having attended the fall semester; and

WHEREAS, This enrollment response greatly exceeded original estimates and thereby bears out the need for this institution of higher learning in the six counties it is designed to serve, Stanislaus, San Joaquin, Merced, Mariposa, Tuolumne, and Calaveras; and

WHEREAS, Stanislaus State College's brief history establishes it as a most worthwhile addition to the nation's greatest state supported system of higher education; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature take this means to extend its congratulations to the President of Stanislaus State College, Dr. J. Burton Vasche, his excellent staff, the student body and the many Californians who have helped establish this fine institution; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit suitably prepared copies of this resolution to Dr. J. Burton Vasche, President of the Stanislaus State College

CHAPTER 190

Assembly Concurrent Resolution No. 127—Approving amendments to the charter of the City of Palo Alto, County of Santa Clara, State of California, ratified by the electors of said city at a general municipal election held in said city on the 9th day of May, 1961.

[Filed with Secretary of State June 7, 1961.]

City of Palo Alto Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Palo Alto, a municipal corporation, in the County of Santa Clara, State of California, as hereinafter set forth in the certificate of the Mayor of the Council of the City of Palo Alto and the city clerk of said city as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PALO ALTO OF CERTAIN CHARTER AMENDMENTS

State of California
County of Santa Clara } ss:
City of Palo Alto

Certificate

We, the undersigned, John Ball, Mayor of the Council of the City of Palo Alto, and Winifred Kidd, City Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Palo Alto, a municipal corporation, in the County of Santa Clara, State of California, contains a population of over 50,000 inhabitants and ever since the year 1909 has been and now is organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 21st day of January, 1909 and approved by the Legislature of the State of California by a concurrent resolution thereof filed with the Secretary of State on the 20th day of February, 1909 (Stats. 1909, page 1175); and

That the Legislative Body of said City, namely the City Council thereof, did by Ordinance No. 2013 duly adopted pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California duly vote to submit to the qualified electors of said City of Palo Alto at the General Municipal Election to be held therein on the 9th day of May, 1961, two amendments to the Charter of the City of Palo Alto, designated respectively Proposition 1 and Proposition 2; and

That said proposed Charter amendments were on March 17, 1961, being not less than 40 nor more than 60 days before said election published in the PALO ALTO TIMES the official newspaper of said City and a newspaper of general circulation

therein and in each edition thereof during said day of publication and said proposed amendments were printed in convenient pamphlet form and in type of not less than ten point and copies thereof were mailed to each of the qualified electors of said City, and until the day fixed for the election upon said amendments it was advertised in said newspaper that the copies thereof could be had upon application therefor at the office of the City Clerk of said City; and

That said proposed amendments were duly and regularly submitted to the qualified electors of the City of Palo Alto in the manner provided in Section 8 of Article XI of the State of California and that said municipal election after due notice given and published was duly and regularly held in the City of Palo Alto on May 9, 1961 which day was not less than 40 days nor more than 60 days after the completion of the publication and advertisement of the proposed charter amendments in the manner required by Section 8 of Article XI of the Constitution of the State of California; and

That the returns of said election were duly and regularly canvassed and certified to and it was duly found, determined and declared by the proper officers thereonto duly and properly authorized that all of the amendments of the Charter of the City of Palo Alto hereinafter set forth were ratified by a majority of the electors of said City voting thereon; and

That the Council of said City did by its Ordinance No. 2026 duly declare the results of said election as determined by the canvass of the returns thereof; and

That as to said charter amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith; and

That said Charter amendments to the Charter of the City of Palo Alto so ratified by the electors of said City are in words and figures as follows, to wit:

Proposition 1

That Section 7 of Article VII of the Charter of Palo Alto is amended to read as follows:

"Section 7. The Council may lease or sublease real property owned or leased by the City for a period not to exceed fifty years. Nothing herein shall be deemed to ratify, validate or extend the term of any lease outstanding on the effective date of this section." Leases

Proposition 2

That Article III of the Charter of the City of Palo Alto is amended by adding thereto a new section to be numbered Section 23 and to read as follows:

"Section 23. The Council may, by ordinance or resolution, provide for the preservation and continuation of government in the event of disaster which renders unavailable a majority of the Council." Disasters

In witness whereof, we have hereunto set our hands and caused the seal of the City of Palo Alto to be affixed hereto this 25th day of May, 1961.

(SEAL)

JOHN BALL
Mayor, of the City of Palo Alto
WINIFRED KIDD
City Clerk of the City of Palo Alto

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Palo Alto as proposed to, adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of said City of Palo Alto.

CHAPTER 191

Assembly Concurrent Resolution No. 129—Relative to the death of Father C. Kelly Canelo.

[Filed with Secretary of State June 7, 1961.]

WHEREAS, It was with the most sincere and profound sorrow that the Members of the Legislature of the State of California learned of the death, on May 24th, 1961, of Father C Kelly Canelo; and

WHEREAS, Father Canelo, an assistant pastor at Mission Dolores in San Francisco since his ordination in 1955, was only 33 years of age at the time of his death from polio; and

WHEREAS, A native of San Jose, Father Canelo attended St. Patrick's school there and entered the junior seminary in 1941; and

WHEREAS, He completed his high school education at Bellarmine Prep, entered the University of California in 1945 where he played football, and then served one year with the United States Army in Japan; and

WHEREAS, Father Canelo was the only son of Dr. and Mrs. C. Kelly Canelo of St. John Vianney's Parish, San Jose; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legisla-

ture of the State of California do hereby extend to the parents and the parishioners of Father C. Kelly Canelo their most heartfelt condolences upon his untimely passing; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitable copies of this resolution to the parents of Father C. Kelly Canelo and to Bishop Merlin J Guilfoyle, Pastor of Mission Dolores.

CHAPTER 192

Assembly Concurrent Resolution No 130—Relative to Bach recitals by Professor Fernando Germani

[Filed with Secretary of State June 7, 1961]

WHEREAS, For more than 200 years the profound beauty of the glorious melodies found in the music of Johann Sebastian Bach has been an inspiration to all mankind; and

WHEREAS, There is now taking place at the Grace Cathedral in the City of San Francisco a series of 14 recitals in which the complete organ works of Johann Sebastian Bach are being performed by Professor Fernando Germani, the first organist at the Vatican in Rome; and

WHEREAS, This outstanding series of performances is being presented through the efforts of the committee for the Germani Bach concerts, a civic organization of public-spirited persons from the San Francisco Bay area who are dedicated to the advancement of music; and

WHEREAS, Maestro Germani is one of the foremost organists of the world, having been the first organist at the Vatican in Rome for 11 years, a member of the St Cecilia Academy and of the International Academy of the Chigiana in Siena and professor of organ and organ composition at the State Conservatory in Rome; and

WHEREAS, In recognition of the pre-eminence of this musical event, the recitals are being recorded by the Voice of America for broadcast throughout the world over the facilities of the Voice of America; and

WHEREAS, It is through the efforts of the committee for the Germani Bach concerts and Professor Germani that the immortal organ compositions of Johann Sebastian Bach are being so beautifully presented for all to hear and enjoy; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California commends and extends its heartfelt thanks to the committee for the Germani Bach concerts and Professor Germani for their part in presenting and making possible this outstanding musical event and enabling thousands of lovers of music to enjoy Bach's immortal organ compositions; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Professor Fernando Germani, the Honorable George Christopher, Mrs. Ambrose N. Diehl, General Chairman, and E. Paul FitzGerald, Executive Secretary of the Committee for the Germani Bach Concerts.

CHAPTER 193

Senate Concurrent Resolution No. 63—Relative to the Lower San Joaquin Levee District.

[Filed with Secretary of State June 7, 1961.]

WHEREAS, The Lower San Joaquin Levee District is charged with the operation and maintenance of the Lower San Joaquin River Flood Control Project authorized by Section 12651 of the Water Code; and

WHEREAS, The contemplated project has been modified to include a bypass in lieu of certain channel and levee work; and

WHEREAS, Such modification may result in a change in benefits, and there is therefore a need for a review of the boundaries and the assessment structure of the district; and

WHEREAS, There appears to be otherwise some demand within the district for an impartial review of the boundaries and assessment structure of the district; now, therefore, be it

Resolved by the Senate of the State of California the Assembly thereof concuring, That the Reclamation Board be requested to make a study to determine (1) whether the present boundaries of the Lower San Joaquin Levee District should be changed; and (2) whether any changes should be made in the assessment structure of the district to better reflect the benefits within the district, including consideration as to whether benefit zones should be created and whether assessments should be levied upon improvements as well as land; and be it further

Resolved, That the Reclamation Board be requested to submit a report, containing its findings and recommendations as to the matters set forth in this resolution, to the Legislature by not later than the fifth calendar day of the 1963 Regular Session; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the Reclamation Board and to the Lower San Joaquin Levee District.

CHAPTER 194

Senate Concurrent Resolution No. 65—
Relating to dangerous drugs.

[Filed with Secretary of State June 7, 1961.]

WHEREAS, There has been an increase in the use and prescription of drugs which can be dangerous, and sometimes fatal, to persons if they are improperly administered; and

WHEREAS, There is a necessity that laws be enacted governing the use, the manner of prescription, and the place of use of such drugs; and

WHEREAS, Included among these drugs are penicillin (all manufacturers), chloromycetin (Parke-Davis), streptomycin (Abbott), butazolidine (Geigy), and furdantin (Eaton); now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the University of California Medical Center, Department of Pharmacology, in San Francisco is hereby requested to make a study of the aforementioned drugs and their dangerous effects and recommend such restrictions on the use of such drugs, and any other drugs, as is deemed appropriate; and be it further

Resolved, That the University of California Medical Center, Department of Pharmacology, in San Francisco be requested to make a report of such study to the Legislature by not later than the 30th calendar day of the 1963 Regular Session; and be it further

Resolved, That the Secretary of the Senate be directed to deliver a copy of this resolution to the Director of the University of California Medical Center.

CHAPTER 195

Assembly Concurrent Resolution No. 77—Relative to the California-Nevada Interstate Compact.

[Filed with Secretary of State June 8, 1961.]

WHEREAS, Considerable progress has been made in the prospective California-Nevada Interstate Compact, which will relate to the waters of Lake Tahoe and the Truckee, Carson, and Walker Rivers; and

WHEREAS, It is highly desirable that any facilities for the storage or conservation of the interstate waters be constructed in a manner consistent with fish and wildlife enhancement, and that the regulation of the interstate waters be designed to achieve full utilization of the fishing and outdoor recreational potentials of such waters; and

WHEREAS, The California-Nevada Interstate Compact should insure the protection and development of fishing and recrea-

tion in the waters shared by Nevada and California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California-Nevada Interstate Compact Commission is requested to include provision in the compact recognizing fishing and recreation as beneficial uses for the interstate waters and insuring the protection and development of the fishing and recreation potentials of such waters; and, be it further

Resolved, That provision be made in the California-Nevada Interstate Compact to authorize the permanent compact commission to accomplish the objectives set forth in this resolution and to co-ordinate the operation of the reservoirs on the Truckee, Carson, and Walker Rivers for the purpose of maintaining and enhancing fisheries, insofar as such action is possible without interference with the other purposes which such reservoirs serve; and, be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the California-Nevada Interstate Compact Commission.

CHAPTER 196

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 1a of Article XIII of said Constitution, relating to the exemption of college property from taxation.

[Filed with Secretary of State June 12, 1961.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1961 Regular Session, commencing on the second day of January, 1961, two-thirds of all members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes to the people of the State of California, that the Constitution of the State be amended by amending Section 1a of Article XIII thereof to read:

SEC. 1a. Any educational institution of collegiate grade within the State of California, not conducted for profit, shall hold exempt from taxation its buildings and equipment, its ground within which its buildings are located, its securities and income used exclusively for the purposes of education.

The exemption granted by this section applies to and includes a building in the course of construction on or after the first Monday of March 1950, and the land on which the building is located, if the property is intended when completed to be used exclusively for the purposes of education.

CHAPTER 197

Senate Concurrent Resolution No. 68—Relative to snow clearance.

[Filed with Secretary of State June 12, 1961.]

WHEREAS, The mountain counties are seeing many of their state highways become controlled access freeways; and

WHEREAS, Many of these freeways require frontage roads to service residents that were formerly serviced by the state highways; and

WHEREAS, Many of these residents at the higher elevations had all-year access to their highway property through snow clearance by the Division of Highways; and

WHEREAS, The present frontage roads now serving these residents have become county roads through freeway agreements; and

WHEREAS, The Division of Highways makes no provision or allowance for the cost of continuing the snow clearance for these residents; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works is hereby requested to make a study of the feasibility of providing snow clearance service on mountain frontage roads and report its findings thereon to the Legislature by the fifth calendar day of the 1963 Regular Session; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of the Department of Public Works.

CHAPTER 198

Senate Joint Resolution No. 44—Relating to H.R. 4390.

[Filed with Secretary of State June 12, 1961.]

WHEREAS, H.R. 4390 was introduced in the House of Representatives on February 16, 1961, by Representative Overton Brooks of Louisiana and has been referred to the Committee on Judiciary; and

WHEREAS, H.R. 4390 would amend the Submerged Lands Act (43 U.S.C. 1301 et seq.) to establish and confirm the seaward boundaries of all coastal states to a line extending three marine leagues (nine geographical or 10½ statute miles) from the coastline; and

WHEREAS, The present act limits seaward boundaries of coastal states to three geographical miles; and

WHEREAS, In the recent United States Supreme Court decisions in United States v. Louisiana (1960), 363 U.S. 1 and United States v. Florida (1960), 363 U.S. 121, it was held that

Texas- and Florida-owned submerged lands out to three leagues from their coastlines and other gulf states were limited to three geographical miles; and

WHEREAS, H R. 4390 would secure equality of treatment for all coastal states, including California; and

WHEREAS, The passage of this bill would be in the best interests of the State of California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully urges the Congress to enact H.R. 4390 into law; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 199

Senate Joint Resolution No. 46—Relative to the disposal of certain surplus federal lands.

[Filed with Secretary of State June 12, 1961.]

WHEREAS, An acute problem exists in the disposal of federal lands having extremely high recreational value by the General Services Administration in California and throughout the nation; and

WHEREAS, Land surplus to the needs of the United States government, as far as their original purposes are concerned, comprise some of the most valuable and most expensive lands in this and many other states; and

WHEREAS, Last year military lands bordering San Francisco's Golden Gate became surplus and only through fast and hard work on the part of the State of California was it able to arrange to purchase those lands comprising 292 acres of old military Forts Baker and Cronkhite from the General Services Administration for $307,500, after the areas had been offered for subdivision sales by General Services Administration; and

WHEREAS, Currently, the 116-acre Fort Funston which has been declared surplus and appraised by General Services Administration at over two million dollars, includes 3,000 feet of beach on the Pacific Ocean, roughly in the center of San Francisco; and

WHEREAS, President John F. Kennedy has undertaken a bold and progressive outdoor recreation program, as outlined in his recent message to Congress on natural resources; and

WHEREAS, The administration's policy on disposal of lands with high recreational value has been exemplified in the policy of the Department of the Interior in freezing the withdrawal

of sale of land under the jurisdiction of the Bureau of Land Management; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to require that the disposal of all federal surplus lands under the General Services Administration having high recreational value for the people of the United States be immediately suspended for 18 months in order that the disposal method, the purchase price, and other pertinent factors be re-evaluated in the light of a great public need for outdoor recreational opportunities; and be it further

Resolved, That it is the sense of the Legislature that this is an urgent matter and that all pending sales of such property should be suspended; and be it further

Resolved, That the State of California will be most willing to assist the federal government in any co-operative study to accomplish a more equitable disposal of surplus federal property; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Secretary of the Interior, the Administrator of the General Services Administration, the Chairmen of the United States Senate Interior and Insular Affairs Committee and the House of Representatives Interior and Insular Affairs Committee, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 200

Assembly Concurrent Resolution No. 65—Relative to a geological and hydrological survey of the Chino Basin.

[Filed with Secretary of State June 12, 1961.]

WHEREAS, Conservation and distribution of water throughout the State will require exact information on the capacity and condition of all underground storage basins included as facilities in water development; and

WHEREAS, The Department of Water Resources has recognized the Chino Basin as one of the important facilities in this development; and

WHEREAS, The Department of Water Resources has initiated and is presently conducting geological and hydrological investigations in other areas of the State for the purpose of making this determination; and

WHEREAS, The continued and alarming drop in the water table in the Chino Basin has made imminent the necessity for replenishment to protect this resource and the economy of the

area, and since replenishment must be based on proper information of underground conditions; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That the Department of Water Resources be requested to proceed as rapidly as feasible to initiate and perform a geological and hydrological survey of the Chino Basin; and be it further

Resolved, That the Chief Clerk of the Assembly be instructed to transmit a copy of this resolution to the Director of Water Resources.

CHAPTER 201

Assembly Concurrent Resolution No. 76—Relative to making additional funds available to the Legislative Audit Committee.

[Filed with Secretary of State June 12, 1961.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available to it, the sum of three hundred ten thousand dollars ($310,000) or so much thereof as may be necessary, is hereby appropriated from the Contingent Funds of the Senate and Assembly for the payment of any and all expenses of the Joint Legislative Audit Committee (created by Section 10501 of the Government Code) and its members and for any charges, expenses, or claims it may incur, to be paid equally from the said contingent funds and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 202

Assembly Concurrent Resolution No. 94—Relative to standards in governmental health services.

[Filed with Secretary of State June 12, 1961.]

WHEREAS, The Governor's Committee on Medical Aid and Health, in its report "Health Care for California," submitted in December of 1960, recommends that the State Department of Public Health collect and analyze data necessary for development of standards in governmental health services, appraise continually the quality of care provided, and periodically report its findings to the public; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That the State Department of Public Health is hereby requested to collect and analyze data necessary for the development of standards in governmental health

services, appraise continually the quality of care provided, and periodically report its findings to the public; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of Public Health.

CHAPTER 203

Assembly Concurrent Resolution No. 97—Relative to the filing of an action in the United States Supreme Court against the State of Nevada for an equitable apportionment of the waters of the Walker River.

