STATUTES OF CALIFORNIA

REGULAR SESSION

1964

Began Monday, February 3, 1964, and Adjourned
Thursday, March 26, 1964

1—L-670

STATUTES OF CALIFORNIA

PASSED AT THE 1964 REGULAR SESSION OF THE LEGISLATURE

CHAPTER 1

An act to amend Section 9407 of the Commercial Code, relating to filing summaries.

[Approved by Governor April 7, 1964. Filed with Secretary of State April 8, 1964.]

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

SECTION 1. Section 9407 of the Commercial Code is amended to read:

9407. (1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be one dollar ($1) plus one dollar ($1) for each financing statement and for each statement of assignment reported therein. Upon request the filing officer shall furnish a copy of any filed financing statement or statement of assignment for a uniform fee of one dollar ($1) for the first page and fifty cents ($0.50) for each page thereafter

(3) Fees to be charged by the Secretary of State for daily or less frequent summaries or compilations of filings, which he may furnish, shall be sufficient to pay at least the actual cost of such service. Fees shall be determined by the Secretary of State with the approval of the Department of Finance. Such summaries or compilations may be in the form of microfilm copies or such other form as may be provided for the required information.

SEC. 2. This act shall become operative on January 1, 1965.

CONCURRENT AND JOINT RESOLUTIONS

REGULAR SESSION

1964

CONCURRENT AND JOINT RESOLUTIONS

ADOPTED AT THE 1964 REGULAR SESSION OF THE LEGISLATURE

CHAPTER 1

Assembly Concurrent Resolution No 1—Relative to the Joint Legislative Retirement Committee.

[Filed with Secretary of State February 7, 1964.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the sum of thirty thousand dollars ($30,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Assembly and the Contingent Fund of the Senate for the expenses of the Joint Legislative Retirement Committee created pursuant to Section 10601 of the Government 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 2

Assembly Concurrent Resolution No. 9—Approving the Charter of the City of Seal Beach, a municipal corporation in the County of Orange, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the seventh day of January, 1964.

[Filed with Secretary of State February 10, 1964.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the Charter of the City of Seal Beach, a municipal corporation in the County of Orange, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows.

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF SEAL BEACH IN FRAMING A CHARTER FOR ITS OWN GOVERNMENT

State of California }
County of Orange } ss.
City of Seal Beach }

We, the undersigned, Dean H. Gemmill, Mayor of the City of Seal Beach, County of Orange, State of California, and F. W. Hickman, City Clerk of said City and ex-officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That the undersigned, said F. W. Hickman, was at all times herein mentioned, the Clerk of the Legislative body of the City and City Clerk of said City of Seal Beach; that heretofore and prior to the 18th day of November, 1963, the said City Council of the City of Seal Beach did cause to be framed a proposed charter for its own government, and on the 18th day of November, 1963, at a regular meeting of said City Council of said City, said City Council by Resolution No. 1269 ordered said City Clerk to place the proposition of the adoption of said proposed charter on the ballot at a special municipal election ordered in the City of Seal Beach for the 7th day of January, 1964, for the purpose of submitting said proposition to the electors of said City of Seal Beach; that said proposed charter of the City of Seal Beach, consisting of pages 1 to 56, was filed in the office of the City Clerk in the City Hall at Seal Beach, on the 18th day of November, 1963, and said resolution further ordered that the adoption of the charter should be submitted to the electors at said special municipal election held on the 7th day of January, 1964, and directed that said City Clerk publish said proposed charter in the "Marina News", a newspaper of general circulation published in the City of Seal Beach; that notice was given by the said City Clerk to inform the electors that copies of the Charter could be secured at the City Hall;

That said proposed charter was published pursuant to said order in said newspaper and in each edition thereof during the publication on the 25th day of November, 1963, said newspaper being of general circulation in said City of Seal Beach; that the date set for the submission to the electors of said proposed charter, to wit: January 7, 1964, was not less than forty (40) days nor more than sixty (60) days after the completion of the advertising in said official paper, as aforesaid;

That the population of said City of Seal Beach is more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding

census taken under the authority of the Congress of the United States;

That said election was duly and regularly called and held on the 7th day of January, 1964;

That at said election a majority of the qualified voters voting hereon voted in favor of said proposed charter and for the ratification and adoption thereof;

That said City Council of the City of Seal Beach at a meeting held on the 14th day of January, 1964, at the time and in the manner provided by law and in accordance with the law in such cases made and provided, duly canvassed the returns of said election and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of said proposed charter and for the ratification and adoption thereof, and that the same was adopted and ratified by more than the majority of the qualified voters of the City of Seal Beach voting thereon, as follows, to wit:

Votes in favor of the adoption and ratification of said proposed charter 2,942

Votes against the adoption and ratification of said proposed charter ..... 857.

That said election was held in accordance with the laws of the State of California where applicable;

That in all matters and in all things pertaining to said Charter, all of the provisions of Section 8, Article XI of the Constitution of the State of California and the laws of said State, have been fully complied with in each and every particular.

That said Charter so prepared, proposed, submitted, ratified and adopted is in the words and figures following, to wit:

THE CHARTER OF THE CITY OF SEAL BEACH

We, the people of the City of Seal Beach, State of California, do ordain and establish this Charter as the organic law of the City under the Constitution of the State.

Article I
Incorporation and Succession

Section 100. Name of the City. The municipal corporation now existing and known as the City of Seal Beach shall remain and continue a body politic and corporate in name and in fact, by the name of the City of Seal Beach.

Section 101. Boundaries. The boundaries of the City of Seal Beach shall continue as now established until changed in the manner authorized by law.

Section 102. Rights and Liabilities. The City of Seal Beach 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.

Section 103. Ordinances. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Section 104. Continuance of Contracts and Public Improvements. All contracts entered into by the City, or for its benefit prior to the effective date of this Charter, shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the City Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws or may be continued or perfected under this Charter.

Section 105. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by any thing herein contained, but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency a party thereto, may be assigned or transferred by or under this Charter to another officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 106. Continuance of Present Officers and Employees. The members of the City Council in office at the time of the approval of this Charter by the Legislature shall continue to hold office and discharge their duties for the balance of the term for which they were elected, or until their successors are elected and qualified. All appointive officials, officers and employees of the City now in office or employed at the time of the approval of this Charter by the Legislature, shall continue to hold their office or employment until they are reappointed or their successors are appointed in their place in accordance with the provisions of this Charter.

Section 107. Emergency Powers. Notwithstanding any general or special provision of this Charter, the Council, in order to insure continuity of governmental operations in periods of emergency resulting from disasters of whatever nature, shall have the power and immediate duty:

(a) To provide for prompt and temporary succession to the powers and duties of all City officers, of whatever nature and

whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and

(b) To adopt such other measures as may be necessary and proper for insuring the continuity of City operations, including, but not limited to the financing thereof. "In the exercise of the powers herein conferred, the city council, in all respects, shall conform to the requirements of this Charter except that at such times they may make purchases and enter into contracts without calling for bids or giving notice therefor, to the extent the emergency requires such action."

Section 108. Effective Date of Charter. This Charter shall take effect upon its approval by the Legislature.

Article II
Powers of the City

Section 200. General Powers The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California.

The enumeration in this Charter of any particular power shall not be held to be exclusive of or any limitation upon, this general grant of power.

Section 201. Procedures. The City shall have the power and may act pursuant to any procedure established by this Charter, or by ordinance.

Article III
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

Section 400. Elective Officers. The elective officers of the City shall consist of a City Clerk elected from the City at large, a City Treasurer elected from the City at large, and five members of the City Council, one elected from each of the five Councilmanic districts as prescribed in Article V. The term of each elective officer shall commence at midnight on the 30th day of June next succeeding his election and end at midnight on the 30th day of June of the fourth year thereafter.

Section 401. Eligibility. Except as provided in Section 514, no person shall be eligible to hold office as a member of the City Council unless he is, and shall have been for at least one year immediately preceding his nomination or appointment, a qualified elector of the district from which he is nominated or appointed. No person shall be eligible to hold office as City Clerk or City Treasurer unless he is, and shall have been, for at least one year immediately preceding his nomination or appointment, a qualified elector of the City.

Section 402. Compensation. The members of the City Council shall receive no compensation for their services as such, but shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty outside the City. In addition, each member shall receive the sum of One Hundred Twenty-Five Dollars per month, which amount shall be deemed to be reimbursement of out-of-pocket expenditures and costs imposed upon him within the City in serving as a City Councilman.

Section 403. Vacancies. A vacancy in any elective office from whatever cause arising, shall be filled by appointment by the City Council of a qualified person from the city or from the district in which the vacancy has occurred, as the case may be, such appointee to hold office until the next municipal election and until his successor qualifies. At the next general municipal election following the occurance of any vacancy, an officer shall be elected to serve for the remainder of the unexpired term. In the event the vacancy occurs in the office of councilman, the successor shall be elected from the appropriate district. In the event any vacancy in any elective office occurs when more than two years remain of the unexpired term and before the first day to file nominating papers for a primary nominating election, the office shall be filled for the remainder of the unexpired term at the next primary nominating election and general municipal election and, upon the completion of the canvass declaring a candidate elected to fill a vacancy at either of such elections, the successful candidate shall immediately succeed the person appointed to the vacancy. In the event any vacancy in any elective office occurs when more than two years remain in the unexpired term but on or after the first day to file nominating papers for a primary nominating election but more than 75 days prior to the general municipal election, candidates may be nominated at the general municipal election and the candidate receiving the highest vote shall be declared elected. In the event the vacancy occurs less than 76 days prior to the general municipal election, the person appointed to such vacancy shall hold office until the end of the term.

If a member of the City Council absents himself from all regular meetings of the City Council for a period of three months from and after the last regular City Council meeting attended by such member, unless with permission of the City Council expressed in its official minutes, or is convicted of a felony, or ceases to be a qualified elector of his district, his

office shall become vacant and shall be so declared by the City Council.

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have been so declared vacant, it shall forthwith cause an election to be held to fill such vacancy unless a general municipal election will be held within 6 months of the occurrence of the vacancy.

Section 404. City Council, Presiding Officer, Mayor.

(a) At the first regular meeting of the City Council in July of each even numbered year, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. The Mayor shall also act in a liaison capacity between the City Council and the City Manager, and in such capacity shall advise the City Manager on matter of Council policy. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

(b) Mayor Pro Tempore. At the same time as a Mayor is selected, 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.

Section 405. Powers Vested in the City Council. All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

Section 406. Interference in Administrative Service. Neither the City Council nor any of its members shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the department heads in the administrative service of the City, of any person to an office of employment or his removal therefrom. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the City Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

Section 407. Regular Meetings. The City Council shall hold regular meetings at least once each month at such times as it shall fix by ordinance or resolution and may adjourn or re-adjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings. If

at any itme any regular meetings falls on a holiday, such regular meeting shall be held on the next business day.

Section 408. Special Meetings. Special meetings may be called at any time by the Mayor, or by three members of the City Council, by written notice delivered personally or by mail to each member of the Council at least three hours before the time specified for the proposed meeting. A special meeting may also be validly held without the giving of such written notice if all members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the office of the City Clerk at the time of such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be acted upon as are referred to in such written notice or consent.

Section 409. Place of Meeting. All meetings shall be held in such place as the City Council shall fix by ordinance or resolution, or in such place to which any such meeting may be adjourned and shall be open to the public. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the place designated, the meetings will be held for the duration of the emergency at such place as is designated by the Mayor, or, if he should fail to act, by three members of the City Council.

Section 410 Quorum. Proceedings. A majority of the members of the City Council shall constitute a quorum to do business but a less number may adjourn from time to time, in the absence of all of the members of the City Council from any regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of a meeting adjourned by less than a quorum or by the clerk shall be given by the clerk or may be waived by consent in the same manner as specified in this Charter for the giving or waiving of notice of special meetings of the City Council, but need not specify the matters to be acted upon. The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or prosecute any members or other person for disorderly conduct at any of its meetings.

Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceedings pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it Subpoenas shall be issued in the name of the City and attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (except as to privileged matters), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

At the demand of any member or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call the roll and shall cause the ayes and noes

taken on such question to be entered upon the minutes of the meeting.