[Filed with Secretary of State June 12, 1961]

WHEREAS, The States of California and Nevada, through interstate compact commissions representing each state, are presently engaged in negotiating an interstate compact relating, among other things, to the distribution and use of the waters of the West Walker River, which arises in California and flows into Nevada; and

WHEREAS, One of the objectives of said negotiations is to settle by interstate agreement a controversy between the two states respecting the amounts of water of the West Walker River which should equitably be allocated to each state; and

WHEREAS, Water users and landowners in the California portion of the West Walker River Basin, lying within the County of Mono, are in great need of supplemental water supplies and there will also be need in the future for water for domestic and recreational development in said basin, and it is in the interest of the State of California that an adequate share of the presently unused waters of said river be allocated to California for said purposes; and

WHEREAS, Despite the fact that said negotiations are still in progress and the issue of the apportionment of the waters of said river has not been resolved between the two states, the Walker River Irrigation District of the State of Nevada on April 4, 1961, authorized the issuance of bonds and is proceeding actively with plans to sell said bonds and construct the proposed Hoye Canyon Dam and Reservoir project on the West Walker River in Nevada as soon as possible; and

WHEREAS, The purpose of said project is to store virtually all the presently unused waters of said West Walker River which are capable of development, for the sole benefit of water users and landowners of said district in Nevada, thus depriving California of any further benefits from said river; and

WHEREAS, The equitable rights of California to an adequate share of the waters of said river would be gravely prejudiced by the sale of said bonds and the construction of said project; and

WHEREAS, A suit by the State of California against the State of Nevada in the United States Supreme Court for an equitable apportionment of the waters of said river may be the only means to preserve the equitable rights of California to the waters of said river against the threat posed by said proposed sale of bonds and construction of said project by said Walker River Irrigation District before the issue of apportionment of water between the States of California and Nevada is resolved by interstate negotiation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Attorney General of the State of California be and hereby is requested to file an action by the State of California against the State of Nevada in the United States Supreme Court for an equitable apportionment of the waters of the Walker River when, in his judgment, such an action is necessary in order to preserve the equitable rights of the State of California to the waters of the West Walker River against the threats posed by the actions of the Walker River Irrigation District of the State of Nevada relating to financing and constructing said district's proposed Hoye Canyon Dam and Reservoir project; and be it further

Resolved, That the Department of Water Resources be and hereby is requested to render all possible assistance to the Attorney General in preparing and prosecuting such an action for equitable apportionment; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Attorney General and to the Director of Water Resources

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CHAPTER 204

Assembly Concurrent Resolution No 114—Relating to the revision of Fish and Game Regulations.

[Filed with Secretary of State June 12, 1961.]

WHEREAS, Regulations adopted by the Fish and Game Commission under its general regulatory powers are unique in that they may supersede provisions of the Fish and Game Code; and

WHEREAS, By these regulations the Fish and Game Commission governs the activities of all persons in relation to California's fish and game; and

WHEREAS, These regulations should be clear, unambiguous, and should be arranged to facilitate rapid location of applicable provisions on the various subject matters, to the end that the regulations may be easily used and readily understood by all affected persons; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the office of the Legislative Counsel, under the direction of the Assembly Interim Committee on Fish and Game, is directed to review the regulations

of the Fish and Game Commission as found in Title 14 of the California Administrative Code and to prepare a revision in the form thereof. The committee shall submit such revision to the Legislature and the Fish and Game Commission not later than the fifth day of the 1963 Regular Session; and be it further

Resolved, That the Fish and Game Commission and the Department of Fish and Game are requested to co-operate with the Assembly Interim Committee on Fish and Game and the office of the Legislative Counsel in this revision.

CHAPTER 205

Assembly Joint Resolution No. 39—Relative to a commemorative stamp honoring John Muir.

[Filed with Secretary of State June 12, 1961]

WHEREAS, The year 1964 will mark the 50th anniversary of the death of John Muir, one of the great naturalists of our nation and a lifelong advocate of the need to preserve the great natural resources of our scenic forests and wilderness areas; and

WHEREAS, Born in Scotland, John Muir came to the United States at an early age and as a young man settled in 1868 in California, the State he later came to call his home; and

WHEREAS, John Muir thereafter spent his life exploring, largely on foot, the mountainous and wilderness areas of California, the United States and Alaska and writing stirring poetry and numerous articles, and books extolling the beauties of nature, recounting his travels, and seeking to acquaint his countrymen with the great inheritance available to all in the natural resources of our scenic forests and wilderness areas; and

WHEREAS, It was to a great extent through these explorations and writings of John Muir that our country was awakened to the heritage of our great forests and mountains and the great need for national parks and reservations to preserve all these for future generations; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Postmaster General of the United States to provide for the issuance of a commemorative stamp honoring the 50th anniversary of John Muir's death; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the President and Vice President of the United States, to the Postmaster General of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 206

Assembly Joint Resolution No. 40—Relative to Project Mohole.

[Filed with Secretary of State June 12, 1961]

WHEREAS, The drilling barge Cuss I, named after the Continental, Union, Shell, and Superior Oil Companies which were responsible for its construction, and now owned and operated by the Global Marine Exploration Company, recently successfully drilled in the deepest ocean depths ever achieved and opened new vistas for exploring the earth and its origin, and thus vindicating the dedicated scientists who conceived this daring and improbable object; and

WHEREAS, This unprecedented drilling took place as part of a scientific project called "Mohole" under the able sponsorship, guidance, and direction of the National Science Foundation, the National Academy of Sciences, and the Global Marine Exploration Company; and

WHEREAS, Some of the major achievements of this scientific experiment included the unusual engineering design of the ship which made Project Mohole possible in the first place, the positioning of the ship in a stationary spot on the ocean through an intricate system of radar and sonar buoys, the completion of permanent undersea anchored buoys at depths of 12,000 feet, the securing in place of 12,000 feet of drill pipe in the ocean through the device of a guide shoe assembly which prevents bending in the pipe at the surface, and the gathering of cores from the earth's ocean bottom; and

WHEREAS, The success of this scientific gamble was brought about only through the untiring and co-ordinated efforts, the technical ingenuity, and the courageous faith of the many scientists who participated in this extraordinary achievement; and

WHEREAS, The knowledge gained from ocean sediments alone will greatly enhance our understanding of the history of the oceans, climatic changes, and the evolution of life, and Project Mohole is one of the most important scientific undertakings of modern times, for it will probe into new and totally unknown regions of the world; and

WHEREAS, The scientists' goal is to drill a hole all the way down to where the light crust of the planet rests on its dense mantle, known as the Moho, after Andrija Mohorovičić, a Yugoslav who discovered it in 1909 by a brilliant analysis of earthquake vibrations; and

WHEREAS, Drilling through the sea is the only feasible way of reaching the Moho, and the result of reaching the Moho should bring back cores of ages-old material rich in information about the earth's beginnings and its structure; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature highly commends and congratulates the many scientists, workers, and members of

the petroleum industry who made this achievement possible, and expresses its deep interest and encouragement in the furtherance of Project Mohole; and be it further

Resolved, That the Legislature respectfully urges the Congress of the United States to take such steps as may be necessary to support Project Mohole so that the scientists may achieve their ultimate goal; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 207

Senate Constitutional Amendment No 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to alcoholic beverages.

[Filed with Secretary of State June 13, 1961.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the 2d day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 22 of Article XX thereof, relating to alcoholic beverages, to read:

SEC. 22. The State of California, subject to the internal revenue laws of the United States, shall have the exclusive right and power to license and regulate the manufacture, sale, purchase, possession and transportation of alcoholic beverages within the State, and subject to the laws of the United States regulating commerce between foreign nations and among the states shall have the exclusive right and power to regulate the importation into and exportation from the State, of alcoholic beverages. In the exercise of these rights and powers, the Legislature shall not constitute the State or any agency thereof a manufacturer or seller of alcoholic beverages.

All alcoholic beverages may be bought, sold, served, consumed and otherwise disposed of in premises which shall be licensed as provided by the Legislature In providing for the licensing of premises, the Legislature may provide for the issuance of, among other licenses, licenses for the following types of premises where the alcoholic beverages specified in the licenses may be sold and served for consumption upon the premises:

(a) For bona fide public eating places, as defined by the Legislature.

(b) For public premises in which food shall not be sold or served as in a bona fide public eating place, but upon which premises the Legislature may permit the sale or service of food products incidental to the sale and service of alcoholic beverages. No person under the age of 21 years shall be permitted to enter and remain in any such premises without lawful business therein.

(c) For public premises for the sale and service of beers alone.

(d) Under such conditions as the Legislature may impose, for railroad dining or club cars, passenger ships, common carriers by air, and bona fide clubs after such clubs have been lawfully operated for not less than one year.

The sale, furnishing, giving, or causing to be sold, furnished, or giving away of any alcoholic beverage to any person under the age of 21 years is hereby prohibited, and no person shall sell, furnish, give, or cause to be sold, furnished, or given away any alcoholic beverage to any person under the age of 21 years, and no person under the age of 21 years shall purchase any alcoholic beverage.

The Director of Alcoholic Beverage Control shall be the head of the Department of Alcoholic Beverage Control, shall be appointed by the Governor subject to confirmation by a majority vote of all of the members elected to the Senate, and shall serve at the pleasure of the Governor. The director may be removed from office by the Governor, and the Legislature shall have the power, by a majority vote of all members elected to each house, to remove the director from office for dereliction of duty or corruption or incompetency. The director may appoint three persons who shall be exempt from civil service, in addition to the person he is authorized to appoint by Section 4 of Article XXIV.

The Department of Alcoholic Beverage Control shall have the exclusive power, except as herein provided and in accordance with laws enacted by the Legislature, to license the manufacture, importation and sale of alcoholic beverages in this State, and to collect license fees or occupation taxes on account thereof. The department shall have the power, in its discretion, to deny, suspend or revoke any specific alcoholic beverages license if it shall determine for good cause that the granting or continuance of such license would be contrary to public welfare or morals, or that a person seeking or holding a license has violated any law prohibiting conduct involving moral turpitude. It shall be unlawful for any person other than a licensee of said department to manufacture, import or sell alcoholic beverages in this State.

The Alcoholic Beverage Control Appeals Board shall consist of three members appointed by the Governor, subject to confirmation by a majority vote of all of the members elected to the Senate. Each member, at the time of his initial appointment, shall be a resident of a different county from the one in which either of the other members resides. On January 1,

1963, the terms of the members then in office shall terminate, but such members shall continue to hold office until the appointment and qualification of their successors. Thereafter, the term of office of each member shall be four years, except the members first appointed on or after January 1, 1963, one of whom shall be appointed to hold office until January 15, 1964, one until January 15, 1965, and one until January 15, 1966. Each member shall hold office until the appointment and qualification of his successor. Whenever a vacancy in the office of member shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term. The members of the board may be removed from office by the Governor, or the Legislature, by a majority vote of all members elected to each house, for dereliction of duty or corruption or incompetency.

When any person aggrieved thereby appeals from a decision of the department ordering any penalty assessment, issuing, denying, transferring, suspending or revoking any license for the manufacture, importation, or sale of alcoholic beverages, the board shall review the decision subject to such limitations as may be imposed by the Legislature. In such cases, the board shall not receive evidence in addition to that considered by the department. Review by the board of a decision of the department shall be limited to the questions whether the department has proceeded without or in excess of its jurisdiction, whether the department has proceeded in the manner required by law, whether the decision is supported by the findings, and whether the findings are supported by substantial evidence in the light of the whole record viewed in its entirety, including the body of evidence opposed to the department's findings. In appeals where the board finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the department it may enter an order remanding the matter to the department for reconsideration in the light of such evidence. In all other appeals the board shall enter an order either affirming or reversing the decision of the department. When the order reverses the decision of the department, the board may direct the reconsideration of the matter in the light of its order and may direct the department to take such further action as is specially enjoined upon it by law, but the order shall not limit or control in any way the discretion vested by law in the department. Orders of the board shall be subject to judicial review upon petition of the director or any party aggrieved by such order.

A concurrent resolution for the removal of either the director or any member of the board may be introduced in the Legislature only if five Members of the Senate, or 10 Members of the Assembly, join as authors.

Until the Legislature shall otherwise provide, the privilege of keeping, buying, selling, serving, and otherwise disposing of alcoholic beverages in bona fide hotels, restaurants, cafes,

cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and in bona fide clubs after such clubs have been lawfully operated for not less than one year, and the privilege of keeping, buying, selling, serving, and otherwise disposing of beers on any premises open to the general public shall be licensed and regulated under the applicable provisions of the Alcoholic Beverage Control Act, insofar as the same are not inconsistent with the provisions hereof, and excepting that the license fee to be charged bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and any bona fide clubs after such clubs have been lawfully operated for not less than one year, for the privilege of keeping, buying, selling, or otherwise disposing of alcoholic beverages, shall be the amounts prescribed as of the operative date hereof, subject to the power of the Legislature to change such fees.

The State Board of Equalization shall assess and collect such excise taxes as are or may be imposed by the Legislature on account of the manufacture, importation and sale of alcoholic beverages in this State

The Legislature may authorize, subject to reasonable restrictions, the sale in retail stores of alcoholic beverages contained in the original packages, where such alcoholic beverages are not to be consumed on the premises where sold; and may provide for the issuance of all types of licenses necessary to carry on the activities referred to in the first paragraph of this section, including, but not limited to, licenses necessary for the manufacture, production, processing, importation, exportation, transportation, wholesaling, distribution, and sale of any and all kinds of alcoholic beverages.

The Legislature shall provide for apportioning the amounts collected for license fees or occupation taxes under the provisions hereof between the State and the cities, counties and cities and counties of the State, in such manner as the Legislature may deem proper.

All constitutional provisions and laws inconsistent with the provisions hereof are hereby repealed

The provisions of this section shall be self-executing, but nothing herein shall prohibit the Legislature from enacting laws implementing and not inconsistent with such provisions.

The amendments to this section proposed by the Legislature at the 1961 Regular Session of the Legislature shall become operative on January 1, 1963.

CHAPTER 208

Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1h to Article XIII, relating to the taxation of property constituting or within an historical landmark area.

[Filed with Secretary of State June 13, 1961.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the second day of January 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 1h to Article XIII, to read:

SEC. 1h. (a) Notwithstanding any other provision of this Constitution, and subject to the conditions set forth in subdivisions (b), (c) and (d) of this section, the assessor, in assessing any real property upon which is located any structure of historical significance which is located within a historical landmark area established by state law or by city ordinance for the preservation, protection, enhancement and perpetuation of special historical structures, shall consider no factors other than those relevant to the particular use to which it will be devoted during the year for which the assessment is made, except that the assessor shall, however, take into consideration the existence of any mines, minerals and quarries in the property, including but not limited to oil, gas and other hydrocarbon substances.

(b) In establishing an area as a historical landmark area:

(1) The ordinance shall state that this section shall be operative within the boundaries of the city.

(2) The law or ordinance shall provide for the preservation, protection, enhancement and perpetuation of structures of special historical interest

(3) The structures shall be located within an historical landmark area specifically described in the law or ordinance

(4) The law or ordinance shall prohibit the demolition or destruction of any structure within the area without first obtaining a permit from the State or city, whichever establishes the area, or a specified department or other agency thereof.

(5) The law or ordinance shall prohibit the construction or alteration of any structure within the area unless the exterior of the structure conforms to a type of architecture specified in the law or ordinance that is commonly associated with the historical period to which the area relates.

(6) The law or ordinance shall prohibit the construction or alteration of any structure within the area without first obtaining a permit from the State or city, whichever establishes the area, or a specified department or other agency thereof.

(c) (1) The assessor shall not assess any property pursuant to subdivision (a) of this section unless each owner of the property agrees in writing with the assessor, prior to the completion of the assessment roll, that in the event the law or city ordinance which establishes an area as a historical landmark area is repealed, the owner, his heirs, successors, administrators, executors or assigns will pay the taxing agency involved an amount equal to the difference between the taxes paid or payable on the basis of the assessment made and any greater sum of taxes that would have been paid or payable for each year affected in the absence of any such agreement for a period not exceeding five years next preceding the year in which the law or ordinance was repealed.

(2) The assessor shall not assess any property for any tax year pursuant to subdivision (a) of this section unless each owner of the property agrees in writing with the assessor, prior to the completion of the assessment roll for that year that the property to be assessed pursuant to subdivision (a) shall not be used for any purpose during the tax year other than that for which it is used on the lien date for that year. In the event the property is used for such other purposes during the tax year, the owner, his successors, administrators, executors or assigns shall be liable to the local taxing agency involved for an amount equal to the difference between the taxes paid or payable for that year on the basis of the assessment made and any greater sum of taxes that would have been paid or payable for that year in the absence of such agreement.

(d) The assessor shall not assess any property pursuant to subdivision (a) of this section unless, after the enactment or adoption of any law or ordinance which establishes any historical landmark area, the Legislature enacts a law to specifically permit the assessor to so assess the property in that particular historical landmark area.

CHAPTER 209

Senate Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 3 of Article XV, relating to tidelands.

[Filed with Secretary of State June 13, 1961]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the second day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 3 of Article XV thereof, to read:

SEC. 3. All tidelands within two miles of any incorporated city, city and county, or town in this State, and fronting on the water of any harbor, estuary, bay, or inlet used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations; provided, however, that any such tidelands, reserved to the State solely for street purposes, which the Legislature finds and declares are not used for navigation purposes and are not necessary for such purposes may be sold to any town, city, county, city and county, municipal corporations, private persons, partnerships or corporations subject to such conditions as the Legislature determines are necessary to be imposed in connection with any such sales in order to protect the public interest.

CHAPTER 210

Senate Concurrent Resolution No. 47—Relative to the Eel River watershed.

[Filed with Secretary of State June 13, 1961]

WHEREAS, The future development and economic welfare of the north coastal area, particularly the Eel River watershed, is dependent upon an orderly development of water resources to meet the water needs of the area; and

WHEREAS, The need for local water project development is urgent in some areas of the north coast and will become critical in other areas in the near future; and

WHEREAS, Many millions of acre-feet of water from streams in the north coastal area are wasted each year through flow into the Pacific Ocean; and

WHEREAS, The uncontrolled flow of many of the streams in the north coastal area constitute a continuing threat of floods with the attendant dangers of extensive loss of lives and property damage; and

WHEREAS, Watershed development and protection is essential for maintaining the quality of water, preserving and promoting timber growths, grazing lands, farming lands and wildlife, fishing, and recreation areas, and preventing serious and irreparable damage for soil erosion; and

WHEREAS, The State Department of Water Resources is conducting studies of the water resources development of the north coastal area, with particular reference to major project development and associated reference to local water development; and

WHEREAS, The United States Bureau of Reclamation is conducting studies of water resources and watershed development of the north coastal area, with specific emphasis on maximum development of the Eel River watershed as it affects the eight counties which are members of the Eel River Flood Control and Water Conservation Association; and

WHEREAS, The United States Army Corps of Engineers is conducting studies of downstream flood control on the Eel River; and

WHEREAS, The local agencies in the north coastal area would be able to facilitate their planning of local water development and utilization projects through co-ordination with the findings and recommendations of the various studies underway; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Department of Water Resources is requested to proceed as quickly as is feasible to make a comprehensive survey of the Eel River watershed area in relationship to the water, flood control, and watershed management needs of the eight counties which are members of the Eel River Flood Control and Water Conservation Association, and to complete the survey and report to the Legislature thereon not later than January 1, 1964; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Department of Water Resources.

CHAPTER 211

Senate Joint Resolution No 41—Relative to confidential communications.

[Filed with Secretary of State June 13, 1961]

WHEREAS, There is presently no federal legislation to protect any reporter, who through the use of any of the available communication media reports the news to the public, against being forced to disclose the sources of his information; and

WHEREAS, One of the bulwarks of democracy is the free exchange of information, through which the citizens may learn of the activities of their government in time to take steps to correct any evils that may exist; and

WHEREAS, It is safe to say that there have been countless misdeeds by public officials brought to light only because someone with knowledge of wrongdoing passed the information on to such a reporter of the news, secure in the knowledge that his confidence would be respected; and

WHEREAS, Without the privilege of keeping secret his sources of information, such a reporter of the news would soon find that his sources of information had dried up, thus severely limiting his effectiveness; and

WHEREAS, This is an age in which we should be doing everything possible to keep the public informed rather than raising barriers in the channels of communication between the people and their government; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is respectfully requested to enact legislation to protect all report-

ers, who through the use of any available communication media report the news to the public, against being forced to disclose the sources of their information; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress.

CHAPTER 212

Senate Concurrent Resolution No. 53—Relative to "Home Improvement Month."

[Filed with Secretary of State June 13, 1961]

WHEREAS, The national administration has undertaken a progressive and forward-looking housing program for the United States; and

WHEREAS, The construction industry is a major segment of the economy in the State of California; and

WHEREAS, Residential construction accounts for 30 percent of total private investment in the United States; and

WHEREAS, The housing market absorbs more private credit than any other single sector of the economy; and

WHEREAS, Other important industries and services, including those concerned with building materials, appliances and furniture depend largely and directly on the construction industry; and

WHEREAS, Home improvement programs are vital to the well being and the economy of our country and of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the month of June, 1961, is designated "Home Improvement Month" in California; and be it further

Resolved, That the people of California, members of the construction industry and the lending institutions are encouraged to engage in an aggressive program of home improvement, rehabilitation of housing, and urban renewal.

CHAPTER 213

Assembly Concurrent Resolution No. 44—Relative to a fixed-span bridge over the Sacramento River.

[Filed with Secretary of State June 13, 1961.]

WHEREAS, The Division of Highways, Department of Public Works, applied to the Chief of Engineers of the United States Army on January 29, 1959, for approval of a fixed-span

bridge across the Sacramento River at R Street in the City of Sacramento; and

WHEREAS, The construction of this proposed bridge may disrupt highly desirable navigation developments on the Sacramento River, such as those proposed by the Sacramento-Yolo Port District which is planning to begin operations in the near future; and

WHEREAS, The construction of a fixed-span bridge at the proposed site could interfere with the movement of equipment on the river which is vitally needed for flood control purposes; and

WHEREAS, The Sacramento-Yolo Port District and many counties to the north of the proposed bridge are opposed to the fixed-span bridge; and

WHEREAS, Construction of the fixed-span bridge could impede, and be highly detrimental to, the development of navigation upstream from the proposed site; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Highways, Department of Public Works, is requested to consider thoroughly navigation on the Sacramento River, including intangible benefits, as well as automotive traffic requirements in proceeding with plans to construct and in entering into any agreement with the Bureau of Public Roads concerning the construction of a bridge in the vicinity of R Street in the City of Sacramento, including any special problems, if any, in connection therewith; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of Public Works, the United States Corps of Engineers, and the United States Bureau of Public Roads.

CHAPTER 214

Assembly Concurrent Resolution No. 92—Relative to water quality in the San Joaquin River Delta.

[Filed with Secretary of State June 13, 1961]

WHEREAS, A serious water quality problem exists along the lower reaches of the San Joaquin River below its junction with the Merced River in Stanislaus and San Joaquin Counties; and

WHEREAS, The water quality problem in this area may have been aggravated by upstream major development on the San Joaquin River and tributaries thereto; and

WHEREAS, It is not feasible or even possible to specifically identify any particular development as the cause of the problem, as evidenced by recent decisions of the State Water Rights Board; and

WHEREAS, Water users along the lower reaches of the San Joaquin River have vested water rights which have been exercised for many years; and

WHEREAS, The State Department of Water Resources has been studying the problem in detail since 1955 and has confirmed the seriousness of the continued degradation of the quality of water in the lower reaches of the San Joaquin River; and

WHEREAS, The Department of Water Resources has recently published a report entitled Bulletin 89, Lower San Joaquin Valley Water Quality Investigation, dated December, 1960, on this subject; and

WHEREAS, The Department of Water Resources as part of the state water facilities plans to construct a master drain in the San Joaquin Valley and also a Delta Water Project and studies are now being carried on in connection with these projects, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in connection with the planning for master drains and water facilities under the Burns-Porter Act, the Department of Water Resources is hereby requested to recognize and consider the problems of water quality in the San Joaquin Delta recited in this resolution and to provide a solution to these problems in connection with such planning; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Department of Water Resources

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CHAPTER 215

Assembly Concurrent Resolution No. 93—Relative to State Highway Route 38 (Sign Route 89) around Emerald Bay.

[Filed with Secretary of State June 13, 1961]

WHEREAS, The existing highway of State Highway 38 (Sign Route 89) around Emerald Bay is very deficient and badly in need of improvement; and

WHEREAS, It is closed by snow each winter and cannot be cleared because of the dangers involved; and

WHEREAS, It is urgent that a new highway be constructed to provide a safe all-year route in this area adequate to accommodate present and future traffic and it is just and proper that this area be extended the same privileges that have been extended to other areas of the State to alleviate their transportation problems; and

WHEREAS, The California Highway Commission, by law, has the responsibility to locate state highways; and

WHEREAS, Procedures to be followed by the Department of Public Works and the commission in making this determination have been established; and

WHEREAS, These procedures are applicable statewide, are followed in every area of this State, and provide for public

hearings so that everyone concerned can express his views for the consideration of the commission; and

WHEREAS, Because the improvement of this highway will undoubtedly require the adjustment of local roads, and agreement with the County of El Dorado will be necessary; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works and the State Highway Commission are requested to proceed in their usual manner at the earliest practical time to determine the location of a modern all-year route in this area and to include in such proceedings the above-mentioned public hearings in the locality; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Department of Public Works and the California Highway Commission.

CHAPTER 216

Assembly Concurrent Resolution No. 115—Relative to the Senior Citizens' Village in the City of Fresno.

[Filed with Secretary of State June 13, 1961.]

WHEREAS, The Senior Citizens' Village in the City of Fresno is the first major multiple, low-rent housing project to be established for, and by, the elderly themselves, and has brought national attention and honor to the State of California; and

WHEREAS, Special provisions have been created for the safety, comfort, and well-being of older persons, including medical and dental offices, an infirmary, a cafeteria, a post office, stores and shops in the beautiful $350,000 community center building; therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California express its appreciation and recognition of this commendable endeavor to meet the needs of our senior citizens and do congratulate and wish the best of success to the Senior Citizens' Village of the City of Fresno.

CHAPTER 217

Assembly Joint Resolution No. 35—Relative to Pacific Coast shipbuilders.

[Filed with Secretary of State June 13, 1961.]

WHEREAS, There has been introduced into the 87th Congress of the United States H.R. 213, the purpose of which is to repeal the six percent (6%) construction bid differential for Pacific Coast shipbuilders; and

WHEREAS, This bid differential is still essential and necessary to offset the freight differential which Pacific Coast shipyards must pay in transporting steel from the East Coast; and

WHEREAS, The Pacific Coast shipyards have a wartime production record of which they are justifiably proud; and

WHEREAS, Our voters cannot risk the loss of the highly skilled labor pool of shipbuilders on the West Coast in the event their services are again needed in time of war or national emergency; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby memorializes the Congress and President of the United States to do all that is necessary to defeat H.R. 213 and any other bill or action which would deprive the Pacific Coast of this equitable and necessary six percent (6%) construction bid differential on shipbuilding; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the President and Vice President of the United States, the President pro Tempore of the United States Senate, the Speaker of the House of Representatives, and to each Senator and Representative in this State's delegation to the Congress of the United States.

CHAPTER 218

Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending the fifth paragraph of subdivision (a) of Section 2 of Article IV thereof, and by adding subdivision (d) to Section 2 of Article IV thereof, relating to sessions of the Legislature.

[Filed with Secretary of State June 14, 1961.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the second day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

First—That the fifth paragraph of subdivision (a) of Section 2 of Article IV is amended to read:

At the general session, no bill, other than the Budget Bill, shall be heard by any committee until 20 calendar days have elapsed following the date the bill was first introduced, or shall be acted upon by either house until 30 calendar days have elapsed following the date the bill was first introduced; provided, that this provision may be dispensed with by the consent of three-fourths of the members of the house.

Second—That subdivision (d) is added to Section 2 of Article IV, to read:

(d) In addition to any other recess, the Legislature may take one recess of not to exceed 10 calendar days at a general session which shall not be counted in computing the limitation on the duration of general sessions.

CHAPTER 219

Senate Concurrent Resolution No. 35—Relative to annual physical examinations for old age assistance recipients.

[Filed with Secretary of State June 16, 1961.]

WHEREAS, There is insufficient money to provide necessary medical care for public assistance recipients under the new medical care program established by the Legislature in 1957; and

WHEREAS, In spite of this the State Social Welfare Board, in its rules and regulations, recently authorized payment under the program for annual, complete physical examinations for old age assistance recipients; and

WHEREAS, The Department of Social Welfare has issued instructions to the counties to give positive encouragement to recipients to undergo such physical examinations, and thus to take advantage of their availability; and

WHEREAS, The State has undertaken to pay the sum of $28 to each doctor performing a physical examination under this authorization, and each examination involves from $25 to $35 in laboratory costs; and

WHEREAS, The department has prescribed a form to be filled out in minute detail by each physician in connection with a physical examination, and each form has many copies to be filled out in like detail by welfare personnel; and

WHEREAS, These forms appear to be designed to provide welfare agencies, including the department, with statistical data, rather than to provide recipients with better medical care; and

WHEREAS, The time required to fill out the quantity of forms involved with respect to physical examinations alone takes the doctor away from his essential duties for long periods of time; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby requests the State Department of Social Welfare and the State Social Welfare Board to revoke their authorization for complete annual physical examinations for old age assistance recipients, and to refrain from reinstating such authorization until such time as the Legislature has investigated the matter and signified its approval of such authorization; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to Mr. J. M. Wedemeyer, Director of Social Welfare, and Dr. Jacobus tenBroek, Chairman of the State Board of Social Welfare.

CHAPTER 220

Senate Concurrent Resolution No. 62—Relative to muskrats.

[Filed with Secretary of State June 16, 1961]

WHEREAS, It has come to the attention of the Legislature that an increasingly serious problem exists in the Sacramento-San Joaquin Delta area due to the depredations of muskrats which inhabit many of the islands protected by levees; and

WHEREAS, Such muskrats burrow into the levees, causing weakening of the levees and consequent flooding to the extent that in some cases, such as on Winter Island, there is danger of losing portions of the levees during high tides; and

WHEREAS, While there has been a history of muskrat control through private licensed trappers, such trappers are generally no longer available because such activities have become unsuccessful financially; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Agriculture is hereby requested to study and recommend a solution to the problem set forth in this resolution, including, but not limited to, consideration of habitat elimination by the reclaiming or drying up of some of the marsh areas of the delta and methods of assisting landowners to control muskrats through trapping with state assistance; and be it further

Resolved, That the Department of Agriculture is requested to report hereon to the Legislature not later than the fifth calendar day of the 1962 Regular (Budget) Session, including in the report any recommendation it may have for legislation; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Director of Agriculture.

CHAPTER 221

Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing Sections 2, 3, 4, 4½, 5, 6, 8, 8½, 15, 16, 16 5, 17, 18. 19, 19.5, 20, and 21 of, amending Section 1 of, and adding Section 2 to, Article XVI, relating to the issuance of bonds of the State of California.

[Filed with Secretary of State June 19, 1961.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the second day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

First—That Section 1 of Article XVI be amended to read:

SECTION 1. The Legislature shall not, in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars ($300,000), except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within 50 years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged, and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one-fourth of the time of maturity of such debt or liability; but no such law shall take effect unless it has been passed by a two-thirds vote of all the members elected to each house of the Legislature and until, at a general election or at a direct primary, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created. Full publicity as to matters to be voted upon by the people is afforded by the setting out of the complete text of the proposed laws, together with the arguments for and against them, in the ballot pamphlet mailed to each elector preceding the election at which they are submitted, and the only requirement for publication of such law shall be that it be set out at length in ballot pamphlets which the Secretary of State shall cause to be printed. The Legislature may,

at any time after the approval of such law by the people, reduce the amount of the indebtedness authorized by the law to an amount not less than the amount contracted at the time of the reduction, or it may repeal the law if no debt shall have been contracted in pursuance thereof.

Notwithstanding any other provision of this Constitution, Members of the Legislature who are required to meet with the State Allocation Board shall have equal rights and duties with the nonlegislative members to vote and act upon matters pending or coming before such board for the allocation and apportionment of funds to school districts for school construction purposes or purposes related thereto.

Second—That the sections of the Constitution enumerated in subdivision (c) of Section 2 of Article XVI, as added by this amendment, are repealed as provided in said section.

Third—That a new Section 2 is added to Article XVI, to read:

SEC. 2. (a) No amendment to this Constitution which provides for the preparation, issuance and sale of bonds of the State of California shall hereafter be submitted to the electors, nor shall any such amendment to the Constitution hereafter submitted to or approved by the electors become effective for any purpose.

Each measure providing for the preparation, issuance and sale of bonds of the State of California shall hereafter be submitted to the electors in the form of a bond act or statute.

(b) The provisions of this Constitution enumerated in subdivision (c) of this section are repealed and such provisions are continued as statutes which have been approved, adopted, legalized, ratified, validated, and made fully and completely effective, by means of the adoption by the electorate of a ratifying constitutional amendment, except that the Legislature, in addition to whatever powers it possessed under such provisions, may amend or repeal such provisions when the bonds issued thereunder have been fully retired and when no rights thereunder will be damaged.

(c) The enumerated provisions of this Constitution are: Article XVI, Sections 2, 3, 4, 4½, 5, 6, 8, 8½, 15, 16, 16.5, 17, 18, 19, 19.5, 20 and 21.

CHAPTER 222

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XVIII, relating to revision of the California Constitution.

[Filed with Secretary of State June 19, 1961.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the second day of January, 1961, two-

thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 1 of Article XVIII, to read:

SECTION 1. Any amendment or amendments to, or revision of, this Constitution may be proposed in the Senate or Assembly, and if two-thirds of all the members elected to each of the two houses shall vote in favor thereof, such proposed amendment, amendments, or revision shall be entered in their Journals, with the yeas and nays taken thereon; and it shall be the duty of the Legislature to submit such proposed amendment, amendments, or revision to the people in such manner, and at such time, and after such publication as may be deemed expedient. Should more amendments than one be submitted at the same election they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, or such revision, by a majority of the qualified electors voting thereon such amendment or amendments shall become a part of this Constitution, and such revision shall be the Constitution of the State of California or shall become a part of the Constitution if the measure revises only a part of the Constitution.

CHAPTER 223

Assembly Constitutional Amendment No. 40—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article XVI thereof a new section to be numbered 1.5, relating to general obligation bonds.

[Filed with Secretary of State June 19, 1961]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the second day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 1.5 to Article XVI thereof, to read:

SEC. 1.5. The Legislature may create and establish a "General Obligation Bond Proceeds Fund" in the State Treasury, and may provide for the proceeds of the sale of general obligation bonds of the State heretofore or hereafter issued, including any sums paid as accrued interest thereon, under any or all acts authorizing the issuance of such bonds, to be paid into or transferred to, as the case may be, the "General Obligation Bond Proceeds Fund." Accounts shall be maintained in the "General Obligation Bond Proceeds Fund" of all moneys

deposited in the State Treasury to the credit of that fund and the proceeds of each bond issue shall be maintained as a separate and distinct account and shall be paid out only in accordance with the law authorizing the issuance of the particular bonds from which the proceeds were derived. The Legislature may abolish, subject to the conditions of this section, any fund in the State Treasury heretofore or hereafter created by any act for the purpose of having deposited therein the proceeds from the issuance of bonds if such proceeds are transferred to or paid into the "General Obligation Bond Proceeds Fund" pursuant to the authority granted in this section; provided, however, that nothing in this section shall prevent the Legislature from re-establishing any bond proceeds fund so abolished and transferring back to its credit all proceeds in the "General Obligation Bond Proceeds Fund" which constitute the proceeds of the particular bond fund being re-established.

CHAPTER 224

Assembly Concurrent Resolution No. 84—Relative to small craft harbors.

[Filed with Secretary of State June 19, 1961.]

WHEREAS, The Small Craft Harbors Commission is authorized to make loans for small craft harbor projects pursuant to the Small Craft Harbors Law (Div. 5.7, commencing at Sec. 5801, P.R.C.) and the Harbor Development Bond Law of 1958 (Ch. 103, Stats. 1958, 1st Ex. Sess.); and

WHEREAS, The commission is required by law to find that a proposed project is feasible before making a loan for its development (Sec. 5827, P.R.C.); and

WHEREAS, The commission has found certain projects to be economically and engineeringly feasible as required and is considering the feasibility of other projects; and

WHEREAS, There are presently on the priority list for project construction loans, which was established by the commission and approved by the Legislature by A.C.R. 30 (1959) and S.C.R. 3 (1960), projects which have not been commenced and as to which the commission has announced that the applications for loans will be canceled by it unless the projects are begun or are being diligently pursued; and

WHEREAS, There has been prepared a Berkeley Marina Development Plan for the improvement and expansion of the Berkeley Yacht Harbor which has been approved by the Small Craft Harbors Division and the commission; and

WHEREAS, The commission has determined that the Berkeley project has both economic and engineering feasibility; and

WHEREAS, The City of Berkeley has requested a $1,800,000 construction loan for the purpose of developing the Berkeley small craft harbor; and

WHEREAS, The development of small craft harbor facilities is of statewide importance because of the recreational and commercial values accruing to every citizen, and the harbor of Berkeley is used and enjoyed by 100,000 people; and

WHEREAS, Small craft harbors bolster the economy with increased tourist trade, improved property values and revenues from boats, equipment and services; and

WHEREAS, The desire of the people of the State for rapid development of small craft harbors for boating facilities which could not be provided on a local basis was clearly evidenced by approval of the Harbor Development Bond Law of 1958 by the voters at the general election of November 1958 (A.C.A. No. 11); now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That, if, within the fund limits presently established by legislative action for Small Craft Harbor loans by the Small Craft Harbors Commission, the commission determines funds are available by reason of cancellation by the commission of applications for loans for projects enumerated in A.C.R. 30 (1959) and S.C.R. 3 (1960), projects found to be feasible subsequent to the above-mentioned concurrent resolutions shall be granted the available funds in accordance with criteria established by the Small Craft Harbors Commission; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Small Craft Harbors Commission.