Section 411. Citizen Participation. No citizen shall be denied the right, personally or through counsel, to present grievances at any regular meeting of the Council, or offer suggestions for the betterment of municipal affairs subject always to the rules of the City Council governing the conduct of council meetings.

Section 412. Adoption of Ordinances and Resolutions. With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become part of the proeceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution, it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the councilmen present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Unless a different vote is required by other provisions of this Charter, the affirmative votes of at least three members of the City Council shall be required for the enactment of any ordinance, or for the making or approving of any order for the payment of money. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting.

Section 413. Ordinances. Enactment. In addition to such other acts of the City Council as are required by this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

The enacting clause of all ordinances shall be substantially as follows: "The City Council of the City of Seal Beach does ordain as follows:"

Section 414. Ordinances. Publication. The City Clerk shall cause each ordinance to be published at least once in the official newspaper, within fifteen days after its adoption.

Section 415. Codification of Ordinances. Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Such code may be subsequently revised, recompiled, recodified and indexed, including such restatement and substantive change as is necessary in the interest of clarity, in the same manner as prescribed in this Section for the original adoption by reference of an ordinance code. Amendments to the code shall be enacted in the same manner as ordinances.

Detailed regulations pertaining to the construction of buildings, plumbing and wiring, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this Section. Maps, charts and diagrams also may be adopted by reference in the same manner.

Section 416. Ordinances When Effective. No ordinance shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

(a) An ordinance calling or otherwise relating to an election.

(b) An improvement preceding 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.

Section 417. Ordinances. Violation. Penalty. A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action. The maximum fine and imprisonment or other penalty for the violation of any city ordinance shall be the same as is provided in the laws of the State of California for the violation of an ordinance of a general law city as the laws of the State now provide or as they may hereafter be amended.

Section 418. Publishing of Legal Notices. In the event that there is more than one newspaper of general circulation published and circulated in the City, the City Council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation in said City, during the ensu-

ing fiscal year. In the event there is only one newspaper of general circulation published and circulated in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices or matter without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

In the event there is no newspaper of general circulation published and circulated in the City, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City.

No defect or irregularity in proceedings taken under this Section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter or law or ordinance.

Section 419. Contracts, Restriction. The City Council shall not have the power to make or authorize any contract or lease or extension thereof for a longer period than sixty-six years unless said contract, lease or extension be approved by a majority of the qualified electors of the City voting on such question at any election. This Section shall not apply to any franchise granted pursuant to the provisions of this Charter, or to any contract for the furnishing, or acquisition of the products, commodity or services of any public utility.

Section 420. Contracts, Execution. The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing, approved by the City Council and signed on behalf of the City by the Mayor and City Clerk or by such other officer or officers as shall be designated by the City Council. Any of said officers shall sign a contract on behalf of the City when directed to do so by the City Council.

By ordinance or resolution the City Council may authorize the City Manager to bind the City, with or without a written contract, for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the City Council, and may impose a monetary limit upon such authority.

The City Council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed in the City Service or not fit for the purpose for which intended and for the conveyance of title thereto.

Contracts for the sale of the products, commodities or services of any public utility owned, controlled or operated by the City may be made by the manager of such utility or by the head of the department or City Manager upon forms approved by the City Manager and at rates fixed by the City Council.

The provisions of this Section shall not apply to the services rendered by any person in the employ of the City at a regular salary.

Section 421. Compensation of City Clerk and City Treasurer. The City Clerk and City Treasurer shall each receive at stated times a compensation for their services in their respective capacities, to be fixed by ordinance adopted by the City Council, which compensation for such services shall not be increased or diminished as to any such officer after his election or appointment and during his term of office nor within 30 days prior to the first day to file nomination papers for the primary nominating election for election to such office.

Article V
Elections

Section 500. Municipal Elections. Municipal elections held in the City of Seal Beach shall be classified as three kinds, to wit:

1. Primary nominating elections.
2. General municipal elections.
3. Special municipal elections.

Section 501. Primary Nominating Elections. Primary nominating elections shall be held in the City on the fourth Tuesday in April in each even-numbered year commencing with the year 1964.

Section 502. General Municipal Elections. General municipal elections for the election of officers shall be held in the City on the first Tuesday in June in each even-numbered year commencing with the year 1964. The City Council may order any special municipal election consolidated with the general municipal election. The City Council shall order any special election consolidated with the general municipal election by following the procedure prescribed by law for the consolidation of special elections with municipal elections held in a general law city.

Section 503. First Elections. The first primary nominating election which shall be for members of the City Council for Districts 2 and 4, the City Clerk, and the City Treasurer shall be held in the City of Seal Beach on the fourth Tuesday in April, 1964, and the first general municipal election for such districts and offices shall be held in the City of Seal Beach on the first Tuesday of June 1964, on thereafter such primary and general elections for such districts and offices shall be held every four years.

The second primary nominating election which shall be for members of the City Council for Districts 1, 3 and 5 shall be held in the City of Seal Beach on the fourth Tuesday in April, 1966, and the second general municipal election for such Districts 1, 3 and 5 shall be held in the City of Seal Beach on the first Tuesday in June, 1966, and thereafter such primary and

general elections for such districts shall be held every four years.

Section 504. Special Municipal Elections. All other municipal elections that may be held in the City of Seal Beach by the authority of the Constitution of the State of California, this charter, or general law, or by ordinance of the City shall be known as special municipal elections

Section 505. Consolidation of Elections. The City Council shall have the power to submit to the electors of the City of Seal Beach, at any election, any measure or proposition required to be submitted by the constitution, this charter, general or by ordinance of the City; Provided, that in case such measure or proposition is required by said constitution, charter, general law, or ordinance to be submitted at a special or other particular kind of election, or within any specified time, it shall be so submitted, and not otherwise. The City Council may cause to be mailed to all registered electors of the City, at any election at which all the qualified electors of the City are entitled to vote, arguments, in printed pamphlet form, relating to each measure or proposition to be voted upon at any such election; the procedure for the preparation and form of such arguments shall be as provided by the City Council by ordinance.

Section 506. Holding Elections. The City Council shall, by Ordinance, order the holding of all elections. Such ordinance shall conform in all respects to the general law of the State of California governing the conduct of municipal elections, now or hereafter in force, except as in this charter or by ordinance otherwise provided. All ordinances ordering the holding of elections shall be published at least three times in the official newspaper of the City of Seal Beach ten days prior to the date of the election.

Section 507. Law Governing Elections. Except as otherwise provided or, required by this Charter or Ordinance the provisions of the general law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections of the City of Seal Beach; Provided, that the City Council shall meet as a canvassing board and duly canvass the election returns at the hour set for holding regular meetings on the seventh day following any municipal election.

Section 508. Voting at Primary Election. Candidates for elective offices, except for the offices of members of the City Council, to be voted for at any general municipal election, shall be nominated by the city at large at the primary nominating election and candidates for the offices of member of the City Council to be voted for at any general municipal election, shall be nominated by the respective district to be represented, at a primary nominating election.

Section 509. Voting at General Election. In the event that any candidate for nomination to an elective office, shall receive a majority of the votes cast for all the candidates for nomination to such office at any primary nominating election, the candidate so receiving such majority of votes shall be deemed to be and declared by the City Council to be elected to such office. Except as in this section provided the result of such primary nominating election shall be as provided in Section 513 of this charter.

Section 510. General Municipal Election. Unless a candidate is elected at the primary nominating elections provided in Section 509, the two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballots to be used at the general municipal election.

Section 511. City Clerk—Duties. The City Clerk shall cause the ballots to be printed, bound and numbered as provided by the general law, except as otherwise required in this charter or ordinance.

Section 512. Informality. No informalities in conducting any municipal election shall invalidate the election, if such election has been fairly conducted and in substantial conformity to the requirements of this charter, and the election laws of the State of California.

Section 513. Majority Elects. The candidate who shall receive the highest number of votes in the general municipal election for his respective office shall be declared elected to such office. The entire electorate of the City of Seal Beach shall be entitled to vote at the General Municipal Election for one candidate for the office of City Clerk and City Treasurer and for one candidate for the office of the City Councilman from the district in which the elector resides, and only one member of the City Council shall be elected from each district.

Section 514. Initiative, Referendum and Recall. There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of municipal officers of general law cities shall apply to the use thereof in the City so far as such provisions of the Election Code are not in conflict with the provisions of this Charter.

Section 515. Councilmanic Districts. The five members of the City Council shall be elected by districts as follows:

1. A councilman from District No. 1, which in the first instance is hereby established as all that portion of the City of Seal Beach included within the following described exterior boundary line:

Beginning at the intersection of the boundary line common to Los Angeles County and Orange County with the center line

of Marina Drive, formerly known as Bolsa Avenue; thence Southeasterly and Northeasterly along said center line of Marina Drive, to the point of intersection of said center line of Marina Drive with the center line of the Pacific Electric Railway Right-of-Way; thence Southeasterly along said center line of the Pacific Electric Railway Right-of-Way, to the point of intersection with the center line of 10th Street; thence Northeasterly along said center line of 10th Street to the point of intersection with the centerline of California State Highway U.S. Alternate No. 101; thence Southeasterly along said center line of California State Highway U.S. Alternate No. 101 to the point of intersection of said center line of California State Highway U.S. Alternate No. 101 with the center line of 12th Street; thence Southwesterly along said center line of 12th Street to the point of intersection with the center line of the Pacific Electric Railway Right-of-Way; thence Southeasterly along said center line of the Pacific Electric Railway Right-of-Way and its Southeasterly prolongation to the point of intersection of said Pacific Electric Railway Right-of-Way with the center line of Bay Boulevard; thence Northeasterly along said center line of Bay Boulevard to the point of intersection of said center line of Bay Boulevard with the center line of California State Highway U.S. Alternate No. 101; thence Southeasterly along said center line of California State Highway U.S. Alternate No. 101 to the point of intersection of said center line of California State Highway U.S. Alternate No. 101 with the City boundary line of the City of Seal Beach (said boundary line of the City of Seal Beach established by Deeds recorded in book 617, pages 336, 337, 338 and 339, Records of Orange County, California), thence Southerly along said boundary line of the City of Seal Beach to an angle point in said boundary line of the City of Seal Beach; thence Easterly along said boundary line of the City of Seal Beach, as described in City Ordinance No. 579 of the City of Seal Beach; thence Easterly along said boundary line of the City of Seal Beach, said line also being a line 250.00 feet Northerly and parallel with the Northerly boundary line of location No. 141 State Tide Lands, described in Patent issued April 4, 1901; thence continuing Southerly along said boundary line of the City of Seal Beach, and along said parallel line to an angle point in said boundary line of the City of Seal Beach; thence Southeasterly along said parallel line also being said boundary line of the City of Seal Beach to an angle point; thence continuing Southeasterly along said parallel line, also being said boundary line of the City of Seal Beach to an angle point; thence continuing Southeasterly along said parallel line, also being said boundary line of the City of Seal Beach, to an angle point; thence continuing Northeasterly along said parallel line, also being said boundary line of the City of Seal Beach to an angle point in said boundary line of the City of Seal Beach; thence departing from said parallel line Southeasterly along said boundary line of the City of Seal Beach, to

a point on the Rancho line common to Rancho Los Alamitos and Rancho La Bolsa Chica; thence Northeasterly along said common line also being said boundary line of the City of Seal Beach to a point on the Westerly Right-of-Way line of Bolsa Chica Road, thence Southerly continuing along said boundary line of the City of Seal Beach, and along said Westerly Right-of-Way line of Bolsa Chica Road, to a point on the Northerly Right-of-Way line of Edinger Avenue, formerly known as Smeltzer Avenue; thence Westerly along said boundary line of the City of Seal Beach, and along said Northerly Right-of-Way line of Edinger Avenue to a point on the Southwesterly prolongation of last mentioned Rancho line common to Rancho Los Alamitos and Rancho La Bolsa Chica; thence Southwesterly continuing along said boundary line of the City of Seal Beach, as described in Ordinance No. 579 of the City of Seal Beach, to an angle point in said boundary line of the City of Seal Beach; thence continuing along said boundary line of the City of Seal Beach, and along last mentioned Northerly boundary of location No. 141 State Tide Lands described in Patent issued April 4, 1901, the following courses: Northwesterly to an angle point; thence Northwesterly to an angle point; thence Northwesterly to an angle point; thence Northwesterly to an angle point; thence Westerly to an angle point; thence Southeasterly to an angle point; thence Northwesterly to an angle point; thence Southerly to an angle point; thence along the existing boundary line of the City of Seal Beach, 3 miles to an angle point; thence Northwesterly along said existing boundary line of the City of Seal Beach, said boundary line being parallel with and 3 miles Southwesterly from the Mean High Tide Line of the Pacific Ocean, to the point of intersection with the prolongation of the boundary line common to Los Angeles County and Orange County, which is the City boundary of Seal Beach; thence Northeasterly along said boundary line to the point of beginning