CHAPTER 225

Assembly Concurrent Resolution No. 88—Relative to a study and report of the Judicial Council.

[Filed with Secretary of State June 19, 1961.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the request made by the Legislature of the Judicial Council for a study and report pursuant to Assembly Concurrent Resolution No. 21 of the 1960 Regular Session of the Legislature (Resolution Chapter 46) is withdrawn; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Judicial Council.

CHAPTER 226

Assembly Concurrent Resolution No. 131—Relative to the San Pedro-Terminal Island Bridge.

[Filed with Secretary of State June 19, 1961.]

WHEREAS, From the 1948 Regular Session, through the 1961 Regular Session, the Honorable Vincent Thomas, with the vision and diligence characteristic of his statesmanship as a Member of the Legislature, sponsored and gave leadership to legislation which resulted in the enactment of law authorizing construction of the San Pedro-Terminal Island Bridge; and

WHEREAS, The San Pedro-Terminal Island Bridge will alleviate critical transportation problems, and constitute an important link in the transportation system of Southern California for many years; and

WHEREAS, It is highly fitting that the San Pedro-Terminal Island Bridge be named the Vincent Thomas Bridge in recognition of devoted efforts of Assemblyman Thomas on behalf of the project; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the San Pedro-Terminal Island Bridge shall be known as the Vincent Thomas Bridge; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Honorable Vincent Thomas and the Department of Public Works.

CHAPTER 227

Assembly Concurrent Resolution No. 132—Approving an amendment to the charter of the City of Richmond, County of Contra Costa, State of California, ratified by the qualified electors of the city at an election held therein on the ninth day of May, 1961.

[Filed with Secretary of State June 19, 1961.]

City of Richmond: Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the charter of the City of Richmond, a municipal corporation of the County of Contra Costa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF RICHMOND OF TWO CERTAIN CHARTER AMENDMENTS

State of California }
County of Contra Costa } ss.
City of Richmond }

Certificate

We, the undersigned, D. M. Bradley, Mayor of the City of Richmond, and Harlan J. Heydon, City Clerk of the City of Richmond, do hereby certify and declare as follows:

That the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, now is and at all times hereinmentioned was a city containing a population of more than three thousand five hundred (3,500), and has been, ever since the year 1909, and is now, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 9th day of February, 1909, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes of 1909, Chap. 18).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Richmond, being the legislative body thereof, by its Resolution numbered 7545 adopted on March 6, 1961, duly and regularly submitted to the qualified electors of said City two certain proposals hereinafter sometimes referred to as Proposal No. 1 and Proposal No. 2 to amend the Charter of the City of Richmond and to be voted on by said qualified electors at a special municipal charter amendment election by said Resolution called for said purpose in said City on the 9th day of May, 1961, and consolidated with the general municipal election to be held on said 9th day of May, 1961.

That said Proposal No. 1 and Proposal No. 2 were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Richmond; that said Proposal No. 1 was published and advertised as aforesaid on the 20th day of March, 1961; and that Proposal No. 2 was published and advertised as aforesaid of the 20th day of March, 1961, and that each of said publications was in The Independent, a newspaper of general circulation published daily except Sunday in said City of Richmond and the official newspaper of said City, and in each edition thereof during the said day of publication.

That said Council caused copies of said Proposal No. 1, and Proposal No. 2 to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, beginning on March 20, 1961, advertised in said The Independent daily, except Sunday, up to and including the day fixed for said election, a notice that copies of said Proposal No. 1, and Proposal No. 2 could be had on application therefor at the office of the City Clerk of said City.

That said general municipal elections and said special municipal charter amendment election consolidated therewith

were duly called, held and conducted in the time, form and manner required by the Charter of said City and by the laws of the State of California on said 9th day of May, 1961, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said Proposal No. 1 and said Proposal No. 2 in said The Independent.

That the City Clerk of said City of Richmond did, in manner provided by law, duly and regularly canvass all ballots cast at said general municipal election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by resolution, duly find and declare that a majority of the qualified voters voting on each of said charter amendments, voted in favor thereof and that all two of said charter amendments were ratified.

That a majority of the qualified voters voting on each of said amendments voted in favor of the ratification of and did ratify said proposed amendments to said charter.

That said charter amendments so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election are in the words and figures following, to wit:

Proposal No. 1 amending Article VI (School Department) of the Charter of the City of Richmond to read as follows:

First: To amend Article VI by deleting therefrom Sections 5, 6 and 7, to eliminate obsolete provisions.

Proposal No. 2 amending Article VII (Police Court) of the Charter of the City of Richmond to read as follows:

First: To repeal Article VII in its entirety because the provisions of said Article have been superseded by State law. Repeal

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of Richmond with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

The foregoing proposed and ratified amendments to the charter of the City of Richmond are hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to all two of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Richmond to be affixed hereto this 29th day of May, 1961.

(SEAL)

D. M. BRADLEY
Mayor of the City of Richmond
HARLAN J. HEYDON
City Clerk of the City of Richmond

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the charter of the City of Richmond, as presented to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as amendment to and as part of the charter of the City of Richmond.

CHAPTER 228

Assembly Joint Resolution No. 42—Relative to memorializing the Civil Aeronautics Board to reconsider cancellation of turbojet flights from Redding to San Francisco and from San Francisco to Redding.

[Filed with Secretary of State June 19, 1961.]

WHEREAS, Pacific Airlines has decided to cancel its midday turbojet flight numbers 725 and 758 from Redding to San Francisco and from San Francisco to Redding, with stops at Chico and Sacramento; and

WHEREAS, Said curtailment of services was decided upon by the company without informing interested local parties in the affected area prior to the company's decision to drop the above-mentioned flights; and

WHEREAS, Flight 725 is the principal flight from Redding to San Francisco and is used by more passengers than any of the other flights now serving Redding; and

WHEREAS, Pacific Airlines is the only airlines presently certified to serve this area; and

WHEREAS, The elimination of these flights would cause considerable inconvenience to airline travelers using these flights; and

WHEREAS, This rapidly expanding area of Northern California has great and continued need for a dependable airline service which connects it with flights to San Francisco and the midwest, east and south, as does flight 725; and

WHEREAS, Citizens of this area feel that should Pacific Airlines cancel these flights, necessary steps should be taken to request the Civil Aeronautics Board to consider certifying one or more airlines to serve this area in the public interest, to insure adequate and dependable airline service to the area; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the Civil Aeronautics Board to take such steps as may be necessary to insure adequate air service to citizens of this area in the public convenience and necessity; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Civil Aeronautics Board, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 229

Senate Concurrent Resolution No. 75—Relative to the appointment of the State Controller as accounting officer for the Legislature for tax and other purposes.

[Filed with Secretary of State June 20, 1961.]

WHEREAS, Each department of the government of this State is accountable to the federal government for the payment of the withheld tax which is deducted from the salaries of the officers and employees of such departments, and discharges its responsibility in this respect through its own fiscal officer; and

WHEREAS, The State Controller has customarily been designated by concurrent resolution as accounting officer of the Legislature for such purposes, and has been designated by statute to make deductions under the Legislators' Retirement Law; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Controller be and he is hereby designated as the accounting officer for the Legislature and each house thereof, and authorized to maintain accounts of amounts paid to the Members of the Legislature, attachés thereof, and attachés and employees of such committees of the Legislature as may from time to time exist for purposes of making deductions and filing returns with the federal government in connection with the withheld tax or any other tax that may provide for salary deductions, and for purposes

of making deductions and filing returns of retirement and other deductions provided by law, and other purposes; and be it further

Resolved, That there is hereby made available from the Contingent Funds of the Senate and Assembly, equally, amounts for the purpose of defraying expenses of the Controller in carrying out the duties imposed upon him by this resolution, as determined by the Rules Committees of the Senate and Assembly; to be disbursed, after approval by the Chairman of the Rules Committee of the Senate and the Chairman of the Rules Committee of the Assembly, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 230

Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1c of Article XIII thereof, relating to property taxation.

[Filed with Secretary of State June 21, 1961.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1961 Regular Session, commencing on the second day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 1c of Article XIII thereof, to read:

SEC. 1c. In addition to such exemptions as are now provided in this Constitution, the Legislature may exempt from taxation all or any portion of property used exclusively for religious, hospital or charitable purposes and owned or leased for a period of 99 years by community chests, funds, foundations or corporations organized and operated for religious, hospital or charitable purposes, not conducted for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual. As used in this section, "property used exclusively for religious, hospital or charitable purposes" shall include a building and its equipment in the course of construction on or after the first Monday of March, 1954, together with the land on which it is located as may be required for the use and occupation of the building, to be used exclusively for religious, hospital or charitable purposes.

In the case of leased property, the exemption shall extend only to value added to the property subsequent to the effective date of the lease, and the Legislature may adopt such limitations and procedures as are deemed appropriate to assure that the exemption for leased property herein authorized shall inure

to the benefit of the organization entitled to exemption pursuant to this section, and not to the benefit of a private property owner or other individual. In the case of leased property, the exemption shall not extend to property used as a home or dwelling. In the case of leased property, the exemption shall be effective in any county in which the governing body of the county provides by ordinance that it shall be effective in such county. Such an ordinance shall not be effective as to any tax year unless it is adopted at least 30 days prior to the lien date for that year.

CHAPTER 231

Assembly Concurrent Resolution No. 79—Relative to County Road P-88 in Placer County.

[Filed with Secretary of State June 21, 1961]

WHEREAS, County Road P-88, from the intersection with State Highway Route 65, at the American River Bridge in Placer County, California, to Baker Ranch in the County of Placer, State of California, is now heavily traveled by logging trucks and will be more heavily traveled by logging trucks during the spring and summer months, because of the removal of timber from the burned-over areas occurring by reason of forest fires in said area; and

WHEREAS, It is expected that logging from federal, state and private forests from this area will be increased in the future as a continuing basis; and

WHEREAS, The increased heavy truck traffic will constitute a serious hazard to public travel, schoolbus travel, tourist and increasing recreation travel; and

WHEREAS, The County of Placer is financially unable, under these heavy traffic conditions, to maintain a safe and reasonably traveled road to adequately protect the lives and property of the local residents and traveling public; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Highways, Department of Public Works, is requested to study the feasibility of bringing County Road P-88, in Placer County, from its intersection with State Highway Route 65 at the American River Bridge to Baker Ranch in Placer County, into the state highway system, and to report its findings thereon to the Legislature by not later than the fifth calendar day of the 1962 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of Public Works.

CHAPTER 232

Assembly Concurrent Resolution No. 90—Relative to the renaming of Mission Gorge Road.

[Filed with Secretary of State June 21, 1961]

WHEREAS, Father Junípero Serra, in the year 1769, founded the first mission and settlement in California at San Diego; and

WHEREAS, From this humble beginning, Father Serra, with the aid of 16 other men in the Franciscan Order, spread the spark of civilization from San Diego to San Francisco; and

WHEREAS, He was responsible for the relocation of the old mission in 1774 at Nipaguay (Grantville) and began irrigation projects which led to the opening, in 1816, of the great Padre Dam water conservation program; and

WHEREAS, Father Serra's influence in water conservation, through his famed projects, was not limited to the local area but extended throughout California and the Southwest; and

WHEREAS, It is most fitting that the memory of Father Serra, which is cherished by many Californians, should be honored by a permanent memorial in the San Diego area as it is the first of the many areas in California in which he brought the Christian heritage; and

WHEREAS, Mission Gorge Road, in the area of the Mission San Diego, is ideally suited as a memorial for Father Serra; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Board of Supervisors for the County of San Diego is respectfully requested to rename and designate Mission Gorge Road as the "Serra Highway"; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to prepare and transmit copies of this resolution to the Board of Supervisors for the County of San Diego.

CHAPTER 233

Assembly Concurrent Resolution No. 116—Relative to the proposed Grove-Shafter Freeway in the City of Oakland.

[Filed with Secretary of State June 21, 1961]

WHEREAS, The acquisition of rights-of-ways has been commenced in connection with the construction of the proposed Grove-Shafter Freeway in the City of Oakland, as part of State Highway Route 75; and

WHEREAS, The San Francisco Bay Area Rapid Transit District is proposing to construct a regional rapid transit system, a portion of which would follow approximately the same route as the proposed Grove-Shafter Freeway; and

WHEREAS, It would result in great savings of money, and would be in the best interests of all concerned, if the planning, construction, and operation of, and acquisition of rights-of-way for, the proposed freeway and the proposed rapid transit line were co-ordinated to the greatest possible extent; and

WHEREAS, The proposition of financing and constructing the regional rapid transit system will be put to the voters of the San Francisco Bay Area Rapid Transit District at an election to be held in June of 1962; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works be requested to delay the commencement of construction of the proposed Grove-Shafter Freeway south and west of Broadway in the City of Oakland until after the June 1, 1962, election of the San Francisco Bay Area Rapid Transit District, so that it may be ascertained to what extent it may be possible to co-ordinate activities in connection with the proposed Grove-Shafter Freeway and the proposed rapid transit line of the district; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the Director of Public Works and to the Chairman of the Board of Directors of the San Francisco Bay Area Rapid Transit District.

CHAPTER 234

Assembly Concurrent Resolution No. 122—Relative to the improvement of State Highway Route 106 to freeway standards.

[Filed with Secretary of State June 21, 1961]

WHEREAS, The Franklin Canyon Highway (State Highway Route 106) from U.S. 40, near Hercules, to State Highway Route 75, near Concord, in Contra Costa County, is below modern standards and unable to carry satisfactorily the traffic now using it; and

WHEREAS, It has been generally conceded that this highway has high priority in the county for reconstruction into a freeway; and

WHEREAS, A hospital is being constructed by the Veterans Administration which will abut on this highway and will therefore further add to the traffic congestion thereon; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Highway Commission is requested to consider allocating funds for the reconstruction of this highway into a modern freeway at the earliest practical time, giving due regard to the other needs in the County of Contra Costa; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Chairman of the California Highway Commission.

CHAPTER 235

Assembly Concurrent Resolution No. 123—Relative to amending Rule 36 of the Joint Rules of the Senate and Assembly, concerning expenses of members.

[Filed with Secretary of State June 21, 1961]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

That Rule 36 of the Joint Rules of the Senate and Assembly be amended to read:

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or, when such authorization may lawfully be made, after final adjournment.

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt and amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. It may employ such clerical, legal and technical assistants as may appear necessary.

Each such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4, Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant at Arms of the Senate or Assembly, or such other person as may be designated by the chairman of the committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee.

Every department, commission, board, agency, officer and employee of the state government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this State, shall give and furnish to these committees

and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each such committee may meet at any time during the period in which it is authorized to act, even though the Legislature is in session, either, at the State Capitol or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or accomplish the objects and purposes of the resolution creating it. Each such committee may expend such money as may be made available to it for such purpose but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Members shall not be entitled to any salary because of membership on any such committee but shall be allowed mileage at the rate of twelve and one-half cents ($0.125) per mile each way for travel both within and without the State incurred in connection with their services upon the committee and actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals, an allowance of twenty-five dollars ($25) per day. No expenses for accommodations or meals or any allowance in lieu thereof shall be allowed for a day when the member is entitled to reimbursement for expenses under Joint Rule No. 35. The chairman of each committee shall audit and approve the expense claims of the members of the committee including claims for mileage in connection with attendance on committee business, or in connection with specific assignments by the committee chairman, but excluding other types of mileage, and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

The chairman of any such committee may appoint subcommittees and chairman thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairman thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the State, have the same authority as if it were acting and functioning within the State, and the

members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the State.

This rule governs mileage only with respect to travel to and from committee meetings and with respect to travel necessary to carry out specific assignments made by the chairman of a committee. Such mileage is chargeable to the funds allocated to the specific committee for whom the travel was undertaken. Nothing in this rule shall prevent either house from providing by rule or resolution for the payment of mileage at the same rate herein specified for travel incurred in connection with committee business generally, payable from the contingent funds of either house after approval by the Rules Committee of that house, or its authorized representative.

Notwithstanding any provision of this rule, if the standing rules of either house require that expense claims of members of committees be audited or approved, after approval of the committee chairman, by another agency of either house, the Controller shall draw his warrants only upon the certification of such other agency.

Except salary claims of employees clearly subject to federal withheld tax and the requirement as to loyalty oaths, claims presented for services or pursuant to contract shall refer to the agreement, the terms of which shall be made available to the Controller.

CHAPTER 236

Assembly Joint Resolution No. 36—Relative to memorializing the Congress of the United States to enact into law proposed legislation to authorize the use of the airspace above and below the gradeline of highways within the interstate system.

[Filed with Secretary of State June 21, 1961.]

WHEREAS, There is presently pending before the Congress of the United States legislation authorizing a more beneficial use of the airspace above and below the established gradeline of highways within the interstate system; and

WHEREAS, The enactment of legislation to accomplish this purpose will result in greater financial benefits to the State of California and its political subdivisions without in any way impairing the full use and safety of the highways, or in any way interfering with the free flow of traffic on the interstate system; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress and the President of the United States to enact into law the legislation to authorize the more beneficial use of the airspace above and below the gradeline of highways within the interstate system; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 237

Assembly Joint Resolution No. 41—Relative to optimum development of the Central Valley Basin and San Francisco Bay region of California, including multipurpose development of certain watersheds therein.