2. A councilman from District No. 2, which in the first instance is hereby established as all that portion of the City of Seal Beach included within the following described exterior boundary line:

Beginning at the intersection of the boundary line common to Los Angeles County and Orange County with the center line of Marina Drive, formerly known as Bolsa Avenue; thence Northeasterly along said boundary line common to Los Angeles County and Orange County (said line also being the City boundary line of the City of Seal Beach) to a point on the South line of the North Half of Section 11, Township 4 South, Range 12 West; said line also being the boundary line of the City of Seal Beach; thence Easterly along last mentioned line, to the East Quarter corner of said Section 11, said point also being an angle point in said boundary line of the City of Seal Beach; thence Southeasterly along said boundary line of the City of Seal Beach, to the point of intersection of the North line of Tract No. 2590, Miscellaneous Maps, book

82, pages 32, 33, 34, 35, 36, 37 and 38, Orange County Records, with said boundary line of the City of Seal Beach; thence leaving said boundary line of the City of Seal Beach Westerly along the North line of said Tract No. 2590 to the Westerly line of Lot 407 of said Tract No. 2590; thence Southerly and Southeasterly along said Westerly line to the Northerly Right-of-Way line of Crestview Avenue; thence Westerly along said Northerly line of Crestview Avenue to the point of intersection of said Northerly line with the Northerly prolongation of the centerline of Bay Side Drive; thence Southerly along said Northerly prolonged center line and said center line of Bay Side Drive to the point of intersection of said center line of Bay Side Drive with the center line of Bolsa Avenue; thence Westerly along said center line of Bolsa Avenue to the point of intersection of said center line of Bolsa Avenue with the center line of Balboa Drive; thence Southerly and Southwesterly along said center line of Balboa Drive to the point of intersection of said center line of Balboa Drive with the center line of California State Highway U.S. Alternate No. 101; thence Northwesterly along said center line of California State Highway U.S. Alternate No. 101 to the point of intersection of said center line of California State Highway U.S. Alternate No. 101, with the center line of 10th Street; thence Southwesterly along said center line of 10th Street to the center line intersection of said 10th Street with the center line of the Pacific Electric Railway Right-of-Way; thence Northwesterly along said center line of Pacific Electric Railway Right-of-Way to the intersection of said center line of Pacific Electric Railway Right of Way with the center line of Marina Drive, formerly known as Bolsa Avenue; thence Westerly and Northwesterly along said center line of Marina Drive to the point of beginning.

3. A councilman from District No. 3 which in the first instance is hereby established as all that portion of the City of Seal Beach included within the following described exterior boundary line:

Parcel 1

Beginning at the point of intersection of the center line of the Pacific Electric Railway Right-of-Way with the center line of 12th Street; thence Northeasterly along said center line of 12th Street to the point of intersection of the center line of said 12th Street with the center line of California State Highway U.S. Alternate No. 101; thence Northwesterly along said center line of California State Highway U.S. Alternate No. 101 to the point of intersection of said center line of California State Highway U.S. Alternate No. 101 with the center line of Balboa Drive; thence Northeasterly and Northerly along said center line of Balboa Drive to the point of intersection of said center line of Balboa Drive with the center line of Bolsa Avenue; thence Easterly along said center line of Bolsa

Avenue to the point of intersection of said center line of Bolsa Avenue with the center line of Bay Side Drive; thence Northerly along said center line of Bay Side Drive and its Northerly prolongation to the Northerly Right-of-Way line of Crestview Avenue; thence Easterly along last mentioned Northerly line to the Westerly line of Lot 407 of Tract No. 2590, Miscellaneous Maps, book 82, pages 32, 33, 34, 35, 36, 37 and 38, Orange County Records; thence Northwesterly and Northerly along last mentioned Westerly line to the Northerly line of said Tract No. 2590; thence Easterly along said Northerly line of Tract No. 2590 to the point of intersection of said Northerly line of Tract No. 2590, with the boundary line of the City of Seal Beach; thence Southeasterly along said boundary line of the City of Seal Beach and along the Northeasterly boundary line of said Tract No. 2590 to the point of intersection of said Northeasterly boundary line of Tract No. 2590 with the Northwesterly Right-of-Way line of Bay Boulevard; thence continuing Southeasterly along said boundary line of the City of Seal Beach to an angle point in said boundary line of the City of Seal Beach; thence continuing Northerly along said City boundary line of the City of Seal Beach (said boundary line of the City of Seal Beach established by Deeds recorded in book 617, pages 336, 337, 338 and 339, Records of Orange County, California); thence Easterly continuing along said City boundary line of the City of Seal Beach to an angle point in said boundary line of the City of Seal Beach; thence Southerly continuing along said boundary line of the City of Seal Beach to an angle point in said boundary line of the City of Seal Beach; thence Southeasterly continuing along said boundary line of the City of Seal Beach to an angle point in said boundary line of the City of Seal Beach, said point also being the Northwest corner of the Northeast Quarter of Section 13, Township 4 South, Range 12 West, S.B.M. California; thence Southerly along the West line of said Northeast Quarter of Section 13, and continuing along said boundary line of the City of Seal Beach, to the point of intersection of said West line of said Northeast Quarter of Section 13 and said boundary line of the City of Seal Beach with the center line of California State Highway U.S. Alternate No. 101; thence leaving said West line of said Northeast Quarter of Section 13 and said boundary line of the City of Seal Beach Northwesterly along said center line of California State Highway U.S. Alternate No. 101 to the point of intersection of said center line of California State Highway U.S. Alternate No. 101 with the center line of Bay Boulevard; thence Southwesterly along said center line of Bay Boulevard to the point of intersection of said center line of Bay Boulevard with the Southeasterly prolongation of the center line of the Pacific Electric Railway Right-of-Way; thence Northwesterly along said center line of the Pacific Electric Railway Right-of-Way and its Southeasterly prolongation to the point of beginning.

Parcel 2

Beginning at the point of intersection of the center line of Bay Boulevard with the center line of St. Andrews Drive; thence Westerly and Southwesterly and Southerly along last mentioned center line to the point of intersection of last mentioned center line with the center line of Thunderbird Drive; thence Westerly and Northwesterly along last mentioned center line to the point of intersection of last mentioned center line with the center line of Golden Rain Road; thence Southwesterly along last mentioned center line to the point of intersection of last mentioned center line with the center line of El Dorado Drive; thence Northwesterly along last mentioned center line to the point of intersection of last mentioned center line with the center line of Canoe Brook Drive; thence Westerly along last mentioned center line to the point of intersection of last mentioned center line with the boundary line common to Los Angeles County and Orange County, said line also being the boundary line of the City of Seal Beach; thence Southerly along last mentioned boundary line to an angle point in last mentioned boundary line of the City of Seal Beach; thence departing Westerly from last mentioned boundary line common to Los Angeles County and Orange County, along last mentioned boundary line of the City of Seal Beach to the point of intersection of last mentioned boundary line with the center line of said Bay Boulevard; thence Northerly departing from said boundary line of the City of Seal Beach, along said center line of Bay Boulevard to the point of beginning.

4. A councilman from District No. 4, which in the first instance is hereby established as all that portion of the City of Seal Beach included within the following described exterior boundary line:

Beginning at the point of intersection of the center line of Garden Grove Boulevard formerly known as Ocean Avenue, with the center line of Bolsa Chica Road, said point also being an angle point in the boundary line of the City of Seal Beach; thence Southerly along said boundary line of the City of Seal Beach and along said center line of Bolsa Chica Road, to the point of intersection of said center line of Bolsa Chica Road with the center line of Westminster Avenue; thence Easterly along said boundary line of the City of Seal Beach and along said center line of Westminster Avenue, to the point of intersection of last mentioned center line with the Easterly Right-of-Way line of said Bolsa Chica Road; thence Southerly along said boundary line of the City of Seal Beach, said line also being the Easterly Right-of-Way line of Bolsa Chica Road, to an angle point in said boundary line of the City of Seal Beach; thence Southeasterly continuing along said boundary line of the City of Seal Beach and along said Easterly Right-of-Way line of Bolsa Chica Road to a point on the center line of Rancho Road, said point being on the Rancho line common

to Rancho Los Alamitos and Rancho La Bolsa Chica; thence continuing Southwesterly along said common Rancho line to an angle point in the boundary line of the City of Seal Beach; thence departing said common Rancho line along said boundary line of the City of Seal Beach, said line also being the South line of Section 8, Township 5 South, Range 11 West, to the Southeast corner of the Southwest Quarter of said Section 8; thence continuing Northerly along said boundary line of the City of Seal Beach, said line also being the East line of said Southwest Quarter of Section 8 to the center of said Section 8; thence continuing Westerly along said boundary line of the City of Seal Beach, said line also being the North line of said Southwest Quarter of Section 8, to the center of Section 12, Township 5 South, Range 12 West; thence Northerly along said boundary line of the City of Seal Beach to a point on the Southeasterly Right-of-Way line of Bay Boulevard; thence continuing along said boundary line of the City of Seal Beach, said line also being the Southeasterly Right-of-Way line of Bay Boulevard to an angle point in said boundary line of the City of Seal Beach, said point also being a point on the Southerly Right-of-Way line of the Southern Pacific Railroad Right-of-Way; thence Easterly continuing along said boundary line of the City of Seal Beach and along said Southerly Right-of-Way line of said Southern Pacific Railroad to an angle point in said boundary line of the City of Seal Beach, said point also being on the West line of Section 7, Township 5 South, Range 11 West; thence Northerly along said West line of Section 7 and along said boundary line of the City of Seal Beach to the Northwest corner of Section 7, Township 5 South, Range 11 West, said point also being a point on the center line of Westminster Avenue; thence Northerly departing from said boundary line of the City of Seal Beach, along the Westerly line of Section 6, Township 5 South, Range 11 West to the point of intersection of said Westerly line of Section 6 with the center line of St. Andrews Drive; thence Westerly along last mentioned center line to the point of intersection of said center line of St. Andrews Drive with the center line of Church Place; thence Southerly along said center line of Church Place to the point of intersection of said Church Place with the center line of Thunderbird Drive; thence Westerly and Northwesterly along last mentioned center line to the point of intersection of last mentioned center line with the center line of Golden Rain Road; thence Northeasterly along last mentioned center line to the point of intersection of last mentioned center line with the center line of said St. Andrews Drive; thence Northwesterly along last mentioned center line to the point of intersection of last mentioned center line with the center line of Northwood Road; thence Easterly and Northeasterly along last mentioned center line to the center line intersection of Shawnee Lane; thence continuing along said center line of Northwood Road and its Northeasterly prolongation on a direct line to the point of

said prolonged line with the center line of Garden Grove Boulevard formerly known as Ocean Avenue, said point being on the boundary line of the City of Seal Beach; thence along said center line of Garden Grove Boulevard formerly known as Ocean Avenue and said boundary line of the City of Seal Beach to the point of beginning.