[Filed with Secretary of State June 21, 1961]

WHEREAS, The settled policy of the Congress of the United States in the field of water resources activities and basin planning is stated repeatedly in the symposium of 31 reports of the Select Committee on Natural Water Resources United States Senate, established pursuant to Senate Resolution 48, 86th Congress; and

WHEREAS, In committee print No. 15 of said reports it is specifically stated that,

"The obvious way to achieve such coordination is to require that all developments within a basin shall fit as nearly as possible into and constitute an integral part of a comprehensive plan for the optimum development of the basins resources. This concept is now well established and the Congress has taken a number of steps to implement it. One important step in this direction is the efforts the Congress has, in a number of instances, authorized the Federal agencies to develop overall plans for important regions. At the present time comprehensive plans have been completed or are being completed under the leadership of the Corps of Engineers, and in full cooperation with States and other Federal agencies, in the Delaware and Columbia River Basins, and are being developed for river basins in the Southeast, and for the Texas basins, by 'Study Commissions' established by Congress for the purpose. Such developments indicate that the Congress is willing to do its part to implement the concept of comprehensive and coordinated development plans."

and

WHEREAS, The State of California has benefited greatly in past years from the co-ordinated activities of federal agencies in the construction of projects to control floods, conserve water, and to provide other water-associated benefits as carried out by the Bureau of Reclamation of the Department of Interior and the Corps of Engineers of the Department of the Army; and

WHEREAS, The State of California looks forward to continued activity by these two agencies toward the fuller development of the State's water resources; and

WHEREAS, Major projects such as the San Luis Unit have been authorized for construction by the Bureau of Reclamation and other major units such as Auburn Dam, Folsom South Unit, and the East Side Division of the Central Valley Project are approaching the authorization stage; and

WHEREAS, Virtually no multiple-purpose projects remain to be constructed in California which have been authorized for construction by the Corps of Engineers; and

WHEREAS, A number of proposed flood control and water development projects do remain in California which may be susceptible of development by the Corps of Engineers on the upper Sacramento River, Cache Creek, the Fresno River, Chowchilla River, Eel River and other North Coast streams, Cosumnes River, and streams in the San Francisco Bay Area; and

WHEREAS, The Congress throughout the decades has assigned to the Corps of Engineers the tasks of planning and developing systems of public works, for the control of floods in the rivers of the nation; for the improvement of navigation in rivers, canals, and harbors of the nation; for the protection of riverbanks and coastal shores, for the planning of highways and systems of transportation needed for the military defense of the nation, and the making of co-ordinated basin plans for public works; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation and provide funds to authorize the Corps of Engineers, in co-operation with the Federal Bureau of Reclamation and the California Department of Water Resources, and in conjunction with a study commission and other federal and state agencies, to make studies which would lead to multipurpose development of these basins; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the Army, and to the Chief of Engineers.

CHAPTER 238

Assembly Joint Resolution No. 44—Relative to water resources development.

[Filed with Secretary of State June 21, 1961.]

WHEREAS, The federal government is presently engaged in the construction and operation of the Central Valley Project in the State of California, which project has resulted in great

benefits to many areas in the Sacramento and San Joaquin Valleys in this State; and

WHEREAS, One of the units of the Central Valley Project is the Tehama-Colusa Canal, which will deliver water from the Shasta and Trinity units of the Central Valley Project to service areas in the western portion of the Sacramento Valley; and

WHEREAS, There is an urgent need for water for agricultural purposes in Yolo and Lake Counties in this State, which regions have not been included in the service areas of any existing or proposed federal or state water development projects; and

WHEREAS, The need for water in these regions has resulted in studies of methods of developing the necessary water supplies, culminating in the recent report with respect to the proposed multipurpose Wilson Valley Project contained in Bulletin 90 of the State Department of Water Resources, dated March, 1961; and

WHEREAS, It would appear that either an extension of the Tehama-Colusa Canal through Yolo County to a terminus in the vicinity of Putah Creek or the Wilson Valley Project, or both, might be appropriate and feasible additions to the Central Valley Project; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to make funds available for a study of the feasibility of either extending the Tehama-Colusa Canal through Yolo County to a terminus in the vicinity of Putah Creek, or constructing the proposed multipurpose Wilson Valley Project, substantially as described in Bulletin 90 of the State Department of Water Resources, dated March, 1961, or both, as a part of the Central Valley Project for the benefit of both Yolo and Lake Counties; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 239

Senate Concurrent Resolution No. 32—Relative to requesting the Division of Highways to remove debris from both sides of fences along highways set up by the division.

[Filed with Secretary of State June 21, 1961.]

WHEREAS, The people of the State of California take great pride in the beauty of their highways; and

WHEREAS, At present the Division of Highways has a practice of clearing accumulated debris from but one side of the fences it maintains along our highways; and

WHEREAS, This practice results in significant quantities of unsightly debris accumulating adjacent to our highways; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Highways be requested to clear accumulated debris from both sides of all fences which the division maintains along our highways where the Division of Highways has jurisdiction over sufficient property on both sides of the fence to reasonably permit such clearance; and be it further

Resolved, That, in other situations, the Division of Highways is requested to attempt to ascertain means, such as obtaining the permission without compensation of the abutting owner, of clearing weeds lying against the outer side of the fence which might affect the highway operation or view and not located there through the fault of the abutting owner where it is practical so to clear; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

CHAPTER 240

Senate Concurrent Resolution No. 52—Relative to expenses of the Joint Interim Committee on Uniform Laws.

[Filed with Secretary of State June 21, 1961.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of one thousand seven hundred dollars ($1,700) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Interim Committee on Uniform Laws (created by Section 10401 of the Government Code), and its members and for any charges, expenses or claims it may lawfully incur, to be paid from said contingent funds equally and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 241

Senate Concurrent Resolution No. 79—Relative to the passing of Senator James J. McBride.

[Filed with Secretary of State June 21, 1961.]

WHEREAS, The people of the State of California, and particularly the Members of the California Legislature, are shocked and stunned this day, June 12, 1961, to learn of the sudden and unexpected death of one of their most beloved colleagues,

Senator James J. McBride, Dean of the Legislature, Chairman of the Senate Committee on Finance and most highly revered Member of the Legislature; and

WHEREAS, Senator James J. McBride was a native of Ireland, educated in the schools of California, settling in Ventura, he became an insurance broker; and

WHEREAS, Senator James J. McBride was the devoted husband of Elsie L. McBride, the father of two daughters, Mrs Robert Stinett and Mrs. Harry F. Keene, and the stepfather of Dr. William T. Klope and Robert Klope; and

WHEREAS, Senator James J. McBride was elected to the Assembly of the State of California in 1932 and re-elected in 1934, and elected to the Senate in 1936 and continuously re-elected for the rest of his life, becoming the Dean of the Senate in 1957; and

WHEREAS, Senator James J. McBride was at all times a constructive statesman, having been the author of numerous measures of material benefit to the people of the State of California, particularly legislation leading to the establishment of the Camarillo State Hospital, the education and rehabilitation of physically handicapped children, and measures looking toward the conservation of natural resources and the furtherance of the cause of education; and

WHEREAS, Senator James J. McBride was honored by being selected Chairman of the Senate Finance Committee and Chairman of the Committee on Interstate Cooperation, and was at one time a member of the Ventura Board of Education, Ventura Recreation Commission, President of the Ventura Rotary Club and a member of the United States Navy League, Commonwealth Club, Elks, Eagles and Knights of Columbus; and

WHEREAS, In addition to all of his achievements and honors, it might be well said with the poet

"Rich was his bounty, and his soul sincere"

his life was an open book full of good works and creditable conduct; and

WHEREAS, In addition to all of the above, he was possessed of a kindly, generous and affectionate nature, bestowing the full measure of tolerance, respect and good will upon all of his fellowmen who were so fortunate as to partake of his friendship; now, therefore, be it

Resolved by the Senate of the State of California, The Assembly thereof concurring, that it deeply deplores the passing of this fine, forthright statesman, and desires by this resolution to convey to the members of his family its sense of grief at his loss, and be it further

Resolved, That when the Legislature shall cease from its labors on this, the 12th day of June, 1961, it shall do so in honor of the memory of Senator James J. McBride, and be it further

Resolved, That the Secretary of the Senate be, and he is hereby directed, to transmit suitably prepared copies of this

resolution to Mrs. James J. McBride, widow; Mrs. Robert Stinett and Mrs. Harry F. Keene, daughters; and Dr. William T. Klope and Robert Klope, stepsons of Senator James J. McBride.

CHAPTER 242

Assembly Constitutional Amendment No. 70—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1¼b of Article XIII thereof, relating to the tax exemption for veterans.

[Filed with Secretary of State June 26, 1961.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the second day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 1¼b to Article XIII thereof, to read:

SEC 1¼b. As used in Section 1¼, "property" shall be deemed to include any single-family dwelling owned by a nonprofit co-operative ownership housing corporation or a nonprofit co-operative ownership housing trust as part of a housing project organized and operated under Section 213, Title II of the National Housing Act (Title 12, U.S.C., Sec. 1715e), if such dwelling is occupied under an "occupancy agreement" by a person otherwise qualified for the exemption granted by Section 1¼ who has an interest in the corporation or trust which is represented by a membership or share certificate therein.

CHAPTER 243

Senate Concurrent Resolution No. 19—Relative to the Phillip Charles Cohn Home.

[Filed with Secretary of State June 26, 1961.]

WHEREAS, The City of Folsom is an area widely visited not only by the people of the State of California, but by people elsewhere; and

WHEREAS, Among its other objects of interest is the Phillip Charles Cohn Home, a structure representing the best in early day California and Victorian architecture; and

WHEREAS, Buildings of this type are fast disappearing from the California scene, and unless those few remaining are preserved in their original state, will in time become buried in memory; and

WHEREAS, The original tenant of the Phillip Charles Cohn Home was Phillip Charles Cohn, a California State Senator from 1913 to 1917, and a man who made many and lasting contributions to the history of this State; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Beaches and Parks of the Department of Natural Resources is hereby requested to make a study of the feasibility of the acquisition and restoration by the State of the Phillip Charles Cohn Home in the City of Folsom and to report thereon to the Legislature not later than the fifth legislative day of the 1962 Budget Session; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Chief of the Division of Beaches and Parks, Department of Natural Resources.

CHAPTER 244

Senate Concurrent Resolution No. 29—Relative to State Highway Route 30 in San Bernardino County.

[Filed with Secretary of State June 26, 1961]

WHEREAS, At the 1959 Regular Session of the Legislature, Route 30 was established in San Bernardino County, and State Highway Route 193 was extended in said county; and

WHEREAS, No funds may be expended for the construction of the extended portion of Route 193 until the 1963-64 fiscal year; and

WHEREAS, It is highly desirable that the location and alignment of Route 30 be completed at the earliest possible time; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Highway Commission and the Division of Highways are requested and urged to undertake studies of Route 30, and, without waiting to complete any studies of Route 193, to locate and align Route 30 as soon as possible; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the California Highway Commission and the Division of Highways.

CHAPTER 245

Senate Concurrent Resolution No. 73—Relative to the Fairs Allocation and Classification Committee.

[Filed with Secretary of State June 26, 1961.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of thirty-three thousand

dollars ($33,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate and the Contingent Fund of the Assembly for the expenses of the Fairs Allocation and Classification Committee created pursuant to Section 92.7 of the Agricultural Code and its members and for any charges, expenses or claims it may incur under said section, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 246

Senate Concurrent Resolution No. 74—Relative to the "Randolph Collier Tunnel."

[Filed with Secretary of State June 26, 1961.]

WHEREAS, A new tunnel through Oregon Mountain on State Highway Route 1 in Del Norte County is due to be completed in October, 1962; and

WHEREAS, The tunnel, the idea for which was conceived 35 years ago, will contribute greatly to the safety of travelers on Route 1 by eliminating many hazardous road conditions; and

WHEREAS, Beginning in 1954, by encouraging surveys and studies of feasibility, Senator Randolph Collier has made the tunnel a reality, and has played a large and effective part in the formulation and enactment of necessary legislation, giving without stint of his time and energy in extensive research concerning all facets of the problem and in frequent conferences with the many persons and groups concerned; and

WHEREAS, Randolph Collier, serving as a Senator in the California State Legislature since 1939, has established a record, which has rightly earned him the title of being, indeed, a statewide Senator who, while faithfully fathering legislation for the benefit of his own district, has just as enthusiastically concerned himself with the needs of the entire State from the southern boundaries of California to its northern boundaries; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the new tunnel through Oregon Mountain on State Highway Route 1 in Del Norte County is hereby designated the "Randolph Collier Tunnel"; and be it further

Resolved, That the Department of Public Works is requested to erect an appropriate marker for the Randolph Collier Tunnel; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Senator Randolph Collier and the Department of Public Works.

CHAPTER 247

Senate Concurrent Resolution No. 76—Relative to requesting the transfer of land at Gazos Creek, San Mateo County.

[Filed with Secretary of State June 26, 1961.]

WHEREAS, The Division of Highways has declared as surplus to their needs a parcel of land fronting on Highway 1 at the mouth of Gazos Creek in San Mateo County; and

WHEREAS, This land is in an area where coastal waters are most intensively used and additional public access for public recreational purposes is most desirable; and

WHEREAS, The Board of Supervisors of San Mateo County has expressed, by resolution, its approval of the acquisition and development of this area by the Wildlife Conservation Board and has assured the board that the county would maintain the area free to the public if developed; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Highways is requested to enter into negotiation with the Wildlife Conservation Board and the Department of Fish and Game for the lease of such land or its sale at a price to be mutually agreed upon, and that the division shall not otherwise dispose of such land prior to April 1, 1962; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Division of Highways, the Wildlife Conservation Board, and the Department of Fish and Game.

CHAPTER 248

Senate Concurrent Resolution No. 77—Relative to an old-fashioned chuckwagon feed.

[Filed with Secretary of State June 26, 1961.]

WHEREAS, On June 19th, the Honorable Gyle Miller, Mayor of the City of Merced, will issue a proclamation founding "Mercy Gulch," replacing the City of Merced for six weeks prior to the Merced County Fair; and

WHEREAS, "Western Gateway to New Frontiers" will be the theme of the Merced County Fair, which runs from August 15th to August 20th; and

WHEREAS, The traditional gateway to Yosemite, the City of Merced, has invited the Honorable Edmund G. Brown, Governor of the State of California, the distinguished Members of the Legislature of the State of California, and the elective and appointive officers of the State of California to a gala and frolicsome free chuckwagon breakfast on Saturday morning, June 24th, from 7 to 10 a.m. at the Merced County Fairgrounds; and

WHEREAS, Merced, which is particularly proud of one of its new frontiers, the Strategic Air Command Castle Air Force Base, also humbly invites the whole world to break bread chuckwagon style on June 24th; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature express to the City of Merced their appreciation for the thoughtful invitation, their growing appetite for a chuckwagon feast, and their best wishes for a festive and rewarding Merced County Fair in 1961; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to the City of Merced and the Merced County Fair.

CHAPTER 249

Senate Joint Resolution No 50—Relative to the King Range National Conservation Area.

[Filed with Secretary of State June 26, 1961.]

WHEREAS, There is pending in the United States House of Representatives a bill, H. R. 6793, to provide for the establishment of the King Range National Conservation Area in the coastal area of northern Mendocino County and southern Humboldt County; and

WHEREAS, This bill, authored by the Honorable Clem Miller, congressman representing California's First Congressional District, provides for conserving and developing the lands and other resources in the area under a program of balanced usage providing for the long-range development of the area; and

WHEREAS, The King Range National Conservation Area will be acquired by donation, by purchase with donated or appropriated funds, or by land exchange, but not by eminent domain; and

WHEREAS, The conservation program is designed to enhance the economic climate of the local area, the State of California, and the United States, through sound conservation practice; and

WHEREAS, The King Range National Conservation Area is an important implementation of the advance conservation concepts in all resource fields, in keeping with the vision of the New Frontier; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully urges Congress to enact H R. 6793, providing this much needed conservation area for the use and benefit of the people of the State of California and of the United States; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, the Chairman of the House Committee on Interior and Insular Affairs, and to each Senator and Representative from the State of California in Congress.

CHAPTER 250

Senate Joint Resolution No. 51—Relating to federal in-lieu-of-property-tax payments for tax-exempt national forests.

[Filed with Secretary of State June 26, 1961.]

WHEREAS, Counties in the State of California are greatly burdened by the presence within their borders of vast tracts of federal lands which enjoy tax immunity; and

WHEREAS, County government presently provides numerous, costly governmental services in relation to these tax-exempt federal properties, with a resulting serious drain on the local tax base; and

WHEREAS, It now appears reasonably certain that the 87th Congress will fail to enact a modest, beginning program of payments to local governments in lieu of taxes on federally owned real property; and

WHEREAS, Distribution of moneys received from national forests is now made to counties only from the stumpage value of the timber and other forest products and not from the total amounts generating from the sale of such products; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the Forest Service of the United States Department of Agriculture to provide and direct by administrative order that 25 percent of all moneys received during any fiscal year from each national forest shall be paid, at the end of such year, by the Secretary of the Treasury to the State Treasurer, to be distributed to the counties in which such national forest is situated, such funds to be distributed in lieu of taxes and expended for the benefit of public schools and public roads; and when any national forest is in more than one state or county, the distributive share to each from the sale of logs, ties, poles, posts, cordwood, pulpwood, and other forest products, the amounts made available shall be based upon the total receipts in connection with such sales received from the purchasers; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the Secretary of the United States Department of Agriculture and to the Chief of Forest Service.

CHAPTER 251

Senate Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article XXXV thereto, relating to housing for elderly persons of low income and physically handicapped persons of low income.

[Filed with Secretary of State June 26, 1961.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the second day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Article XXXV thereto, to read:

ARTICLE XXXV

HOUSING FOR THE AGED AND THE PHYSICALLY HANDICAPPED

SECTION 1. Bonds of the State of California shall be prepared, issued, and sold in the amount of one hundred million dollars ($100,000,000), in such denominations, to be numbered, to bear such dates, and to bear such rate of interest as shall be determined by the Legislature.

The proceeds of such bonds shall be used:

(a) Subject to such legislation as the Legislature may, from time to time, enact, to provide aid to elderly persons of low income and to physically handicapped persons of low income, or to either class of persons of low income, as defined by law, in the form of loans for use in constructing, acquiring or developing low-rent housing for such persons of low income.

(b) To pay the expenses that may be incurred in preparing, advertising, issuing, and selling the bonds, and in administering and directing the expenditure of the moneys realized from the sale of such bonds.

The issuance, signing, countersigning, endorsing, and selling of the bonds herein provided for, and the interest coupons thereon, the place and method of payment of principal and interest thereon, the procedure for initiating, advertising and holding sales thereof, and the performance by the state agencies and state officers of their respective duties in connection therewith; and all other provisions, terms, and conditions relating to the bonds, shall be as provided by the Legislature.

The Legislature may appropriate money to be expended in addition to or in lieu of the money received from the sale of the bonds sold under the authority of this section. The money so appropriated shall be expended pursuant to subdivision (a) of this section. If the Legislature appropriates money in lieu

of the money received from the sale of the bonds, the total amount of bonds required to be sold pursuant to this section shall be reduced by the amount so appropriated.

The Legislature shall pass all laws, general or special, necessary or convenient to carry into effect the provisions of this article. Such laws may provide for the loan of funds to private corporations and public agencies for the purposes of this article.

The Legislature shall require each private corporation or public agency receiving a loan of money from the sale of bonds pursuant to this section for the purposes prescribed in subdivision (a) of this section to repay such money to the State on such terms as may be prescribed by the Legislature.

The people of the State of California in adopting this section hereby declare that it is in the interests of the State and of the people thereof for the State to aid elderly persons of low income and physically handicapped persons of low income in providing necessary and adequate housing for such persons who cannot afford adequate, safe, and sanitary housing available in the various communities and areas of the State.

SEC 2. The issuance and sale of bonds of the State of California and the use and disposition of the proceeds of the sale of said bonds, all as provided in the Housing for the Elderly Law enacted at the 1961 Regular Session of the Legislature authorizing the issuance and sale of bonds for the purpose of providing funds to be used and disbursed for loans for the construction of low-rent housing for elderly persons of low income, is hereby authorized and directed, and the Housing for the Elderly Law enacted at the 1961 Regular Session of the Legislature is hereby approved, adopted, legalized, validated and made fully and completely effective. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof but this shall not prevent such legislative action.

SEC. 3 There is hereby appropriated from the funds and sources referred to in the Housing for the Elderly Law enacted at the 1961 Regular Session of the Legislature, the amounts of money designated therein for the purposes specified therein.

SEC. 4. Neither Article XXXIV nor any other provision of this Constitution shall be a limitation upon the provisions of this article.

CHAPTER 252

Senate Concurrent Resolution No. 71—Relative to the planning and construction of state highways

[Filed with Secretary of State June 26, 1961]

WHEREAS, State Sign Route 41, consisting of State Highway Routes 33 and 125, extending from Yosemite National Park to the Pacific Ocean at Cambria, is an east-west highway of major importance; and

WHEREAS, The portion of Route 33 between Paso Robles and the Pacific Ocean at Cambria is impassable in the wintertime and is otherwise of standards below that necessary for the traffic in the area; and

WHEREAS, The coastal area of San Luis Obispo County has undergone a tremendous population increase for which Route 33 is no longer adequate; and

WHEREAS, The Division of Highways, Department of Public Works, has completed a study of State Highway Route 33 pursuant to S.C.R. 47 of the 1959 Regular Session, and determined that it would be feasible to construct a route through Green Valley, that such a route would be adequate for traffic needs, and that it would be the shortest and most economical route available; and

WHEREAS, Funds for the construction of the Green Valley Route should consist of revenue in the State Highway Fund allocated for expenditure on state highways within San Luis Obispo County, it being the intention of the Legislature that no special funds be allocated to, or requested by, San Luis Obispo County; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Highway Commission is urged to establish the location of State Highway Route 33 between Cambria and Paso Robles, and to allocate funds for the construction of the Green Valley Route, as soon as possible; and be it further

Resolved, That the Department of Public Works is requested to proceed with the immediate planning and construction of the Green Valley Route; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Department of Public Works and the California Highway Commission.

CHAPTER 253

Senate Joint Resolution No. 47—Relative to the future use of military airports.

[Filed with Secretary of State June 26, 1961.]

WHEREAS, It has come to the attention of the Members of the California Legislature that H.R. 6178 has been introduced in the United States House of Representatives to provide for a joint study by the Administrator of the Federal Aviation Agency and the Secretary of Defense of the disposal and future use of military airports expected to be surplus to the needs of the Department of Defense; and

WHEREAS, California now has several dozen military installations which have aviation facilities; and

WHEREAS, The inventory of military aircraft has gone in seven years in excess of 54,000 to something less than 27,000; and

WHEREAS, There have been tremendous reductions in manpower trained to use military aircraft; and

WHEREAS, The State of California, through its Aeronautics Commission stands ready and willing to co-operate in any such study of future disposal of military airports by civilians as well as by military activities; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby endorses and urges the adoption of H.R. 6178 by the United States Congress; and be it further

Resolved, That the Legislature of the State of California respectfully urges that the study undertaken pursuant to H.R. 6178 include the problem of how to prevent the leasing of space for military fields to private persons, firms and corporations and the civil operation of aircraft by such persons, firms and corporations on the military fields in competition with civil airports; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of the Federal Aviation Agency and the Secretary of Defense.

CHAPTER 254

Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 2.8 to Article XIII, relating to the assessment of agricultural property.

[Filed with Secretary of State June 26, 1961.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the second day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 2.8 to Article XIII thereof, to read:

SEC. 2 8. In assessing land which is used exclusively for agricultural purposes, and which has been so used for at least two successive assessment years immediately preceding the lien date, the assessor shall consider no factors other than those relative to agricultural use if the fee simple owner of the land

makes application in writing to the assessor, by the time and in the manner provided by the Legislature, for the assessment of the land to be made on the basis of agricultural use. Upon the assessor's determination that the land meets the qualifications of this section, it shall be assessed as herein provided until such time as the fee simple owner or his successor in interest applies for assessment as otherwise provided by this Constitution, or until the land is diverted to a use other than for exclusively agricultural purposes.

In the event that land assessed pursuant to this section is diverted to a use other than for exclusively agricultural purposes, or application is made for its assessment as otherwise provided by this Constitution, the land shall be subject to additional taxes in an amount equal to the difference, with such interest as may be provided by law, between the taxes paid or payable on the basis of the assessments made hereunder and the taxes that would have been paid or payable had the land been assessed as otherwise provided by this Constitution on the seven immediately preceding lien dates. The land assessed pursuant to this section shall be subject to a lien for such additional taxes and interest.

The Legislature shall provide for the collection and distribution of the additional taxes and interest, equalization of the agricultural use assessments and the land values upon which the additional taxes are computed, and may make such other provisions in the implementation of this section as it deems necessary.

This section shall not be operative in any county or city unless the governing body of the county or city provides by ordinance that it shall be operative in respect to taxes levied for county or city purposes. Such an ordinance shall not be operative as to any tax year unless it is adopted at least 30 days prior to the lien date for that year. Any ordinance adopted pursuant to this section shall be subject to initiative or referendum by the electors of the county or the city which adopts the ordinance in the manner and to the extent provided for in Section 1 of Article IV of the Constitution.

CHAPTER 255

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending and renumbering Section 2½ of Article II, by amending Sections 25a, 34a, and 35 of Article IV, Sections 3, 4a, 15, 21, the seventh paragraph of Section 11, and the fifth paragraph of Section 26 of Article VI the second paragraph of Section 5 of Article XI, Sections 10, 11, and 13 of Article XVI, Section 1 of Article XXII, subdivision (a) of Section 2, and Sections 3 and 5 of Article XXIV, and by repealing the third and fifth paragraphs of Section 31 and the fourth

paragraph of Section 37 of Article IV, Section 26a of Article VI, the seventh paragraph of Section 6 of Article IX, the fourth paragraph of Section 22 of Article XII, the second paragraph of Section 1, the second paragraph of subdivision (c) of Section 14½, the fourth paragraph of Section 15, the fourth paragraph of subdivision (b) of Section 19 of Article XIII, Sections 7, 9 and 12 of Article XVI, the last paragraph of Section 3.5 of Article XX, Section 4 of Article XXVII, relating to the elimination of obsolete or superseded constitutional provisions.

[Filed with Secretary of State June 26, 1961]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the second day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes that the Constitution of the State be amended as follows, solely for the purpose of eliminating obsolete or superseded provisions thereof:

First, That Section 2½ of Article II be amended and renumbered to read:

SEC. 2.5. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties; and the Legislature shall enact laws providing for the direct nomination of candidates for public office, by electors, political parties, or organizations of electors without conventions, at elections to be known and designated as primary elections; also to determine the tests and conditions upon which electors, political parties, or organizations of electors may participate in any such primary election. It shall also be lawful for the Legislature to prescribe that any such primary election shall be mandatory and obligatory. The Legislature shall also have the power to establish the rates of compensation for primary election officers serving at such primary elections in any city, or city and county, or county, or other subdivision of a designated population, without making such compensation uniform, and for such purpose such law may declare the population of any city, city and county, county or political subdivision.

Second, That Section 25a of Article IV be amended to read:

SEC. 25a The Legislature may provide for the regulation of horseraces and horserace meetings and wagering on the results thereof.

Third, That the third paragraph of Section 31 of Article IV be repealed.

Fourth, That the fifth paragraph of Section 31 of Article IV be repealed.

Fifth, That Section 34a of Article IV be amended to read:

SEC. 34a. Appropriations from the General Fund of the State for any fiscal year, exclusive of appropriations for the support of the public school system, shall be void unless two-

thirds of all the members elected to each house of the Legislature vote in favor thereof

Not more than 25 per centum of the total appropriations from all funds of the State shall be raised by means of taxes on real and personal property according to the value thereof.

Sixth, That Section 35 of Article IV be amended to read:

SEC. 35. Any person who seeks to influence the vote of a Member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of a felony; and it shall be the duty of the Legislature to provide, by law, for the punishment of this crime. Any Member of the Legislature, who shall be influenced in his vote or action upon any matter pending before the Legislature by any reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disqualified from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a Member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Seventh, That the fourth paragraph of Section 37 of Article IV be repealed.

Eighth, That Section 3 of Article VI be amended to read:

SEC. 3. The Chief Justice and the associate justices shall be elected by the qualified electors of the State at large at the general elections, at the time and places at which state officers are elected as provided in Section 26 of this article, and the term of office shall be 12 years from and after the first Monday after the first day of January next succeeding their election, except that the term of a justice elected to fill a term which expires subsequent to the first Monday after the first day of January next after his election shall be for the remainder of the unexpired term in the office to which he is elected.

Ninth, That Section 4a of Article VI be amended to read:

SEC. 4a. The State shall be divided into at least three appellate districts, known as the First, Second and Third Appellate Districts, in each of which there shall be a district court of appeal, consisting of such number of divisions having three justices each as the Legislature shall determine.

The Legislature may from time to time create and establish additional district courts of appeal or divisions thereof and fix the places at which the regular sessions thereof shall be held and may provide for the maintenance and operation thereof For that purpose the Legislature may redivide the State into appellate districts, subject to the power of the Supreme Court

to remove one or more counties from one appellate district to another as in this section provided.

Each of such divisions shall have and exercise all of the powers of the district court of appeal.

Upon the creation of any additional division of the district court of appeal the Governor shall appoint three persons to serve as justices thereof as provided in Section 26 of this article. The justices of said division first elected as provided in Section 26 of this article shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of 12 years, and entry of such classification shall be made in the minutes of said division, signed by the three justices thereof, and a duplicate thereof filed in the office of the Secretary of State.

The justices of the district courts of appeal shall be elected by the qualified electors within their respective districts at the general elections as provided in Section 26 of this article; and the term of office of said justices shall be 12 years from and after the first Monday after the first day of January next succeeding their election, except that the term of a justice elected to fill a term which expires subsequent to the first Monday after the first day of January next after his election shall be for the remainder of the unexpired term in the office to which he is elected.

One of the justices of each of the district courts of appeal, and of each division of said courts, shall be the presiding justice thereof, and as such shall be appointed or elected, as the case may be.

In cases wherein the presiding justice is not acting, the other justices shall designate one of their number to perform the duties and exercise the powers of presiding justice.

The presence of two justices shall be necessary for the transaction of any business by such court except such as may be done at chambers, and the concurrence of two justices shall be necessary to pronounce a judgment.

No appeal taken to the supreme court or to a district court of appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein as if regularly appealed thereto.

The Supreme Court, by orders entered in its minutes, may from time to time remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

The district courts of appeal in the First, Second and Third Appellate Districts shall hold their regular sessions respectively at San Francisco, Los Angeles and Sacramento, and they shall always be open for the transaction of business.

Tenth, That the seventh paragraph of Section 11 of Article VI be amended to read:

The Legislature shall enact such general or special laws, except in the particulars otherwise specified herein, as may be necessary to carry out the provisions of this section.

Eleventh, That Section 15 of Article VI be amended to read:

SEC. 15. No judicial officer shall receive to his own use any fees or perquisites of office.

Twelfth, That Section 21 of Article VI be amended to read:

SEC. 21. The Supreme Court shall appoint a clerk of the Supreme Court. Said court may also appoint a reporter and assistant reporters of the decisions of the Supreme Court and of the district courts of appeal. Each of the district courts of appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed.

Thirteenth, That the fifth paragraph of Section 26 of Article VI be amended to read:

No such nomination or appointment by the Governor shall be effective unless there be filed with the Secretary of State a written confirmation of such nomination or appointment signed by a majority of the three officials herein designated as the Commission on Judicial Appointments. The commission shall consist of (1) the Chief Justice of the Supreme Court, or, if such office be vacant, the acting Chief Justice; (2) the presiding justice of the district court of appeal of the district in which a justice of a district court of appeal or a judge of a superior court is to serve, or, if there be two such presiding justices, the one who has served the longer as such; or, in the case of the nomination or appointment of a justice of the Supreme Court, the presiding justice who has served longest as such upon any of the district courts of appeal; and (3) the Attorney General. If two or more presiding justices above designated shall have served terms of equal length, they shall choose the one who is to be a member of the commission by lot, whenever occasion for action arises. The Legislature shall provide by general law for the retirement, with reasonable retirement allowance, of such justices and judges for age or disability.

Fourteenth, That Section 26a of Article VI is hereby repealed.

Fifteenth, That the seventh paragraph of Section 6 of Article IX be repealed

Sixteenth, That the second paragraph of Section 5 of Article XI be amended to read:

The provisions of this section shall not be construed to abridge, modify or otherwise affect the provisions of Section

7½ and 8½ of this article, relating to county or city and county charters.

Seventeenth, That the fourth paragraph of Section 22 of Article XII be repealed.

Eighteenth, That the second paragraph of Section 1 of Article XIII be repealed.

Nineteenth, That the second paragraph of subdivision (e) of Section 14⅔ of Article XIII be repealed.

Twentieth, That the fourth paragraph of Section 15 of Article XIII be repealed.

Twenty-first, That the fourth paragraph of subdivision (b) of Section 19 of Article XIII be repealed.

Twenty-second, That Section 7 of Article XVI be repealed.

Twenty-third, That Section 9 of Article XVI be repealed.

Twenty-fourth, That Section 10 of Article XVI be amended to read:

SEC. 10. Whenever the United States government or any officer or agency thereof shall provide pensions or other aid for the aged, co-operation by the State therewith and therein is hereby authorized in such manner and to such extent as may be provided by law.

The money expended by any county, city and county, municipality, district or other political subdivision of this State made available under the provisions of this section shall not be considered as a part of the base for determining the maximum expenditure for any given year permissible under Section 20 of Article XI of this Constitution independent of the vote of the electors or authorization by the State Board of Equalization.

Twenty-fifth, That Section 11 of Article XVI be amended to read:

SEC. 11 The Legislature has plenary power to provide for the administration of any constitutional provisions or laws heretofore or hereafter enacted concerning the administration of relief, and to that end may modify, transfer, or enlarge the powers vested in any state agency or officer concerned with the administration of relief or laws appertaining thereto. The Legislature, or the people by initiative, shall have power to amend, alter, or repeal any law relating to the relief of hardship and destitution, whether such hardship and destitution results from unemployment or from other causes, or to provide for the administration of the relief of hardship and destitution, whether resulting from unemployment or from other causes, either directly by the State or through the counties of the State, and to grant such aid to the counties therefor, or make such provision for reimbursement of the counties by the State, as the Legislature deems proper.

Twenty-sixth, That Section 12 of Article XVI be repealed.

Twenty-seventh, That Section 13 of Article XVI be amended to read:

SEC. 13. Notwithstanding any other provision of this Constitution, the Legislature shall have power to release, rescind,

cancel, or otherwise nullify in whole or in part any encumbrance on property, personal obligation, or other form of security heretofore or hereafter exacted or imposed by the Legislature to secure the repayment to, or reimbursement of, the State, and the counties or other agencies of the State Government, of aid lawfully granted to and received by aged persons.

Twenty-eighth, That the last paragraph of Section 3.5 of Article XX be repealed.

Twenty-ninth, That Section 1 of Article XXII be amended to read:

SECTION 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force and effect until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon the adoption thereof.

Thirtieth, That subdivision (a) of Section 2 of Article XXIV be amended to read:

SEC. 2. (a) There shall be a State Personnel Board of five members appointed by the Governor with the advice and consent of the Senate. The first terms of office shall expire on January 15, 1937; January 15, 1939; January 15, 1941; January 15, 1943; and January 15, 1945. Each subsequent appointee shall hold office for 10 years from the expiration of the term of his predecessor and until his successor is appointed and qualified, except that an appointment to a vacancy occurring before the expiration of a term shall be but for the remainder of that term. A member may be removed by a vote of two-thirds of the members elected to each house of the Legislature

Thirty-first, That Section 3 of Article XXIV be amended to read:

SEC. 3. Said board shall administer and enforce, and is vested with all of the powers, duties, purposes, functions, and jurisdiction which are now or hereafter may be vested in any other state officer or agency under, Chapter 590 of the California Statutes of 1913 as amended or any and all other laws relating to the state civil service as said laws may now exist or may hereafter be enacted, amended or repealed by the Legislature.

Thirty-second, That Section 5 of Article XXIV be amended to read:

SEC. 5. The provisions of this article shall be self-executing but legislation not in conflict herewith may be enacted to facilitate its operation.

Thirty-third, That Section 4 of Article XXVII be repealed.

CHAPTER 256

Assembly Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6 of Article VI thereof, relating to the election of judges.

[Filed with Secretary of State June 26, 1961.]

Resolved by the Assembly, the Senate concurring, That the Legislature at its 1961 Regular Session commencing on the second day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 6 of Article VI, thereof, to read:

SEC. 6. There shall be in each of the organized counties, or cities and counties, of the State, a superior court, for each of which at least one judge shall be elected by the qualified electors of the county, or city and county, at the general State election, except that in any county or city and county containing a population of 5,000,000 or more, as determined by the last preceding federally published decennial census, in which only the incumbent has filed nomination papers for the office of superior court judge, his name shall not appear on the ballot unless there is filed with the county clerk or registrar of voters, within 20 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be conducted for the office and signed by 100 registered voters qualified to vote with respect to the office.