5. A councilman from District No. 5, which in the first instance is hereby established as all that portion of the City of Seal Beach included within the following described exterior boundary line:

Beginning at the point of intersection of the center line of St. Andrews Drive with the center line of Golden Rain Road; thence Southwesterly along last mentioned center line to the point of intersection of last mentioned center line with the center line of El Dorado Drive; thence Northwesterly along last mentioned center line to the point of intersection of last mentioned center line with the center line of Canoe Brook Drive; thence Westerly along last mentioned center line to the boundary line common to Los Angeles County and Orange County, said line also being the boundary line of the City of Seal Beach; thence Northwesterly along last mentioned boundary line to the point of intersection of last mentioned boundary line with the center line of Garden Grove Boulevard; thence Easterly departing from said boundary line common to Los Angeles County and Orange County, along last mentioned boundary line of the City of Seal Beach, and along last mentioned center line of Garden Grove Boulevard to an angle point; thence Southerly departing from last mentioned center line and continuing along last mentioned boundary line of the City of Seal Beach and along last mentioned boundary line to the point of intersection of last mentioned prolongation with the Northerly Right of Way line of Northwood Road; thence Easterly along last mentioned Northerly Right of Way line to the point of intersection of last mentioned Northerly Right of Way line with said boundary line of the City of Seal Beach; thence Northerly along last mentioned Northerly Right of Way line and along said boundary line of the City of Seal Beach to the point of intersection of last mentioned boundary line with said center line of Garden Grove Boulevard; thence continuing along last mentioned center line and along last mentioned boundary line to the point of intersection of last mentioned center line and last mentioned boundary line with the prolongation of the center line of Northwood Road; thence Southwesterly and Westerly along last mentioned center line to the point of intersection of last mentioned center line with the center line of St. Andrews Drive; thence Southeasterly along last mentioned center line of St. Andrews Drive to the point of beginning.

In 1971 and each 10th year thereafter, the City Council shall appoint a committee to study and report to the City Council on the advisability of redistricting the City. Upon receipt of any such committee report, and at any other time deemed

necessary or desirable in order that the district boundaries be fair and logical, the City Council may by ordinance change and redefine the boundaries of any or all of the districts herein established. The boundaries so defined shall be established in such manner that the district shall, as nearly as practicable, constitute natural areas of contiguous and compact territory and provide fair representation on the City Council. Any territory hereafter annexed to or consolidated with the City shall, at the time of such annexation or consolidation, be added by ordinance of the City Council to an adjacent district or districts.

Article VI
City Manager

Section 600. City Manager. There shall be a City Manager appointed by the City Council who shall be the chief administrative officer of the City. In the selection of a City Manager the City Council shall screen qualified applicants and other qualified persons known by the Council to be available. It shall appoint by a majority vote, the person that it believes to be best qualified on the basis of his executive and administrative qualifications, with special reference to his experience in, and his knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter. The City Manager shall serve at the pleasure of the City Council.

Section 601. Residence. The City Manager need not be a resident of the City at the time of his appointment, but he shall establish his residence within the City within ninety days after his appointment, unless such period is extended by the City Council, and thereafter maintain his residence within the City during his tenure of office.

Section 602. Eligibility. No person shall be eligible to receive appointment as City Manager while serving as a member of the City Council nor within one year after he has ceased to be a City Councilman.

Section 603. Compensation and Bond. The City Manager shall be paid a salary commensurate with his responsibilities as chief administrative officer of the City, which salary shall be established by ordinance or resolution. The City Manager shall furnish a corporate surety bond conditioned upon the faithful performance of his duties in such form and in such amount as may be determined by the City Council.

Section 604. Powers and Duties. The City Manager shall be the head of the administrative branch of the City government. He shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

(a) To enforce all laws and ordinances of the City and to see that all franchises, permits and privileges granted by the City are faithfully observed.

(b) To exercise administrative control over all departments, divisions and employees of the city government, except the City Attorney, City Clerk and City Treasurer.

(c) To appoint, promote, discipline and remove employees of the City, except the City Attorney, City Clerk and City Treasurer, subject to the rules and regulations of the civil service commission.

(d) To organize or reorganize such offices, positions, departments or units under his direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business.

(e) To attend all meetings of the City Council unless excused therefrom by the City Council.

(f) To recommend to the City Council for adoption such measures and ordinances as he deems necessary or expedient.

(g) To serve as finance officer and to keep the City Council fully advised as to the financial conditions and needs of the City. The City Manager shall be the Director of Finance of the City.

(h) To prepare and submit to the City Council the annual budget and be responsible for its administration after adoption by the Council.

(i) To recommend a comprehensive salary plan for all City employees and to recommend changes in line with current conditions.

(j) To organize for and supervise the purchase of all supplies for all departments or divisions of the City. No expenditure shall be submitted or recommended to the City Council except on report and approval of the City Manager.

(k) To make investigations into the affairs of the City and any department or division thereof, and any contract, and the proper performance of any obligation of or to the City.

(*l*) To investigate all complaints in relation to matters concerning the administration of the government of the City and in regard to the services maintained by public utilities in the City.

(m) To exercise general supervision over all public buildings, public parks and all other public property which is under the control and jurisdiction of the City Council.

(n) To devote his entire time to the duties and interests of the City, except as may be specifically authorized by the City Council.

(o) To represent the City in discussions of administrative and policy questions between the City and other levels of government, i.e., county, state, federal and other cities, when and if requested by the Council to do so.

(p) To cooperate with leadership of civic movements designed to benefit the residents of the City when so directed by the City Council.

(q) To attend any and all meetings of any commissions or committees heretofore or hereafter created by the City Council,

upon his own volition or upon the direction of the City Council.

(r) To act as personnel officer for the City and to develop a comprehensive personnel program.

(s) To perform such other duties and exercise such other powers as may be delegated to him from time to time by resolution, ordinance or other action of the City Council.

Section 605. Duties as Finance Director. The City Manager shall perform the following duties:

(a) Maintenance of financial records. Maintain all records readily reflecting the financial condition of the City and all of its departments.

(b) Report for fiscal year. At the end of each fiscal year, prepare and present to the City Council a summary statement of receipts and disbursements by departments and funds, including opening and closing fund balances in the City Treasury.

(c) Publication of financial statement. Cause the financial statement of the City to be published in accordance with the provisions of Sections 40804 and 40805 of the Government Code.

(d) Compilation of financial information for budget. Compile all financial information necessary for the preparation of the City's budget and make such information available to the officer whose responsibility it is to prepare the budget.

(e) Monthly financial report. Prepare a monthly statement of all receipts and disbursements in sufficient detail to show the financial condition of the City and each of its departments.

(f) Licenses. Supervise and be in charge of license issuance and inspection.

(g) Payroll records. Supervise and be in charge of all payroll records.

(h) Insurance policies. Maintain a record of all insurance policies and their expiration dates.

(i) Collection of taxes, assessments, etc. See that all taxes, assessments and other fees and revenues of the City, or for whose collection the City is responsible, and all other money receivable by the City from the county, state or federal government, or from any court, office, department or agency of the City are collected, and perform such other duties that are from time to time assigned to him by the City Council.

Section 606. Meetings. The City Manager shall be accorded a seat at the City Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote.

Section 607. Removal. The City Manager shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City Manager may be removed only at a regular meeting of the City Council and upon the affirmative votes of a majority of the entire membership of the City Council.

Section 608. Notification of Resignation. The City Manager shall notify the City Council at least thirty days in advance of his intended resignation. Failure to do shall be grounds for withholding payment due him for his services. This provision may, however, be waived by majority vote of the City Council.

Section 609. Manager pro Tempore. The City Manager shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as Manager Pro Tempore during any temporary absence or disability of the City Manager. If he fails to make such appointment, the City Council may appoint an officer or department head to serve as such Manager Pro Tempore.

Article VII
Officers

Section 700. Officers. The officers of the City shall be the following:

(a) The five members of the City Council, who shall be elected.

(b) A City Clerk, who shall be elected.

(c) A City Treasurer, who shall be elected.

(d) A City Manager, who shall be appointed by the City Council.

(e) A City Attorney, who shall be appointed by the City Council.

(f) The incumbents of such other offices as the City Council may by ordinance, or resolution, establish.

Section 701. Administrative Departments. The City Council may provide, by ordinance not inconsistent with this Charter, for the organization, conduct and operation of the several offices and departments of the City as etablished by this Charter, and for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition. Each new department created by the City Council shall be headed by an officer as department head who shall be appointed and may be suspended or removed by the City Manager.

(c) Maintain separate books in which a record shall be made of all written contracts and fidelity and performance bonds.

(d) Be the custodian of the Seal of the City.

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and certify copies of official records.

(f) Be ex officio assessor, unless the City Council has availed itself or does in the future avail itself of the provisions of the general laws of the State relative to any assessment of property and the collection of City taxes, if any, by county officers, or the City Council by ordinance provides otherwise.

(g) Be responsible for the conduct of all City elections.

(h) Deputize other persons to assist in carrying out the duties of the City Clerk.

Section 703. Treasurer. There shall be a treasurer who shall have power and shall be required to:

(a) Collect any license fees or other revenues of the City, or for whose collection the City is responsible and receive all taxes or other money receivable by the City from the County, State or Federal Government, or from any Court or from any office, department or agency of the City.

(b) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit all funds coming into his hands in such depository as may be designated by resolution of the City Council or if no such resolution be adopted, then in such depository designated in writing by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds.

(c) Disburse moneys on demands audited in the manner provided for in the Charter.

(d) Prepare and submit to the City Council monthly written reports of all receipts, disbursements and fund balances, copies of which reports shall be filed with the City Manager.

Section 704. City Attorney. Powers and Duties. To become eligible for City Attorney or Assistant City Attorney the person appointed shall be an attorney at law duly licensed as such under the laws of the State of California and shall have engaged in the practice of law for at least three years prior to his appointment. The City Attorney shall have power and be required to:

(a) Represent and advise the City Council and all City officers in matters of law pertaining to their office.

(b) Represent and appear for the City in any or all actions and proceedings in which the City is concerned or is a party, except the prosecution of criminal actions, and represent and appear for any City officer or employee, or former City officer or employee, in any or all actions and proceedings in which any such officer or employee is concerned or is a party, for any act arising out of his employment or by reason of his official capacity.

(c) Attend all regular meetings of the City Council and give his advice and opinions in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.

(d) Approve the form of all contracts made by and all bonds given to, the City, endorsing his approval thereon in writing.

(e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto.

(f) Approve, as to legality, all investments of City funds.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of a litigation or matter or to assist the City Attorney therein.

Section 705. City Attorney. Deputies and Employees. The City Attorney shall, subject to the approval of the City Council, appoint such deputies, to assist him at such salaries or compensation as the Council may, by ordinance, prescribe.

Section 706. Administering Oaths. Each department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

The City Council, by ordinance or resolution, may assign additional functions or duties to offices, departments or agencies not inconsistent with this Charter. Where the positions are not incompatible, the City Council may combine in one person the powers and duties of two or more offices created or authorized by this Charter. No office provided in this Charter to be filled by appointment by the City Manager may be consolidated with an office to be filled by appointment by the City Council. The City Council shall provide for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

Section 702. City Clerk. Powers and Duties. The City Clerk shall have power and be required to:

(a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the City Council in books which shall bear appropriate titles and be devoted to such purpose.

(b) Maintain separate books in which shall be recorded respectively all ordinances and resolutions, with a certificate of the clerk annexed to each thereof stating the same to be the original or a corrected copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this charter; to keep all books properly indexed and open to public inspection when not in actual use.

Section 707. Department Heads. Appointment Powers. Each department head and appointive officer shall have the power to appoint, suspend and remove such deputies, assistants, subordinates and employees as are provided for by the City Council for his department or office, subject to the provisions of this Charter and of any personnel, merit or civil service system adopted hereunder. Any such appointment or removal by a department head appointed by the City Manager shall be subject to the approval of the City Manager.

Section 708. Illegal Contracts. Financial Interest. No member of the Council shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party. No officer or employee of the City shall be financially interested, directly or indirectly in any contract, sale or transaction to which the City is a party and which comes before said officer or employee, or the department

of the government with which he is connected, for official action. No member of any Board or Commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the Board or Commission of which he is a member, for official action.

Any contract or transaction in which any officer of the City shall be or become financially interested shall become void at the election of the City.

No member of the City Council, city official or officer, or employee of the City, or any member of any Board or Commission shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract in which his interest is only a remote interest as hereinafter defined.

No councilman or member of any Board or Commission shall vote on or participate in any contract or transaction in which he is directly or indirectly financially interested when such direct or indirect financial interest is a remote interest. A remote interest as used in this section means:

(1) That of a nonsalaried officer of a non-profit corporation;

(2) That of any employee of the contracting party, if such contracting party has 10 or more other employees, and if the officer was employee of said contracting party for at least three years prior to his initially accepting his office;

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

(4) That of landlord or tenant of the contracting party;

(5) That of an attorney of the contracting party;

(6) That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products.

(7) The ownership of less than 3 per cent of the shares of a corporation for profit;

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

(9) That of a recipient of public services generally provided by the public body or board of which he is a member, on the same terms and conditions as if he were not a member of the board.

Section 709. Acceptance of Other Office. Any elective officer of the City who shall accept or retain any other elective public office shall be deemed thereby to have vacated his office under the City government.

Section 710. Nepotism. The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such City Council, nor shall any department head or other officer having appointive power appoint any relative of his within such degree to any such position.

This Section, however, shall not apply to the probationary or permanent appointment of any person to a position included in the Civil Service System.

Section 711. Official Bonds. The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Article VIII
Appointive Boards and Commissions

Section 800. In General. The City Council may create by ordinance such boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Section 801. Appropriations. The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Section 802. Appointments. Terms. The number of members to comprise such boards and commissions shall be specified by ordinance if not specified by this Charter. The members of each of such boards or commissions shall be appointed and shall be subject to removal, by motion of the City Council adopted by at least three affirmative votes The members thereof shall be appointed from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government and shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that each succeeding July 1st the term of one of their number shall expire. If the total number of members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st.

Section 803. Existing Boards. The members of the boards and commissions 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. The successors of such members shall be appointed for terms of such duration, not exceeding four

years, as will carry into effect the plan for staggered terms prescribed in the preceding Section.

Section 804. Meetings, Chairmen. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by ordinance of the City Council, and such special meetings as such board or commission may require. All proceedings shall be open to the public.

Except as may be otherwise provided in this Charter, the City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and subject to the approval of the City Council, and copies of which shall be kept in the office of the City Clerk or such other office as the City Council may, by ordinance prescribe where they shall be available for public inspection. Each board or commission shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations.

Section 805. Compensation. Vacancies. The members of boards and commissions shall serve without compensation for their services as such but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council.

Article IX
Civil Service System

Section 900. Civil Service System. In order to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness as determined by competitive test; and to provide a reasonable

degree of security for qualified employees, the following personnel system is hereby adopted.

Section 901. Personnel Officer. The City Manager shall be ex officio Personnel Officer. With the approval of the Council, the City Manager may delegate any of the powers and duties conferred upon him as Personnel Officer under this Article to any other officer or employee of the City or may recommend that such powers and duties be performed under contract as provided in Section 919 of this Article. The City Manager shall:

(a) Attend all meetings of the civil service board;

(b) Administer all the provisions of this Article and of the personnel rules not specifically reserved to the Council or the Civil Service Board.

(c) Prepare and submit to the City Council through the Civil Service Board, revisions an amenlments to hte Pe sonnel Rules which have been approved by the City Attorney.

(d) Prepare a position classification plan, including class specifications, and revisions of the plan. The plan, and any revisions thereof, shall become effective upon approval by the Council;

(e) Prepare a plan of compensation, and revisions thereof, covering all classifications in the competitive service. The plan, and any revisions thereof, shall become effective upon approval by the Council.

Section 902. Civil Service Board. There is hereby created a Civil Service Board, consisting of five (5) members to be appointed by the City Council as provided in Section 802.

Section 903. Duties of the Civil Service Board. The civil service board shall determine the order of business for the conduct of its meetings, and shall meet regularly as required by the rules, or on call of the chairman or three members of the board. Three members of the board shall constitute a quorum for the transaction of business. The functions of the board shall be:

(a) As provided by this Article and by the rules, to hear appeals submitted by any person in the competitive service relative to any disciplinary action, dismissal, demotion, or alleged violation of this ordinance or the personnel rules and to certify its findings and recommendations as provided in this Article;

(b) In any investigation or hearing conducted by the board, it shall have the power to examine witnesses under oath and compel their attendance or production of evidence by subpoenas issued in the name of the City and attested by the City Clerk. It shall be the duty of the Chief of Police to cause all such subpoenas to be served and refusal of a person to attend or to testify in answer to such subpoena shall subject the person to prosecution in the same manner set forth by law for failure to appear before the Council in response to a subpoena

issued by the Council. Each member of the Civil Service Board shall have the power to administer oaths to witnesses;

(c) To publish or post notices of tests for positions in the competitive service; to receive applications therefor; to conduct and grade tests; to certify to the appointing power a list of all persons eligible for appointment to the appropriate position in the competitive service. The Civil Service Board shall cause the duties imposed upon it by this subdivision to be performed by the Personnel Officer who, as to such duties, shall be subject only to the direction and control of the civil service board;

(d) When requested by the Council or the City Manager; the civil service board shall hold hearings and make recommendations on any matter of personnel administration within the limits of the request;

(e) To review formal recommendations of the Personnel Officer and to submit its recommendations to the Council within 10 days after the next regular meeting of the civil service board following its receipt of said recommendations of the Personnel Officer;

(f) Any false statement wilfully made under oath either in any application or other paper filed with the board or in any proceeding before the board in any investigation conducted by or under the jurisdiction of the board, or in any proceeding arising under this Article shall be punishable as a misdemeanor.

Section 904. Competitive Service. The provisions of this Article shall apply to all departments, divisions and officers of the City government including therein all full-time employees of the City, except that the following shall be exempt therefrom, to wit:

(a) All officers elected by the people;

(b) All members of the City Council;

(c) Members of appointive boards, commissions and committees;

(d) Persons engaged under contract to supply expert, professional or technical services for a definite period of time;

(e) Volunteer personnel, such as volunteer firemen and police reservists who receive no regular compensation from the City.

(f) The City Attorney and his assistants, deputies, clerks and stenographers;

(g) The City Manager;

(h) All department heads.

Section 905. Adoption of Rules. Personnel rules, prepared by the City Manager subject to this Article and to revision by the Council, shall be adopted, and may be amended from time to time, by resolution of the Council. The rules shall establish specific procedures and regulations governing the following phases of the personnel system:

(a) Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the com-

petitive service, including employment standards and qualifications for each class;

(b) Preparation, revision, and administration of a plan of compensation directly correlated with the position classification plan, providing a rate or range of pay for each class;

(c) Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment;

(d) Certification and appointment of persons from eligibility lists, and the making of temporary and emergency appointments;

(e) Evaluation of employees;

(f) Transfer, promotion, demotion, and reinstatement of employees in the competitive service;

(g) Separation of employees from the City service through lay-off, suspension, and dismissal;

(h) Standardization of hours of work, attendance and leave regulations, working conditions and the development of employee morale, welfare, and training;

(i) Suitable provision for orderly and equitable presentations to the City Manager and to the Council by employees relating to general conditions of employment;

(j) Content, maintenance, and use of personnel records and forms

Section 906. Appointments. Appointments to vacant positions in the competitive service shall be made in accordance with the personnel rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examinations. Examinations shall be used and conducted to aid in the selection of qualified employees, and shall consist of such recognized selection techniques as achievement and aptitude tests, and other written tests, personal interview, performance tests, evaluation of daily work performance, work sampler, or any combination of these, which will, in the opinion of the Personnel Officer, test fairly the qualifications of candidates. Physical and medical tests may be given as part of any examination.

In any examination the Personnel Officer may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefor.

Appointments shall be made by the City Manager or by the officer in whom the power to make appointments is vested by law.

When appointment is to be made to a vacancy in the competitive service, the Personnel Officer shall transmit to the appointing power the names of all persons on the appropriate certified employment or promotional list in the order in which they appear on the list.

In the absence of appropriate eligibility lists, a provisional appointment may be made by the appointing authority of a person meeting the minimum training and experience qualifications for the position. An eligibility list shall be established

within six months for any permanent position filled by provisional appointment. The City Manager with the approval of four-fifths of the City Council may extend the period for any provisional appointment for not more than thirty days by any one action. When a position is to be filled by provisional appointment, or a provisional appointment is to be extended, the Council shall direct the City Clerk to record such action in the minutes of the meeting of the Council.

No special credit shall be allowed in meeting any qualification or in the giving of any test or the establishment of any employment or promotional lists, for service rendered under a provisional appointment.

During the period of suspension of an employee or pending final action on proceedings to review suspension, demotion or dismissal of an employee, such vacancy may be filled by the appointing authority subject to the provisions of this Article and the personnel rules.

Section 907. Probationary Period. All regular appointments, including promotional appointments shall be for a probationary period of not less than six months, except that as to any class or position the rules may provide for an extension of the period for not more than an additional six months. During the probationary period, the employee may be rejected at any time without right of appeal or hearing.

An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted, unless he is dismissed from the City service as provided in this Article and the rules.

An employee in the competitive service promoted or transferred to a position not included in the competitive service shall be reinstated to the position from which he was promoted or transferred if, within six months after such promotion or transfer, action is taken to reject or dismiss him, unless he is discharged in the manner provided in this Article and the personnel rules for positions in the competitive service.

Section 908. Status of Present Employees. Any person holding a position included in the competitive service who, on the effective date of this Article, shall have served continuously in such position, or in some other position in the competitive service, for a period equal to the probationary period prescribed in the rules for his class, shall assume regular status in the competitive service in the position held on such effective date without qualifying test, and shall thereafter be subject in all respects to the provisions of this Article and to personnel rules.

Any other persons holding positions in the competitive services shall be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the rules before obtaining regular status. The probationary period shall be computed from the date of appointment or employment.

Section 909. Applicability of Rules to Certain Exempt Positions. The provisions of the personnel rules relating to attendance and leaves shall apply to the incumbents of full-time exempt positions.

Section 910. Appointments Subject to Ordinance. The City Manager and any other officer in whom is vested the power to appoint, make transfers, promotions, demotions, reinstatements, lay-offs, and to suspend or dismiss employees, shall retain such power, subject to the provisions of this Article and the personnel rules.

Section 911. Suspension. Any person holding a position or employment in the competitive service shall be subject to disciplinary suspension without pay by the appointing power and without right of appeal, but such suspensions shall not exceed a total of thirty calendar days in any fiscal year. A department head not having power of appointment may make disciplinary suspensions in accordance with the rules.

Section 912. Request for Hearing. Any permanent employee in the competitive service who has been demoted, dismissed, or reduced in pay shall be entitled to request a written statement of the reasons for such action. Such a request must be made within five working days following the action. The appointing power shall provide such employee with a written statement of charges within five working days after receipt of request. The employee shall have five additional working days after receipt of statement of charges within which to answer the charges in writing. In the event the employee requests the statement and prepares his written answer, copies of both shall be filed with the Personnel Officer who shall transmit them to the civil service board. Within ten days from the date of filing his answer to the written charges, or in the event such written charges have not been made available to him within the time prescribed, then within ten days after the action taken to demote, dismiss, or reduce the pay of the employee, he may file a written demand with the Personnel Officer requesting a hearing before the Civil Service Board. The civil service board shall then investigate the case and conduct a hearing as provided in this Article and by the rules.

The provisions of this Section shall not apply to reductions in pay which are a part of a general plan to reduce salaries and wages applicable to at least 20 per cent of employees in the competitive service.

Section 913. Right of Appeal. Any employee in the competitive service shall have the right to appeal to the Civil Service Board relative to any disciplinary action, dismissal, demotion, or alleged violation of this Article or the personnel rules; except in instances where the right of appeal is prohibited by this Article. Thereupon, the board shall make such investigation as it may deem necessary and within twenty days after the request for hearing was filed, the board shall hold a hearing. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Within ten days after

concluding the hearing the Civil Service Board shall certify its findings and recommendations to the Council, the City Manager, to any other official from whose action the appeal was taken, and to the employee affected. The Council, the City Manager, or other official from whose action the appeal was taken shall review the findings and recommendations of the Civil Service Board and may then affirm, revoke, or modify the action taken, as in its judgment seems warranted, and the action taken shall be final.