If a petition indicating that a write-in campaign will be conducted for the office at the general election, signed by 100 registered voters qualified to vote with respect to the office, is filed with the county clerk or registrar of voters not less than 45 days before the general election, the name of the incumbent shall be placed on the general election ballot if it has not appeared on the direct primary election ballot.

There may be as many sessions of a superior court, at the same time, as there are judges elected, appointed or assigned thereto. The judgments, orders, and proceedings of any session of a superior court, held by any one or more of the judges sitting therein, shall be equally effectual as though all the judges of said court presided at such session.

If, in conformity with this section, the name of the incumbent does not appear either on the primary ballot or general election ballot, the county clerk or registrar of voters, on the day of the general election, shall declare the incumbent re-elected.

CHAPTER 257

Assembly Constitutional Amendment No. 52—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending the third paragraph of Section 5 of Article XI thereof, relating to the compensation of county boards of supervisors.

[Filed with Secretary of State June 26, 1961.]

Resolved by the Assembly, the Senate concurring, That the Legislature at its 1961 Regular Session commencing on the second day of January, two-thirds of the members elected to each of the houses of the Legislature voting therefor, proposes to the people of the State of California that the Constitution of the State be amended by amending the third paragraph of Section 5 of Article XI thereof to read:

The compensation of any county, township or municipal officer shall not be increased after his election or during his term of office, nor shall the term of any such officer be extended beyond the period for which he was elected or appointed; however, the prohibition herein expressed shall not operate to prevent the adjustment of the compensation of all members of a board, commission, or council serving staggered terms whenever one or more members of such board, commission or council becomes eligible for a salary increase by virtue of his beginning a new term of office.

CHAPTER 258

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by renumbering and amending Section 25¾ of Article IV thereof, relating to wrestling and boxing.

[Filed with Secretary of State June 26, 1961.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the 2nd day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by renumbering and amending Section 25¾ of Article IV thereof, to read:

SEC. 25.7. The Legislature may amend, revise, or supplement any part of that certain initiative act approved by the electors November 4, 1924, which is set forth in the Statutes of 1925, preceding page 1.

The Legislature shall, however, have no power to prohibit wrestling and 12-round boxing contests in the State of California.

CHAPTER 259

Assembly Constitutional Amendment No. 72—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 21 of Article XX thereof, relating to workmen's compensation.

[Filed with Secretary of State June 26, 1961.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1961 Regular Session commencing on the second day of January, 1961, two-thirds of the members elected to each of the two houses of the Legislature voting therefore, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 21 of Article XX thereof, to read:

SEC. 21. The Legislature is hereby expressly vested with plenary power, unlimited by any provision of this Constitution, to create, and enforce a complete system of workmen's compensation, by appropriate legislation, and in that behalf to create and enforce a liability on the part of any or all persons to compensate any or all of their workmen for injury or disability, and their dependents for death incurred or sustained by the said workmen in the course of their employment, irrespective of the fault of any party. A complete system of workmen's compensation includes adequate provisions for the comfort, health and safety and general welfare of any and all workmen and those dependent upon them for support to the extent of relieving from the consequences of any injury or death incurred or sustained by workmen in the course of their employment, irrespective of the fault of any party; also full provision for securing safety in places of employment; full provision for such medical, surgical, hospital and other remedial treatment as is requisite to cure and relieve from the effects of such injury; full provision for adequate insurance coverage against liability to pay or furnish compensation; full provision for regulating such insurance coverage in all its aspects, including the establishment and management of a state compensation insurance fund; full provision for otherwise securing the payment of compensation; and full provision for vesting power, authority and jurisdiction in an administrative body with all the requisite governmental functions to determine any dispute or matter arising under such legislation, to the end that the administration of such legislation shall accomplish substantial justice in all cases expeditiously, inexpensively, and without incumbrance of any character; all of which matters are expressly declared to be the social public policy of this State, binding upon all departments of the state government.

The Legislature is vested with plenary powers, to provide for the settlement of any disputes arising under such legislation

by arbitration, or by an industrial accident commission, by the courts, or by either, any, or all of these agencies, either separately or in combination, and may fix and control the method and manner of trial of any such dispute, the rules of evidence and the manner of review of decisions rendered by the tribunal or tribunals designated by it; provided, that all decisions of any such tribunal shall be subject to review by the appellate courts of this State. The Legislature may combine in one statute all the provisions for a complete system of workmen's compensation, as herein defined.

The Legislature shall have power to provide for the payment of an award to the State in the case of the accidental death of an employee without dependents, and such awards may be used for the payment of extra compensation for subsequent injuries beyond the liability of a single employer for awards to his employees.

Nothing contained herein shall be taken or construed to impair or render ineffectual in any measure the creation and existence of the industrial accident commission of this State or the State Compensation Insurance Fund, the creation and existence of which, with all the functions vested in them, are hereby ratified and confirmed.

CHAPTER 260

Assembly Concurrent Resolution No. 53—Relative to acquisition of Fort Funston by the State.

[Filed with Secretary of State June 26, 1961.]

WHEREAS, Fort Funston in San Francisco has been declared surplus federal property by the General Services Administration; and

WHEREAS, This land, comprising about 116 acres of sand dunes and beach, would make an excellent public park and recreation area along the Pacific Ocean; and

WHEREAS, This land is available to the State at a bargain price, but only if fast action is taken, since a public auction to sell part of the land to private developers has been scheduled in March; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Park Commission and the Division of Beaches and Parks are urged to undertake appropriate action to inform the federal government of the State's interest in acquiring Fort Funston as a public park and recreational area when and if funds are made available; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send copies of this resolution to the members of the State Park Commission, the Director of Natural Resources, and the Chief of the Division of Beaches and Parks.

CHAPTER 261

Assembly Concurrent Resolution No. 113—Relative to a study of the feasibility and means of providing basement shelter facilities in new school buildings to be constructed.

[Filed with Secretary of State June 26, 1961]

WHEREAS, It is imperative in these times that whenever the construction of public buildings is undertaken, attention be directed to their adequacy not only for the principal purposes for which they are erected, but to their possible utilization for purposes of affording emergency shelter for civil defense purposes; and

WHEREAS, The need for making provision for such shelter is particularly urgent in connection with children in the public schools, who, in case of emergency will be concentrated upon school grounds; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Disaster Office is requested to immediately undertake a study of the feasibility, means, cost, and all other aspects and problems related to the installation, in connection with the construction of new school buildings, of basement defense shelter facilities, and to report thereon, to the Legislature at the 1962 Regular Session, including in its report recommendations for appropriate legislation; and be it further

Resolved, That two Members of the Senate, appointed by the Rules Committee thereof, and two Members of the Assembly, appointed by the Speaker thereof, shall meet as a joint interim committee and meet with and participate with the California Disaster Office in its study of the feasibility of such shelter facilities, to the extent that such participation is not incompatible with their respective positions as Members of the Legislature, and shall report on the feasibility of such shelters to the Legislature at the 1962 Regular Session.

CHAPTER 262

Assembly Concurrent Resolution No. 120—Relative to requesting a joint interim study of the feasibility of using regulated floodwaters and released surplus waters by joint action of the State Department of Water Resources and the Bureau of Reclamation and the Corps of Engineers for the purpose of recharging the underground reservoirs of the Central Valley.

[Filed with Secretary of State June 26, 1961]

WHEREAS, There is a continuing and alarming average ground water overdraft of 5 million acre-feet annually in the San Joaquin Valley; and

WHEREAS, This annual overdraft is menacing the billion-dollar agricultural production of this valley by increasing the pump relocation and pumping requirements of thousands of small family-size farms; and

WHEREAS, These family-size farms lack sufficient income to provide necessary capital for increased pumping costs; and

WHEREAS, It will be years before relief for this crisis can be expected from the San Luis Project and Eastside Canal of the Central Valley Project; and

WHEREAS, There is an average annual waste into the Pacific Ocean of 10 million acre-feet high-quality irrigation waters resulting from flood year wastes of up to several times the average; and

WHEREAS, It is physically possible for this water to be diverted from existing and proposed storage facilities into Central Valley regulating pools; and

WHEREAS, Such water supplied to regulating pools could be further diverted to various seepage inlets using the Kings, Fresno, and San Joaquin Rivers, and various other rivers, irrigation ditches, creeks, flats, and basins for percolation and recharge of the San Joaquin Valley underground reservoir; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Senate Factfinding Committee on Water Resources and the Assembly Interim Committee on Water shall co-operate in the holding of hearings during the interim between the 1961 and 1963 Regular Sessions for the purpose of holding hearings to ascertain the feasibility of a joint project by the State Department of Water Resources, the Bureau of Reclamation and the Corps of Engineers for the purpose of utilizing surplus waters now wasting into the Pacific Ocean to recharge the underground water reservoirs of the Central Valley and thereby greatly increasing the beneficial yield from flood control capacities; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the Rules Committees of both houses for proper implementation.

CHAPTER 263

Assembly Concurrent Resolution No. 124—Relative to freshmen and sophomore classes at the State College for Alameda County.

[Filed with Secretary of State June 26, 1961]

WHEREAS, In accordance with the established policy that the existence of a junior college is an essential prerequisite to the development of a full four-year undergraduate program at the State College for Alameda County, the South County Junior College District of Alameda County was created and

starting on September 1, 1961, will maintain as complete a program of instruction as it is possible to develop; and

WHEREAS, The complete two-year program at the junior college and the complete five-year program at the state college are necessary and essential to provide a complete program of higher education to all of the high school graduates of the area; and

WHEREAS, The junior college and state college educational programs will supplement and complement each other in a most desirable way; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Legislature hereby requests the Trustees of the California State Colleges to expand the lower division institution at the State College for Alameda County so that sophomores meeting the new admission standards for transfer students may be admitted to the State College for Alameda County beginning with the 1961 fall term, and so that a small beginning freshman class may be admitted to the state college beginning with the 1962 fall term; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the members of the Trustees of the California State Colleges.

CHAPTER 264

Assembly Concurrent Resolution No. 134—Relative to the operation of trucks on MacArthur Freeway.

[Filed with Secretary of State June 26, 1961.]

WHEREAS, MacArthur Freeway (State Highway Route 5) in Oakland is part of the national system of interstate and defense highways and constitutes a heavily traveled east-west highway; and

WHEREAS, This freeway has been constructed with federal funds to such standards so as to permit all types of vehicular traffic, including truck traffic; and

WHEREAS, A portion of this freeway traverses one of the most desirable residential districts in the East Bay area and the heavy truck traffic on this freeway causes great suffering and hardship to the owners of residential property in this area; and

WHEREAS, It would be highly desirable if some means could be devised, agreeable to the state and federal highway officials, to provide an alternate route for trucks so as to avoid truck traffic through this particular area; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works be requested to conduct a study of the feasibility of providing an alternate route through the City of Oakland for trucks so that truck traffic may be eliminated on the portion

of MacArthur Freeway involved without jeopardizing the availability of any federal funds; and be it further

Resolved, That the department be requested to submit a report to the Legislature, including therein its findings and recommendations, at the commencement of the 1962 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Director of Public Works.

CHAPTER 265

Assembly Concurrent Resolution No. 136—Approving three certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the 31st day of May, 1961.

[Filed with Secretary of State June 26, 1961.]

City of Los Angeles Charter amendments

WHEREAS, Proceedings have been taken and had for the adoption and ratification of three amendments, hereinafter set forth, to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the president pro tempore of the city council and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California }
County of Los Angeles }
The City of Los Angeles }

Certificate

We, Harold A. Henry, President pro tempore of the Council of The City of Los Angeles, and Walter C. Peterson, City Clerk of The City of Los Angeles, do hereby certify and declare as follows:

That said, The City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two million one hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the

26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8 of the Constitution of the State of California, the Council of The City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of The City of Los Angeles certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain general municipal election held on the 31st day of May, 1961, all as required by law, which said proposals were designated as proposed charter amendments 1, 2 and 3, respectively.

That on the 17th day of April, 1961, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of April 17, 1961, in "The Los Angeles Daily Journal", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from April 17, 1961, to and including May 31, 1961; and a notice was advertised and published on and from April 17, 1961, to and including May 31, 1961, in "The Los Angeles Daily Journal", a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election held on May 31, 1961, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of The City of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of the said The City of Los Angeles, which pursuant to law met on June 9, 1961, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That the said amendments to the Charter of The City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

Charter Amendment No. 1

The Charter of The City of Los Angeles is hereby amended by adding Section 184½ thereto, to read as follows:

Disability and death pension payments

Sec. 184½. From and after the first day of the month succeeding the effective date of this Section, pension payments on account of service-connected disability or death granted prior to June 30, 1960, shall be increased as provided in paragraphs (a) and (b) hereof:

(a) In the case of a disability pensioner retired under the provisions of Section 182, the amount payable as of June 30, 1960 calculated, however, on the degree of disability as of the effective date of this Section. shall be increased in the ratio which the consumer price index for the month of June, 1960 bears to the consumer price index for the month in which such pension became effective. The power vested in the Board of Pension Commissioners under the provision of Section 182 to change the amount of pension by reason of the degree of disability, as therein provided, is expressly continued and in the event of any such change subsequent to the effective date of this Section the amount established hereunder shall be increased or decreased in the ratio which the newly determined degree of disability bears to the degree of disability immediately preceding such change.

(b) In the case of a widow. or child or children, entitled to a pension based on service-connected disability or death pursuant to Section 183, the amount payable, calculated as of June 30. 1960, shall be increased in the ratio which the sum of the consumer price indexes for the three-year period ending June 30, 1960, or lesser period where the original pension was calculated on a period of less than three years, bears to the sum of such indexes for the period during which salary was originally taken into account in determining the amount of such pension; provided, however, that in the case of a widow receiving an additional amount on account of a child or children pursuant to Section 183, the increase provided by this Section shall first be calculated upon the amount due her, exclusive of such additional amount and the applicable percentage increase on account of children shall then be applied to her new pension amount.

The consumer price indexes referred to in this Section shall be those published by the Bureau of Labor Statistics for the Los Angeles area (all items and commodity groups 1947-49 = 100 base) and for those months for which a monthly index is not published, monthly indexes shall be established by a straight line interpolation between the published monthly indexes.

This Section shall not apply to any pension payment which fluctuates with the current salaries established for the several ranks and positions in the Fire or Police Department and in the event it is held by any final judgment or decree of a court of competent jurisdiction, subsequent to the effective date of

this Section that any person granted an increase under the provisions of this Section is entitled to a fluctuating pension based upon such salary rates, then, from and after the effective date of such adjudication, this Section shall have no further force or effect as to such person.

The additional liabilities assumed by the System under this Section, shall be funded under the provisions of Section 186.2 (2).

Charter Amendment No. 2

The Charter of The City of Los Angeles is hereby amended by adding Section 510.1 thereto, to read as follows:

Sec. 510.1. Cost of Living Adjustment.

Cost of living adjustments

From and after the first day of the month succeeding the effective date of this section, the monthly retirement allowance payable on account of any person retired on or before June 30, 1960, excluding therefrom any adjustment granted subsequent to the original effective date of such retirement, shall be increased in the ratio that the sum of the monthly consumer price indexes for the five-year period ending June 30, 1960 bears to the sum of such monthly price indexes for the five-year period ending on the last day of the month in which such allowance became effective; provided, that in the case of those retirement allowances effective prior to April 21, 1953 where the application of the foregoing formula produces an increase of less than $10.00 per month over the allowance payable as of June 30, 1960, such allowance shall, nevertheless, be increased by $10.00 per month.

For the purpose of this section the phrase "any person retired on or before June 30, 1960" shall comprehend and include the surviving spouse of a member who retired under one of the options provided by Section 509 and the surviving spouse of a member to whom the survivorship allowance provided by Section 511 A (3) is being paid.

The consumer price indexes, referred to in this section, shall be those published by the Bureau of Labor Statistics for the Los Angeles area (all items and commodity groups, 1947-49 = 100 base), and for those months for which a monthly index is not published, monthly indexes shall be established by a straight line interpolation between the published monthly indexes.

This section shall not be applicable to persons with less than 10 years of city service at the time of their retirement or those being paid an allowance under the vested right provisions of subsection B of Section 508.

A sum sufficient to liquidate the additional liabilities assumed by the System under this section over a period of years to be determined by the Board of Administration, shall be included in the annual budget for the City Employees' Retirement Fund in addition to the items specified in Section 506.

Charter Amendment No. 3

Subsection (h) of Section 139 of the Charter of The City of Los Angeles is amended to read as follows:

Powers of Board of Harbor Commissioners

(h) The powers conferred in this section upon the Board of Harbor Commissioners relating to the making and enforcement of rules and regulations of general application, and to the fixing, regulating and collecting of rates, tolls, and charges to be collected by the city, shall be exercised by order of the board adopted by a majority of its members. Every such order must be approved by the Council by ordinance before the same shall become effective; provided, however, that the board shall have power to suspend, modify or amend temporarily any such rule or regulation, or rate, toll or charge, or to place in effect any temporary rule or regulation, or rate, toll or charge, for periods not exceeding ninety days, and every such ordinance shall so provide. Every such ordinance shall prescribe penalties for the violation of the provisions of such order, and any person, firm or corporation who shall violate the provisions of any such order shall be guilty of a misdemeanor and shall be punishable by imprisonment in the city jail for a period not exceeding six months, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment, as may be prescribed in such ordinance.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof, and each of them. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of The City of Los Angeles to be affixed hereto this 9th day of June, 1961.

(SEAL)

HAROLD A. HENRY
President pro tempore of the Council of The City of Los Angeles

WALTER C. PETERSON
City Clerk of The City of Los Angeles

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That

said amendments to the charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of the said the City of Los Angeles.

CHAPTER 266

Assembly Joint Resolution No. 43—Relative to amendments to the National Bankruptcy Act

[Filed with Secretary of State June 26, 1961.]

WHEREAS, The State of California has enacted laws licensing and regulating companies and persons engaged in the business of selling various types of investments to the public and as a part of such licensing and regulation the state law authorizes the particular licensing and regulating agency to take possession of the affairs and assets of such company or person under a conservatorship whenever it appears that the licensee is operating contrary to law or is in a hazardous financial condition; and

WHEREAS, At the present time there are some 11 trust deed investment companies which are licensees of the State, and in which the public has invested millions of dollars; and

WHEREAS, These companies are in receivership or bankruptcy under the provisions of the National Bankruptcy Act (Title 11, United States Code); and

WHEREAS, The Legislature of the State of California has before it legislation which would grant the agency having licensing jurisdiction over trust deed companies to take possession of a company if it was found to be operating contrary to law or in a hazardous and unsafe financial condition, for the purpose of rehabilitating or liquidating the company in order to safeguard the funds and property of the investing public; and

WHEREAS, In the past, under similar laws granting conservatorship and liquidation authority over licensees engaged in the investment of the public money, the State has been ousted of its conservatorship and jurisdiction by the licensee company petitioning for relief under the various provisions of the National Bankruptcy Act; and

WHEREAS, It is highly desirable and beneficial that state agencies, which are fully informed concerning the operations of the particular business of a licensee and are able to rehabilitate or liquidate the licensee, should not be stopped in the process by the intervention of federal authority under the Bankruptcy Act; and

WHEREAS, The State of California believes that such interruption of the conservatorship or liquidation proceedings not only delays the marshaling of assets but increases the cost and

expenses to the detriment of both creditors and investors and as well deprives the licensing agency of applying its expert knowledge to the affairs of the said licensees; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is respectfully memorialized to enact appropriate amendments to the National Bankruptcy Act to exclude from the provisions of that act any person or company with respect to which the regulatory laws of the State applicable to the business in which the person or company is engaged provides for the conservatorship or liquidation of the licensed business, under the jurisdiction of a state court, and over which the conservatorship authority or liquidation authority is being exercised; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to prepare and transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 267

Assembly Concurrent Resolution No. 78—Relative to faculty participation in academic policy matters for state colleges.

[Filed with Secretary of State June 27, 1961.]

WHEREAS, It is traditional that faculty members in great institutions of higher learning participate in policy formation on academic and professional matters at such institutions through academic senates and councils; and

WHEREAS, The state colleges are to be organized and administered as a separate and independent system of higher education, one of the largest in the nation, under the Board of Trustees for the California State Colleges; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring therein, That the Trustees of the California State Colleges are hereby requested to provide for the establishment at each state college, of an academic senate or council wherein the faculty members shall be freely selected by their colleagues for the purpose of representing them in the formation of policy on academic and professional matters at such state colleges, and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the Trustees of the California State Colleges.

CHAPTER 268

Assembly Concurrent Resolution No. 83—Relative to tolls on the San Mateo-Hayward Bridge and the Dumbarton Bridge.

[Filed with Secretary of State June 27, 1961.]

WHEREAS, All outstanding bonds issued in connection with the San Mateo-Hayward Bridge and the Dumbarton Bridge have recently been retired, and there is therefore no longer any legal obstacle to reduction in the tolls charged for the use of either of said bridges other than as provided by law in connection with the reconstruction of the San Mateo-Hayward Bridge; and

WHEREAS, It is proposed to operate these two bridges as a unit; and

WHEREAS, The toll schedules on these two bridges vary in several respects from those on the San Francisco-Oakland Bay Bridge, and

WHEREAS, Uniformity of tolls would be advantageous from the standpoint of administration and a great convenience to the public, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Toll Bridge Authority and the Department of Public Works be requested to study the feasibility of making the tolls on the San Mateo-Hayward, Dumbarton, and the San Francisco-Oakland Bay bridges uniform or to reduce the tolls on automobiles on the San Mateo-Hayward or Dumbarton bridges to the rates now in effect on the San Francisco-Oakland Bay Bridge, and to determine the dates upon which such changes in toll rates could be made effective without interfering with any construction program authorized by law; and be it further

Resolved, That a report be made to the Legislature within the first 15 days of the 1962 Session; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the Director of Public Works.

CHAPTER 269

Assembly Concurrent Resolution No. 99—Relative to an interim study of the investment of public retirement and pension funds, and creating the Joint Interim Committee on Investment of Public Retirement and Pension Funds

[Filed with Secretary of State June 27, 1961.]

WHEREAS, Both houses of the Legislature have approved Assembly Constitutional Amendment No. 45 which, if approved by the voters, would authorize the Legislature to permit the investment of public pension or retirement funds in the stock of any corporation; and

WHEREAS, The pension and retirement funds affected are a sacred trust deserving the most meticulous care; and

WHEREAS, The magnitude of these funds now exceeds in the aggregate three billion dollars and the investment and management of such amounts require the finest, most experienced and highly trained personnel and the most modern equipment for economical, profitable and secure handling of investments; and

WHEREAS, It is necessary that the Legislature have before it all pertinent data in order to fully consider the problems and opportunities presented by Assembly Constitutional Amendment No. 45 if it is approved by the voters; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Interim Committee on Investment of Public Retirement and Pension Funds is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the investment of public retirement and pension funds with emphasis on the problems, opportunities, needs of personnel, methods, and equipment, and policies which will be required under the constitutional amendment proposed by Assembly Constitutional Amendment No. 45 at this session, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation by not later than the 30th calendar day of the 1963 Regular Session.

2. The committee shall consist of two Members of the Senate appointed by the Committee on Rules thereof, and two Members of the Assembly appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during and after this session and until the filing of its report at the 1963 Regular Session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such

services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To report its findings and recommendations to the Legislature within the time herein specified.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 270

Assembly Concurrent Resolution No. 100—Relative to receipt and allocation of federal funds for education.

[Filed with Secretary of State June 27, 1961.]

WHEREAS, There are now pending before the Congress of the United States measures H.R 4970 and S. 1012 which, if enacted, would authorize a "three-year program of federal grants to states to assist their local education agencies to construct classrooms and pay teachers' salaries"; and

WHEREAS, Under this pending legislation California would be entitled to receive substantial federal funds in the fiscal years 1962, 1963, and 1964; and

WHEREAS, In order to receive the aforesaid amounts, it will be necessary for the state educational agency, as defined in proposed legislation, to submit to the United States Commissioner of Education an application for his approval which must meet criteria set forth in H.R. 4970 and S. 1012; and

WHEREAS, The criteria indicated above are designed to provide assurances by the state educational agency that in the allocation of funds received under the proposed legislation, it will specify at the beginning of each year "the proportion of its allotment for such year that will be expended for (A) public school teachers' salaries and (B) the construction of public school facilities"; and the amounts "to be used for school facilities construction will be allocated within the State so that priority is given to local education agencies which, in the judgment of the state education agency, have the greatest need for additional school facilities, and which are least able to finance the costs of needed school facilities"; and

WHEREAS, The plan submitted must indicate that the amounts "to be used for school teachers' salaries will be allocated so that preference is given to local education agencies

which, in the judgment of the state education agency, have the greatest need for additional teachers or increases in their teachers' salaries and which are least able to finance such costs"; and

WHEREAS, It is the further intent of the Congress, as set forth in the proposed legislation, that "the inequalities of educational opportunities within and between states will be substantially reduced"; and

WHEREAS, The aforesaid legislation may be enacted following the adjournment of the 1961 Regular Session of the California Legislature and the need for prompt submittal of the application prior to the 1962 Budget Session will exist; and

WHEREAS, It is desirable that the Legislature express its intent to the State Board of Education and the State Superintendent of Public Instruction concerning the distribution of any additional federal funds which may be forthcoming to the State of California under the terms of H.R. 4970, S. 1012, or similar legislation, if enacted, to guide these state agencies in the preparation and submission of the State's application to the United States Commissioner; now, therefore, be it

Resolved, That in any allocation of such funds for teachers' salaries, any or all school districts in the State may be given consideration where need is shown, with preference given "to the local education agencies which, in the judgment" of the State Board of Education "have the greatest need for additional teachers or increases in their teachers' salaries, and which are least able to finance such costs"; and be it further

Resolved, That as used in this resolution "teachers' salaries" means "salaries of classroom teachers" as defined in Education Code Section 17200, and "construction of school facilities" means the acquisition or additions to sites, improvement of sites, construction or purchase of new buildings, additions to and replacement of buildings, and acquisition of new equipment for facilities; and be it further

Resolved, That in determining "the greatest need", as used in the proposed federal legislation, full consideration shall be given to the total effort of the local education agency in light of the total financial resources otherwise available to it to meet such need; and be it further

Resolved, That any portion of such federal funds which are authorized by the federal law to be used in any manner similar to that described in Section 109 of S. 1021 (as of May 25, 1961) may be allocated by the State Board of Education for such purposes, but, in any event, such allocation shall be in addition to any funds otherwise available for such purposes; and be it further

Resolved, That, insofar as practicable and where not inconsistent with the other considerations set forth above, allocations to local education agencies shall be made with a view to assisting the reduction of class size in those agencies maintaining classes (exclusive of kindergarten and special classes) of

an average size in excess of 30 pupils in elementary grades and 28 pupils in secondary grades; and be it further

Resolved, That the Chief Clerk of the Assembly shall forward copies of this resolution to the President of the State Board of Education and the State Superintendent of Public Instruction.

CHAPTER 271

Assembly Concurrent Resolution No. 106—Relative to the shortage of professors.

[Filed with Secretary of State June 27, 1961.]

WHEREAS, Increased state college and state university enrollments during the 1960's will place a demand for qualified professors with doctorate degrees which cannot possibly be met by the numbers of persons holding Ph.D. degrees currently expected to be available to state colleges and universities during the 1960's; and

WHEREAS, Business institutions, other professions, and industry are obtaining the services of these qualified people because of the attraction of greater benefits and higher salaries; and

WHEREAS, The following are but a few examples to substantiate this situation:

1. That at the turn of the century, 80 percent of all persons holding Ph.D. degrees went into academic life; today only 60 percent go into academic life.

2. That between 253,000 and 387,000 new professors will be needed during 1961-70. We can expect that 51,000 to 61,000 of the persons who will have Ph.D. degrees conferred upon them during the decade 1961-70 will go into academic life.

3. That it takes a substantial time after the receipt of the B.A. degree for an individual to acquire a Ph.D.; and that those starting their training now will not be available until near the end of the decade.

4. That the State Personnel Board has recognized the recruiting advantages of other colleges in the nature of their offering "greater opportunity for research, broader programs of employee benefits, including health and welfare plans paid in part or full by the college, and more liberal provisions for sabbatical leave."

5. That in 1939 a full professor's salary was among the top 2 percent of wages and salaries in the United States; and that while in the last 20 years, the real wage of college professors has increased only 7.2 percent, the weekly real wage of production workers in manufacturing industry increased 77 percent, of physicians 84 percent and dentists 43 percent.

6. That private colleges and universities in this State have initiated aggressive crash programs to raise their competitive level in salary and benefits for matching nonacademic employees; with Stanford University, for example, setting a

three-year period in which it will seek 75 percent increase in faculty salaries; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in order for California's state colleges and universities to be able to compete for the talent necessary to provide the highest quality of education the California Legislature recommends that the Trustees of the California State Colleges, the Coordinating Council for Higher Education and the Regents of the University of California co-operate and work with the State Department of Finance in making a study to find ways and means of making substantial increases in the salaries, working conditions and fringe benefits of the professors in California's state colleges and university, during the next six to eight years if their study substantiates the need for such increases; and be it further

Resolved, That the Coordinating Council for Higher Education is requested to compile the results of such studies and to report its findings thereon to the Legislature by the fifth calendar day of the 1963 Regular Session.

CHAPTER 272

Assembly Concurrent Resolution No. 133—Relative to a study of the need and feasibility of establishing a state college in San Mateo County.

[Filed with Secretary of State June 27, 1961.]

WHEREAS, The tremendous population growth which has occurred in California in recent years and which will continue for decades to come, confronts the structure of public higher education in this State with projected future enrollments at educational institutions of collegiate grade of such magnitude as to make imperative the immediate development of plans for expansion of state college facilities and campuses; and

WHEREAS, The population growth of San Mateo County and vicinity has occurred and will concededly continue at a rate substantially higher than that prevailing throughout the State as a whole; and

WHEREAS, The number of students of collegiate grade from San Mateo County and vicinity is already substantial and will, within a few years, be more than sufficient to justify accommodation by a separate state college campus located in that area, the establishment of which is essential if the undue impact of those students upon neighboring institutions of higher learning is to be lessened and the difficulties otherwise imposed upon the students and the public in general in requiring that the students travel over considerable distances to attend such other institutions are to be avoided; and

WHEREAS, The report of the Subcommittee on Higher Education Beyond the Twelfth Grade, of the 1957-1959 Assembly Interim Committee on Education, published in March, 1959,

has recommended that consideration of the establishment of a separate state college in San Mateo County be given top priority in any plans for expansion of state college facilities and campuses; and

WHEREAS, Assembly Bill No. 504 of the 1961 Regular Session would establish in the area consisting of San Mateo County the San Mateo State College; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Trustees of the California State Colleges and the Coordinating Council for Higher Education are directed to undertake immediately a joint study of the subject matter of Assembly Bill No. 504 of the 1961 Regular Session and the need and feasibility for the establishment of a state college in San Mateo County, and to report thereon to Legislature on or before the fifth calendar day of the 1963 Regular Session, including in the report their findings and recommendations; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Trustees of the State College System and the Coordinating Council for Higher Education.

CHAPTER 273

Assembly Concurrent Resolution No. 135—Relative to augmenting the funds of the Joint Committee on Legislative Organization.

[Filed with Secretary of State June 27, 1961.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any other money made available, the sum of fifty thousand dollars ($50,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and the Senate, in equal shares, for the expenses of the Joint Committee on Legislative Organization (created by Joint Rule 40 of the 1961 Regular Session) and its members and for any charges, expenses, or claims it may incur, to be paid equally from the said contingent funds and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 274

Assembly Concurrent Resolution No. 137—Relative to printing maps of assembly, senate and congressional districts.

[Filed with Secretary of State June 27, 1961.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That there shall be drafted and

printed, as public documents, five thousand (5,000) copies, each, of maps showing the boundaries of assembly districts, senate districts, and congressional districts, as formed by the Legislature at its 1961 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly and the Secretary of the Senate are hereby instructed to make available 25 copies of each of the maps to each member of the Assembly and the Senate; to distribute copies of each of the maps to each constitutional officer, department head, and state agency that may have occasion to use such maps, such distribution not to exceed a total of 200 copies of each such map; and to hold the remainder for sale by the Division of Printing; and be it further

Resolved, That the cost of such printing shall be payable from the legislative printing appropriation.

CHAPTER 275

Assembly Joint Resolution No. 45—Relative to establishment of a federal water pollution control research facility in California.

[Filed with Secretary of State June 27, 1961]

WHEREAS, The Congress of the United States is considering legislation for the establishment of several regional laboratories and research facilities for the conduct of technical investigations, experiments, field studies and training relative to the prevention and control of water pollution; and

WHEREAS, One of said research facilities is to be located in the southwestern area, and insofar as practicable, said facilities are to be located near institutions of higher learning in which graduate training in such research might be carried out; and

WHEREAS, Regional research facilities are urgently needed to supplement the activities of the Robert A. Taft Sanitary Engineering Center, Cincinnati, Ohio, in providing technical assistance to the states and local agencies on the mounting problems of water pollution control and water resources management; and

WHEREAS, It is both logical and desirable that a regional research facility be established in California, not only because of the magnitude of water pollution and water quality problems in this State but also for the reason that California agencies have been conducting a substantial portion of water pollution control research at the state level; and

WHEREAS, California is one of the areas of the United States in which the problems of water quality management are both critical and of great magnitude as evidenced by the fact that the State's present population of over 15 million is expected to almost double in the next 20 years and, to make possible

this growth, the people of the State last year voted a $1,750,000,000 water bond proposition initiating the greatest water development project ever conceived in any state of the union; and

WHEREAS, California is ideally located for studying the ground water quality problems that are unique to the southwest, since one-third of the nation's ground water supplies are developed here and since California has been the forerunner in conserving and augmenting water resources by recharging ground water basins; and

WHEREAS, Ground water problems associated with sea water intrusion also can be studied in California for the reason that 13 ground water basins along the State's coastline already have been damaged by the encroachment of saline waters and other basins are now being threatened; and

WHEREAS, California has the added geographical advantage of being situated where studies of marine waste disposal problems can be undertaken since two-thirds of the State's sewage and industrial wastes are discharged into ocean waters; and

WHEREAS, The State has, in the University of California, an institution of higher learning that provides graduate education in the fields of research to be carried out in the proposed regional research facilities; and

WHEREAS, The extent of said university's educational and research activities in the field of water pollution control is documented by the following facts;

(1) It has the oldest sanitary engineering program on the West Coast, with the largest full-time academic staff in the United States, the greatest number of resident graduate students, and the largest number of sanitary engineers working for doctorates;

(2) It has the nation's most extensive academic research program in the field of water pollution control, operating research laboratories with a paid staff of 115 and undertaking over $750,000 annually on research studies, including, but not limited to, waste water reclamation, marine waste disposal, ground water pollution problems, and waste treatment processes;

(3) It has a School of Public Health with internationally recognized competence in the field of radiological health sciences—a field of increasing significance in water pollution control programs; and

WHEREAS, A research facility located near the University of California would be able not only to draw upon a large reservoir of academic personnel and graduate students but would also benefit from the extensive research being conducted by the university in the fields of water pollution control and water resources management; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of

the United States to enact legislation establishing regional water pollution control research facilities and to locate one of these facilities near the University of California; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Health, Education, and Welfare.

CHAPTER 276

Assembly Joint Resolution No. 46—Relative to urging the federal government to continue to permit employment service administrative funds to be expended for classified advertising in the operations of the placement service of the California Department of Employment.

[Filed with Secretary of State June 27, 1961.]

WHEREAS, For more than eight years the California Department of Employment has utilized paid classified advertising as an integral part of placement operations conducted under the uniform national system of public employment offices established under federal law; and

WHEREAS, The effectiveness of such activity and the resultant benefit to individuals, industry and the community as a whole far outweighs costs involved, particularly when considered in connection with the additional free public-service advertising it has tended to cause publishers to make available to the department; and

WHEREAS, This method of communicating job opportunities has always been utilized in California only to a modest extent involving a comparatively minor portion of the administrative expenditures connected with placement operations, and has been strictly limited always to advertising to obtain applicants in shortage occupations, and not to advertise jobs for which applicants are available from the active application file; and

WHEREAS, The filling of a few such key jobs through classified advertising has frequently resulted in affecting the subsequent placement of substantial numbers of active file applicants in related positions; and

WHEREAS, Though the administrative expense funds for the State's placement operations are provided by the federal government, they are in fact collected from California employers under the Federal Unemployment Tax Act; and

WHEREAS, Statements contained in House Report No. 392 accompanying proposed legislation embodied in H.R. 7035, the appropriation bill for the Department of Labor, Health, Edu-

cation and Welfare, and related agencies indicates that it is contemplated that measures be undertaken to impose restrictions which would prohibit expenditures of administrative funds for such classified advertising; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is urged to permit continuation of the utilization of classified advertising as an integral part of state placement operations in the national system of employment offices; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, and to each Member of the Congress of the United States representing the State of California.