Section 914. Abolition of Position. Whenever in the judgment of the Council it becomes necessary in the interest of economy or because the clascessity for the position or employment involved no longer exists, the Council may abolish any position or employment in the competitive service and lay-off, demote or transfer an employee holding such position or employment without filing written charges and without the right to appeal.

Seniority shall be observed in effecting such reduction in personnel and the order of lay-off shall be in the reverse order of total cumulative time served in the City service upon the effective date of the lay-off. Lay-off shall be made within classes of positions, and all provisional employees in the affected class or classes shall be laid off prior to the lay-off of any probationary or permanent employee. For the purpose of determining order of lay-off, total cumulative time shall include time served on military leave of absence. The names of probationary and permanent employees laid off shall be placed upon re-employment lists for classes which, in the opinion of the Personnel Officer, require basically the same qualifications and duties and responsibilities of those of the class of positions from which lay-off was made.

Names of persons laid off shall be placed upon re-employment lists in order of their competency, and shall remain on such lists for a period of two years unless re-employed sooner. For re-employment purposes, competency of a person laid off shall be determined by the head of the department in which such person worked.

Section 915. Improper Political Activity. Any person holding an office or employment in the competitive service shall not:

(a) Seek or accept election, nomination, or appointment as an officer of a political club or organization;

(b) Take an active part in a county or municipal political campaign;

(c) Serve as a member of a committee of such club, organization or circle;

(d) Seek signatures to any petition provided for by any law;

(e) Act as a worker at the polls or distribute badges, pamphlets, dodgers, or handbills of any kind favoring or opposing any candidate for election or nomination to a county or city office.

Section 916. Activities Not Affected. This ordinance does not prevent any officer or employee from:

(a) Becoming or continuing to be a member of a political club or organization;

(b) Attendance at a political meeting;

(c) Enjoying entire freedom from all interference in casting his vote;

(d) Seeking or accepting election or appointment to public office;

(e) Seeking signatures to any initiative or referendum petition directly affecting his rates of pay, hours of work, retirement, civil service, or other working conditions.

(f) Distributing badges, pamphlets, dodgers, or handbills or other participation in any campaign in connection with such petition, if the activity is not carried on during hours of work, or when he is dressed in the uniform required in any department of the City government.

The violation of any provision of Sections 915 or 916 is ground for discharge of any officer or employee.

Section 917. Discrimination. No person in the competitive service, or seeking admission thereto, shall be employed, promoted, demoted or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief.

Section 918. Solicitation of Contributions. No officer, agent, clerk, or employee, under the government of the City, and no candidate for any City office shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, contribution, or political service, whether voluntary or involuntary, for any political purpose whatsoever, from anyone on the employment lists or holding any position under the provisions of this Article.

No officer or employee in the competitive service shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution, whether voluntary or involuntary, for any purpose affecting his working conditions, from any person other than an officer or employee in the competitive service

Section 919. Right to Contract for Special Service. The City Manager shall consider and make recommendations to the City Council regarding the extent to which the City should contract for the performance of technical services in connection with the establishment or operation of the personnel system in accordance with Sections 901, 903, and 905. The Council may contract with any qualified person or agency for the performance of all or any of the following responsibilities and duties imposed by this Article

(a) The preparation of personnel rules and subsequent revisions and amendments thereof;

(b) The preparation of a position classification plan, and subsequent revisions and amendments thereof;

(c) The preparation of a plan of compensation, and subsequent revisions and and amendments thereof;

(d) Special and technical services of advisory or informational character on matters relating to personnel administration.

Section 920. Appropriation of Funds. The Council shall appropriate such funds as are necessary to carry out the provisions of this Article.

Article X
Fiscal Administration

Section 1000. Fiscal Year. The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Section 1001. Annual Budget. Preparation by the City Manager. At such date as he shall determine, the City Manager shall obtain from each department head estimates of revenue and expenditures for his department, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads and may revise the estimates as he may deem advisable.

Section 1002. Budget. Submission to City Council. At least thirty-five days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him. After reviewing same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Section 1003. Budget. Public Hearing. At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Section 1004. Budget. Adoption. After the conclusion of the public hearing the City Council shall make any revisions of the proposed budget that it may deem advisable and on or before June 30, it shall adopt the budget. A copy thereof, certified by the City Clerk, shall be filed with the person retained by the City Council to perform auditing functions for the Council and a further copy shall be placed, and shall remain on file, in the office of the City Clerk where it shall be avail-

able for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

Section 1005. Budget. Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least three members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose or to appropriate available funds not included in the budget or to cancel any appropriation not expended or encumbered.

Section 1006. Centralized Purchasing. Under the control and direction of the City Manager there shall be established a centralized purchasing system for all City departments and agencies, except as otherwise in this Charter provided.

Section 1007. Tax Limits. Unless a majority of the City electors voting at an election held for that purpose are in favor of it, the annual property tax shall not exceed one dollar ($1.00) on each one hundred dollars ($100.00) exclusive of such tax as may be necessary to pay the costs of any pension plan for City employees adopted pursuant to Article 2, Chapter 2, of Division 5, exclusive of such tax, not to exceed five cents ($0.05) on each one hundred ($100.00), as may be necessary to pay the costs of civil defense or disaster preparedness, exclusive of such tax as may be necessary to pay the costs of sewerage facilities, exclusive of such tax as may be necessary to pay the costs of park and recreation facilities and exclusive of such tax in addition to the annual tax levy for other municipal purposes authorized by Sections 20532, 37465, 37558, and 43069 of the Government Code, Section 5304 of the Public Resources Code and Section 22241 of the Education Code, as they now exist or forever may be amended.

Section 1008. Tax Procedure. The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, may be prescribed by ordinance of the City Council.

Section 1009. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen per cent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted

to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

Section 1010. Contracts on Public Works. Every project involving an expenditure of more than Five Thousand Dollars for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds shall be let by the City Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids. Projects for the construction, resurfacing, maintenance or repair of streets, drains or sewers are excepted from the requirements of this paragraph if such work is performed by a City or County of Orange department.

All bids may be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified then in an amount not less than ten per cent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, within the time specified in the notice inviting bids or in the specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The City Council may reject any and all bids presented and may readvertise in its discretion.

The City Council, after refecting bids, or if no bids are received, may declare and determine that in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees or the materials may be purchased more economically on the open market, and after the adoption of a resolution to this effect by at least three affirmative votes of the Council may proceed to have said work done in the manner stated, without further observance of the provisions of this Section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by, the City Council to be of urgent necessity for the preservation of life, health, or property, and shall be authorized by resolution passed by at least three affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

Section 1011. Presentation of Demands. Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll or formal demand Each such demand shall be presented to the Director of Finance, who shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall

approve such demand and draw a warrant on the City Treasurer therefor, payable out of the proper fund. Objections of the Director of Finance may be overruled by the City Council and warrant ordered drawn.

The Director of Finance shall transmit such demand, with his approval or rejection thereof, endorsed thereon, and warrant, if any, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager, otherwise it shall require the approval of the City Council. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the City Council which, after examining into the matter, may approve or disapprove the demand in whole or in part.

Section 1012. Registering Warrants. Warrants on the City Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution.

Section 1013. Independent Audit. The City Council shall employ at the beginning of each fiscal year, a certified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he shall determine, examine the official books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and all such other officers, employees or departments as the City Council may direct. Within sixty days from the end of the fiscal year, unless such time shall be extended by the Council, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, Treasurer and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

Article XI
Franchises

Section 1100. Franchises to Operate. No person, firm or corporation shall exercise any franchise, right or privilege mentioned in this Article in the City except insofar as he or it may be entitled to do so by direct authority of the Constitution of the State of California or of the United States, unless he or it shall have obtained a grant therefor in accordance with the provisions of this Charter and in accordance with the procedure prescribed by ordinance. Nothing contained in the Article shall be construed to invalidate any lawful franchise heretofore granted nor to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise.

Section 1101. Authority to Grant Franchises. The Council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to furnish the City and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage or any other public utility or service, or to use the public streets, ways, alleys and places, as the same may now or may hereafter exist, in connection therewith.

Section 1102. Franchise Terms, Conditions and Procedures. The Council shall, by ordinance, prescribe the terms and conditions under which franchises will be granted, subject to the provisions of this Charter, and the procedure for granting franchises; provided, however, that such procedural ordinance or ordinances shall make provisions for the giving of notice of franchise applications, for protests against the granting of such franchises and for public hearings on such applications.

The Council, in granting franchises, shall prescribe the terms and conditions of such franchises in accordance with the applicable provisions of this Charter and any ordinance adopted pursuant thereto, and may in such franchise impose such other and additional terms and conditions not in conflict with said Charter or ordinances, whether governmental or contractual in character, as in the judgment of said Council are in the public interest or as the people, by initiative, indicate they desire to have so imposed.

Section 1103. Method of Granting Franchise. The Council may grant a franchise without calling for bids or may, in its discretion, advertise for bids for the sale of a franchise upon a basis, not in conflict with the provisions of this Article, to be set out in the advertisement for bids and notice of sale.

Section 1104. Term of Franchise. Every franchise shall be either a fixed term not to exceed twenty-five (25) years, or for an indeterminate period. If for a fixed term, the franchise shall state the terms for which it is granted; if indeterminate, it shall set forth the terms and conditions under which it may be terminated.

Section 1105. Purchase or Condemnation by City. No franchise grant shall in any way or to any extent impair or affect the right of the City now or hereafter conferred upon it by law to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity the City's right of eminent domain with respect to any public utility.

Section 1106. Compensation. No new franchise or the renewal of an existing franchise shall be granted without reserving to the City just and adequate compensation.

Section 1107. Article Not Applicable to Certain Cases.

Nothing in this Article shall be construed as applying to or requiring the operators of refrigeration or storage utilities or the carriers of freight or passengers not operating over a fixed route, or other public utilities or services not specifically described in this Article, to obtain a franchise to operate within the City unless required so to do by ordinance of the City of Seal Beach.

Section 1108. Exercising Right Without Franchise. The exercise by any person, firm or corporation of any privilege for which a franchise is required without procuring such franchise shall be a misdemeanor, and each such day that such condition continues shall constitute a separate violation.

Article XII
Board of Education

Section 1200. State Law Governs. The manner in which, the times at which, and the terms for which the members of Boards of Education shall be elected or appointed, their qualifications, compensation and removal and the number which shall constitute any one of such boards shall be as now or hereafter prescribed by the laws of the State of California.

Section 1201. Effect of Charter. The adoption of the Charter shall not have the effect of creating any new school district nor shall the adoption of this Charter have any effect upon the existence or boundaries of any present school districts within the City or of which the City comprises a part, but such present school districts shall continue in existence subject to the provisions of the laws of the State of California as the same now exists or hereafter may exist.

Article XIII
Miscellaneous

Section 1300. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of Seal Beach, and "department," "board," "commission," "agency," "officer," or "employee," is a department, board, commission, agency, officer or employee, as the case may be, of the City of Seal Beach.

(c) "County" is the County of Orange.

(d) "State" is the State of California.

Section 1301. Purpose of Charter. It shall be the purpose of this Charter to maintain a City government responsive to the citizens of the City of Seal Beach, to provide adequate local government with a minimum of taxation and, in addition to other municipal purposes, to promote, foster and preserve agriculture within the City.

Section 1302. Violations. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding Five Hundred

Dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

Section 1303. Validity. If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

In witness whereof, we have hereunto set our hands and hereto affixed the seal of said City of Seal Beach this 27th day of January, 1964.

DEAN H. GEMMILL
(SEAL) Mayor of the City of Seal Beach
F. W. HICKMAN
City Clerk of the City of Seal Beach

WHEREAS, The proposed charter, as adopted and 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 in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That the Charter of the City of Seal Beach, 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 the Charter of the City of Seal Beach.

CHAPTER 3

Senate Concurrent Resolution No. 5—Relative to adjournment of the Legislature for the constitutional recess and to reassembling of the Legislature after said recess, fixing the date for such adjournment and said reassembling.

[Filed with Secretary of State February 10, 1964.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the 1964 Regular Session of the Legislature of the State of California shall adjourn for the recess authorized by Section 2 of Article IV of the Constitution at 5 o'clock p.m. on February 4, 1964, and shall reassemble at 12 o'clock noon on March 2, 1964.

CHAPTER 4

Assembly Concurrent Resolution No. 5—Approving charter amendments to the Charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the 17th day of September, 1963

[Filed with Secretary of State February 11, 1964.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows:

State of California }
County of San Diego } ss.

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 the said City, which amendments were designated as Propositions B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X and Y, and submitted said propositions to the qualified electors of The City of San Diego at the special municipal election held on September 17, 1963.

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 day of publication, to wit: July 27, 1963.

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 election.

That said proposed amendments were submitted to the qualified electors of said City at said special municipal election held in said City.

That at said election on the said proposed amendments to the Charter of The City of San Diego, a majority of the qualified voters of the City voting on said proposed amendments voted in favor of Propositions B, C, D, E, G, H, I, K, L, M, N, O, P, Q, R, S, T, U, W, X and Y, 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 and 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 4, second paragraph Section 7, first, second and fourth paragraphs Section 12, paragraph (b) Section 22, and Section 25 of the Charter of The City of San Diego to read as follows:

"Section 4. Districts Established. For the purpose of electing members of the Council the City shall be divided into eight Districts as nearly equal in registered voter population as practicable. For the municipal primary and general election in 1965, the boundaries of the eight councilmanic districts shall be established by the City Council as such Council was elected at the municipal election in 1963. Thereafter the boundaries of such districts shall be subject to alteration and change under the provisions of this Charter.

In any ordinance adopted by the Council establishing, changing or altering the boundaries of any councilmanic district the ordinance may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in said ordinance.

"Section 7. Elective Officers.

. . . . . .

(2nd paragraph)

In addition to the foregoing qualifications, every Councilman must have been at the time of his election, or appointment in the event of a vacancy, an actual resident in the district from which he was nominated for one year immediately preceding his election or appointment. Any Councilman who moves from the district of which he was a resident at the time of his election or appointment forfeits his office, but no Councilman shall forfeit his office as a result of redistricting; provided, however, that the one year's residency requirement established by the provisions of this paragraph shall not apply to the first councilmanic election following the amendment of Section 4 of Article II of this Charter.

(1st paragraph)

"Section 12. The Council. The Council shall be composed of nine (9) Councilmen, including the Mayor, and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

(2nd paragraph)

Councilmen, including the Mayor, shall be elected at a general municipal election held in the odd numbered years and, except as hereinafter provided, shall hold office for the term of four years from and after the first Monday after the first day of December next succeeding their election and until their successors are elected and qualified. Upon any redistricting pursuant to the provisions of this Charter, incumbent councilmen will continue to represent the district in which they reside, unless as a result of such redistricting more than one incumbent councilman resides within any one district, in which case the City Council shall determine by lot which councilman shall represent each district. At the next municipal primary and general elections following a redistricting, councilmen shall be elected from those districts not represented and from those districts represented by incumbent councilmen whose terms expire as of the general election in said year. If as a result of any redistricting more than a simple majority of the City Council as redistricted shall be elected at the general election next following any such redistricting, the City Council prior to any such election shall designate one or more new districts for which the initial councilmanic term shall be two (2) years in order to retain staggered terms for councilmen.

. . . . . .

(4th paragraph)

It is the duty of councilmen to attend all Council meetings. The absence of any councilman from eight (8) consecutive meetings or fifty per cent (50%) of any scheduled meetings within a month shall operate to vacate the seat of such council-

man, unless the absence thereof is excused by resolution of the Council.

. . . . . .

"Section 22. Interference by Individual Members of Council With Administrative Service Prohibited.

. . . . . .

(paragraph (b))

(b) Except for the purpose of inquiry, the Council and its members shall deal with that part of the administrative service for which the City Manager is responsible solely through the City Manager or his designated representative and not through his subordinates.

. . . . . .

"Section 25. Deputy Mayor. The Council shall annually in the month of December select one of its members who shall be the Deputy Mayor. The Deputy Mayor shall perform all the duties of the Mayor as prescribed by this Charter or by ordinance when the Mayor is absent or unable to perform his duties"

Proposition C

Amend Section 16, first paragraph Section 17, Section 26, and first and second paragraphs Section 94 of the Charter of The City of San Diego to read as follows:

"Section 16. Introduction and Passage of Ordinances and Resolutions. Ordinances shall be introduced in the Council only in written or printed form. All ordinances, except annual appropriation ordinances and ordinances codifying or rearranging existing ordinances, shall be confined to one subject, and the subject or subjects of all ordinances shall be clearly expressed in the title. The annual appropriation ordinance, any ordinance calling or relating to elections, ordinances recommended by the City Manager or other independent department heads transferring or appropriating moneys already appropriated by the annual appropriation ordinance, ordinances establishing or changing the grade of a public highway, and emergency ordinances as defined by Section 17 of this Charter, may be passed by the Council on the day of their introduction. Other ordinances, however, shall be passed only after six (6) calendar days have elapsed between the day of their introduction and the day of their final passage. Each ordinance shall be read in full prior to the final passage of such ordinance, unless such reading shall be dispensed with by a vote of not less than a majority of the members elected to the Council, and not then unless there shall have been available for the consideration of each member of the Council and the public prior to the day of its final passage a written or printed copy of said ordinance. The yeas and nays shall be taken upon the passage of all ordinances and entered upon the journal of the proceedings of the Council. The yeas and nays shall be taken and entered upon the passage of all resolutions receiving a split

vote, or upon the request of two or more members of the Council The enacting clause of ordinances passed by the Council shall be 'Be it ordained by the Council of The City of San Diego.' The enacting clause of ordinances submitted by the initiative shall be 'Be it ordained by the people of The City of San Diego.'

(1st paragraph)

"Section 17. When Ordinances and Resolutions Take Effect. Emergency Measures. Ordinances making the annual tax levy, the annual appropriation ordinances, ordinances calling or relating to elections, and emergency measures, shall take effect at the time indicated therein. All other ordinances passed by the Council shall take effect at the time indicated therein, but not less than thirty days from the date of their passage. Ordinances adopted by vote of the electors shall take effect at the time indicated therein, or, if no time be specified, then thirty days after their adoption. An emergency measure is an ordinance to provide for the immediate preservation of the public peace, property, health, or safety, in which the emergency claimed is set forth and defined in the preamble thereto. The affirmative vote of at least two-thirds of the members elected to the Council shall be required to pass any ordinance as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the Council except as defined in this section, and it is the intention of this Charter that compliance with such definition shall be strictly construed by the courts.

. . . . . .

"Section 26. Administrative Code. The existing Departments, Divisions and Boards and existing Offices of the City Government are hereby continued unless changed by the provisions of this Charter or by ordinance of the Council The Council shall by ordinance, by majority vote, adopt an administrative code providing for the detailed powers and duties of the administrative offices and departments of the City Government, based upon the provisions of this Charter. Thereafter, except as established by the provisions of this Charter, the Council may change, abolish, combine, and rearrange the departments, divisions and boards of the City Government provided for in said administrative code, but such ordinance creating, combining, abolishing or decreasing the powers of any department, division or board shall require a vote of two-thirds of the members elected to the Council The Council may by ordinance, if authorized so to do by the general law of the State, provide that any function of the City may be performed by the County officer in charge of that respective function for the County or for the establishment of a combined City and County district for the performance of any function.

(1st paragraph)

"Section 94. Contracts. In the construction, reconstruction or repair of public buildings, streets, utilities and other public works, and in furnishing supplies, materials, equipment or contractual services for the same, when the expenditure therefor shall exceed the sum of $2,500.00, the same shall be done by written contract, except as otherwise provided in this Charter, and the Council, on the recommendation of the Manager or the head of the Department in charge if not under the Manager's jurisdiction, shall let the same to the lowest responsible and reliable bidder, not less than ten days after advertising for one day in the official newspaper of the City for sealed proposals for the work contemplated. If the cost of said public contract work exceeds the sum of $1,000.00, but is not in excess of $2,500.00, the Council may let said contract without advertising for bids, but not until the Purchasing Agent of the City shall have secured competitive prices from contractors interested, which shall be taken under consideration by said Council before said contract is let. The Council may, however, upon the recommendation of the Manager and by a vote of two-thirds of the members elected to the Council, order the performance of any such construction and reconstruction or repair work by appropriate city forces when the estimates submitted as part of the Manager's recommendation indicate that the work can be done by the city forces more economically than if let by contract.

(2nd paragraph)

In case of a great public calamity, such as extraordinary fire, flood, storm, epidemic or other disaster the Council may, by resolution passed by a vote of two-thirds of the members elected to the Council, 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 sum required in such emergency, on hand in the City treasury and available for such purpose. All contracts before execution shall be approved as to form and legality by the City Attorney.

. . . . . .

Proposition D

Amend first paragraph Section 24, first paragraph Section 41, Section 43, first paragraph Section 211 of the Charter of The City of San Diego to read as follows, and repeal Section 54:

(1st paragraph)

"Section 24. Mayor. The Mayor shall preside at the meetings of the Council and perform such other duties as may be prescribed by this Charter or as may be imposed by the Council, consistent with the duties of his office. He shall

have no power of veto, but shall have a vote as a member of the Council. He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, for the signing of all legal instruments and documents, and by the Governor for military purposes. On or before the 15th day of January of each year, he shall communicate by message to the City Council a statement of the conditions and affairs of the City, and make recommendations on such matters as he may deem expedient and proper. In time of public danger or emergency, he may, with the consent of the Council, take command of the police, maintain order and enforce the law.

. . . . . .

(1st paragraph)

"Section 41. Commissions. The Mayor shall appoint, subject to the confirmation of the Council, members of the Funds Commission and Civil Service Commission. Not less than once each six months the presiding officers of each of the commissions established by the provisions of this Charter shall have a meeting for the purpose of coordinating mutual problems.

. . . . . .

"Section 43. Advisory Boards and Committees.

(a) The City Council may by ordinance create and establish advisory boards. Such boards shall be advisory to the Mayor, Council or City Manager as may be designated by ordinance. All members of such boards shall be appointed by the Mayor with Council confirmation, and the terms of office of such members shall in no case exceed the elective term of the appointing Mayor. The members of such boards shall serve without compensation and it shall be their duty to consult and advise with the Mayor, Council or City Manager, as the case may be, but not to direct the conduct of any Department or Division.

(b) The Mayor, City Council or City Manager may create and establish citizens' committees. Such committees shall be created and established only for the purpose of advising on technical questions with clearly defined objectives, and shall be temporary in nature, and shall be dissolved upon the completion of the objectives for which they were created. Committee members shall serve without compensation.

(1st paragraph)

"Section 211. Oath of Office. Every officer or member of a Committee, Board or of a Commission of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation to be filed and kept in the office of the City Clerk:

. . . . . .

"~~Section 54. Harbor Department.~~

~~(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.~~

~~(b) The Harbor Commission is vested with jurisdiction and authority to exercise in the name of the City of San Diego such powers as are prescribed by general laws now in force and hereafter enacted, together with such additional powers and duties as may be prescribed by ordinance, this Charter, or the laws of the United States. The Commission shall have jurisdiction, supervision, management and control of the Bay of San Diego fronting upon The City of San Diego and within the jurisdiction of said City, including all tide and submerged lands, whether filled or unfilled, situated below the line of mean high tide within said bay, except, however, such tide and submerged lands within said bay which have heretofore or which hereafter may be transferred to the exclusive control of the United States, and excepting further such other tidelands as may by vote of the people or act of the State Legislature be transferred to a purpose and use inconsistent with commerce, navigation and fisheries.~~

~~(c) The Harbor Commission shall have power to adopt, with the approval of the Council by ordinance, such rules and regulations as may be necessary to exercise and carry out the powers and duties prescribed by this Charter for said Harbor Commission.~~

~~(d) The Harbor Commission, subject to the Civil Service provisions of this Charter, shall appoint a Port Director, together with such other officers, employees and subordinates as may be necessary in the judgment of said Harbor Commission to carry out the duties prescribed by this Charter for said Harbor Commission and for the promotion of commerce, navigation and fisheries. All such offices and employments shall be created by ordinance upon the direct recommendation of the Harbor Commission. The Harbor Commission shall also have authority and power to employ legal counsel whenever in the judgment of said Commission such employment is necessary.~~

~~(e) The Port Director shall be the chief administrative officer of the Harbor Commission, and he shall exercise such powers and perform such duties as may be prescribed by the Harbor Commission. In addition to any duties imposed by the Harbor Commission and this Charter the Port Director shall also perform such duties as may be imposed upon harbor masters, port directors and administrative heads of harbors and ports by State or Federal law.~~

~~(f) All revenues derived from the tidelands and the operation of San Diego Harbor shall be used exclusively for the purpose of improving the harbor and tidelands fronting thereon, including the payment of principal and interest of any general obligation bonds or revenue bonds issued by the City for the improvement of the harbor or of tidelands fronting thereon, 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 the improvement of the harbor or of tidelands fronting thereon 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 the improvement of the harbor or of tidelands fronting thereon. 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.~~

~~(g) The Harbor Commission shall have authority to lease tidelands for such terms and upon such conditions as may be authorized by law; provided, however, that no lease of any tidelands within the jurisdiction of the City for a term longer than one year shall be valid unless said lease shall have been confirmed by the Council.~~

~~(h) Any municipal air ports now established or which may hereafter be established on the tidelands shall be under the control and supervision of the Harbor Commission until such time as the Council by ordinance shall create a Department of Aviation, 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 E

Amend Section 42 of the Charter of The City of San Diego to read as follows:

''Section 42 City Planning Commission. The City Planning Commission shall be organized as provided by the laws

of the State and have such powers and perform such duties as are prescribed by such laws. The duties of the Commission shall also include advising upon public buildings, bridges, retaining walls, approaches, park and harbor structures, the improvement of Pueblo lands and such other improvements as the Council may by ordinance determine. The Commission shall consist of seven (7) members appointed by the Mayor, subject to the confirmation of the Council. The City Engineer, and the City Attorney, or their designated representatives, shall be members ex-officio, but neither of said officers shall have a vote. The members of this Commission shall serve without compensation for terms of two years or until their successors are elected and appointed and qualified."

Proposition G

Amend Section 27, first, third and sixth paragraphs Section 28, and Section 29 of the Charter of The City of San Diego to read as follows:

"Section 27. The City Manager. The Council shall elect a Manager under this Charter, who shall be the chief administrative officer of the City. The Manager shall be chosen by the Council solely on the basis of his proven administrative qualifications. The Manager need not, when elected, be a resident of the City or State, but must be a citizen of the United States. He shall, upon his election, immediately become a resident of the City. No member of the Council shall, during the time for which he was elected, or for one (1) year thereafter, be eligible to hold the position of Manager. The Manager shall be elected for an indefinite term, but may be removed at the pleasure of the Council; provided, however, that the Manager shall not be removed unless a majority of the members of the Council shall vote in favor of such removal. Before the Manager may be removed he shall, if he shall so demand, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of the Council prior to the final vote on the question of his removal, but pending and during such hearing the Council may suspend him from office. At least two weeks shall be given the Manager between notice and hearing for the preparation of his answer to the reasons for removal. The action of the Council in suspending or removing the Manager shall be final and conclusive on everyone, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the Council. He shall receive a salary to be fixed in the annual appropriation ordinance. The salary set in the appropriation ordinance shall not be reduced while the Manager holds office, but may be subject to increase by the Council at its discretion. The Manager shall designate one of his subordinates as Assistant Manager, who shall serve as Manager in case of the absence or disability of the Manager.

In the event of a vacancy in the office of City Manager, the Council shall fill the same within sixty (60) days after the vacancy occurs; provided, however, that it shall require the affirmative vote of a majority of the members of the Council to elect a person to the office of Manager.

(1st paragraph)

"Section 28. Duties of the Manager. It shall be the duty of the Manager to supervise the administration of the affairs of the City except as otherwise specifically provided in this Charter; to make such recommendation to the Council concerning the affairs of the City as may seem to him desirable; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council the annual budget estimate and such reports as may be required by that body, including an annual report of all the Departments of the City; to see that the ordinances of the City and the laws of the State are enforced; and to perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the Council. Except as otherwise provided in this Charter, all other administrative powers conferred by the laws of the State upon any municipal official shall be exercised by the Manager or persons designated by him. He shall assume the position of Director of any Department under his control for which a Director has not been appointed. The Directors, or heads of the administrative Departments under the Manager shall be immediately responsible to him for the efficient administration of their respective Departments. The Manager may set aside any action taken by a Director or Department subordinate responsible to him, and may supersede him in authority in the functions of his office or employment. Where no provision has been made by ordinance authorizing a subordinate official to act as departmental head in case of a vacancy, the Manager may designate an interim acting head or perform personally the functions of the office. The Manager, as Chief Budget Officer of the City, shall be responsible for planning the activities of the City government and for adjusting such activities to the finances available. To this end he shall prepare annually a complete financial plan for the ensuing year and shall be responsible for the administration of such a plan when adopted by the Council. He shall be charged with the bringing together of estimates covering the financial needs of the City, with the checking of these estimates against the information relative to past expenditures and income, with the preparation of the budget document and supporting schedules and with the presentation of the budget to the Council. He shall have the power, with the approval of the Council, to employ experts, or consultants to perform work or give advice connected with the Departments of the City when such work or advice is necessary in connection therewith. The Council shall provide sufficient funds in the annual appropriation ordinance or by supplemental appropriation ordi-

nances for such purposes and shall charge such additional services against the appropriation of the respective Departments.

. . . . . .

(3rd paragraph)

The Manager may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the administrative Departments. The Director of each Department shall in like manner prescribe such rules and regulations as may be deemed necessary and expedient for the proper conduct of each Department, not inconsistent with the general rules and regulations prescribed by the Manager.

. . . . . .

(6th paragraph)

During January of each year the Manager shall present to the Council an annual report of the City's affairs for the previous fiscal year.

. . . . . .

"Section 29. Responsibility of Manager—Powers of Appointment and Removal. The Manager shall be responsible to the Council for the proper administration of all affairs of the City placed in his charge, and to that end, subject to the Civil Service provisions of this Charter and except as otherwise provided herein, he shall have the power to appoint and remove all officers and employees in the administrative service of the City under his control; but the Manager may authorize the head of a Department or officer responsible to him to appoint and remove subordinates in such Department or office. Appointments made by, or under the authority of, the Manager, shall be on the basis of administrative ability and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term unless for temporary service not to exceed sixty days. No person directly related to the City Manager by blood or marriage shall be eligible for employment unless such relative was in the employ of the City at the time of the appointment of the City Manager."

Proposition H

Amend Section 38 of the Charter of The City of San Diego to read as follows:

"Section 38 City Clerk The City Clerk shall be elected by the Council for an indefinite term and shall serve until his successor has been elected and qualified. He shall maintain all official records of the City, the custody of which is not provided for in this Charter or by ordinances of the City, including the journal of all proceedings of the Council and all its ordinances and resolutions."

Proposition I

Amend third paragraph Section 45, Section 82 and Section 83 of the Charter of The City of San Diego to read as follows:

"Section 45. City Treasurer.

. . . . . .

(3rd paragraph)

The Treasurer shall receive, have the custody of, and disburse City moneys upon the warrant or check-warrant of the Auditor and Comptroller under the provisions of Section 53911 of the Government Code of the State of California. He shall keep such books and records as are necessary for the recording of all receipts and expenditures, together with a record of money in City depositories. Every Department officer, or institution which receives money directly from the public, shall deposit the same daily with the Treasurer, unless otherwise authorized by ordinance. The Treasurer shall demand and receive from the County Tax Collector moneys collected by him for use of the City. And it shall be the duty of such County official to deposit such money monthly with the City Treasurer.

. . . . . .

"Section 82. Examination and Investigation of Claims by the Auditor and Comptroller. The Auditor and Comptroller shall examine all payrolls, bills, and other claims and demands, except claims for damages against the City, and shall issue no warrant or check-warrant for payment unless he finds that the claim is in proper form, correctly computed, and duly approved; that it is legally due and payable; that an appropriation has been made therefor which has not been exhausted; and that there is money in the treasury to make payment. He may investigate a claim and for that purpose may summon before him any officer, agent or employee of the City, any claimant or other person, and examine him upon oath or affirmation relative thereto, and if he finds a claim to be fraudulent, erroneous or otherwise invalid, he shall not issue a warrant or check-warrant therefor. If the Auditor and Comptroller issue a warrant or check-warrant on the treasury authorizing payment of any claim in contravention of the provisions of this Section, he and his sureties shall be jointly and severally liable to the City for the amount of such warrant or check-warrant if paid. All payrolls, bills and other claims and demands under the provisions of this section may be paid by warrants or check-warrants as authorized by the provisions of Section 53911 of the Government Code of the State of California.

"Section 83. Payment of Claims Against the City. No claim against the City shall be paid except by means of a check-warrant authorized under the provisions of Section 53911 of the Government Code or a warrant on the treasury issued by the Auditor and Comptroller The Auditor and Comptroller shall issue no warrant or check-warrant for the payment of a

claim unless the claim be evidenced by voucher approved by the head of the Department or office for which the indebtedness was incurred, and each such officer and his surety shall be liable to the City for all loss or damage sustained by reason of his negligence or corrupt approval of any claim. No demand shall be allowed, approved, audited, or paid unless it shall specify each item of the claim and the date thereof; provided, however, that warrants or check-warrants for salaries of officers and employees shall be allowed by the Auditor and Comptroller and paid regularly from the treasury without the necessity of any demand therefor or approval thereof as in this section prescribed for other claims."

Proposition K

Amend Section 31 of the Charter of The City of San Diego to read as follows:

"Section 31. Political Activities.

(a) No officer or employee of the City, except elected officers and unsalaried members of commissions, shall take an active part opposing or supporting any candidates in any City of San Diego political campaign or make contributions thereto in behalf of any candidates, nor shall such person seek signatures to any petition seeking to advance the candidacy of any person for any municipal office. Nothing in this section shall be construed to prevent any officer or employee, whether Classified or Unclassified, from seeking election or appointment to public office or from being active in State and Federal political campaigns, in any bond issue campaign including municipal bond issues, or from being active in local political campaigns, except in the City of San Diego.

(b) Every municipal employee shall prohibit the entry into any place under his control occupied for any purpose of the municipal government, of any person for the purpose of therein making, collecting, receiving, or giving notice of any political assessment, subscription, or contribution."

Proposition L

Amend first, second and fifth paragraphs Section 110 of the Charter of The City of San Diego to read as follows:

(1st paragraph)

"Section 110. Claims Against the City. Whenever it is claimed that The City of San Diego is liable to any person because of injuries suffered by such person, either to person or property, because of negligence of the City or its officers, a verified claim for damages shall be presented in writing and filed with the Clerk of The City of San Diego within one hundred (100) days after the occurrence giving rise to the claim for damages.

(2nd paragraph)

Whenever it is claimed that The City of San Diego is obligated to pay money to any person because of contract or by virtue of operation of law, a demand or claim for such money shall be presented in writing and filed with the Auditor and Comptroller of The City of San Diego within one hundred (100) days after the last item of the account or claim has accrued.

. . . . . .

(5th paragraph)

The time limit of one hundred (100) days shall not begin to run against a claimant whose claim or demand for money due is because of operation of law until such claimant shall have actual notice of the existence of such claim.

. . . . . ."

Proposition M

Amend Section 57 of the Charter of The City of San Diego to read as follows:

"Section 57. Police Department. The Police Department shall consist of a Chief of Police and such other officers, members and employees as the Council may from time to time prescribe by ordinance.

The Chief of Police shall be appointed by the City Manager and the appointment shall be confirmed by a majority of the Council, provided, however, that the Chief of Police may be removed by the City Manager at any time in the manner provided for in Section 30 of Article V of this Charter.

The Chief of Police, with the approval of the City Manager, shall appoint, direct and supervise the personnel, subject to Civil Service regulations, have charge of the property and equipment of the department and exercise all powers and duties provided by general laws or by ordinance of the Council. The Chief of Police shall have all power and authority necessary for the operation and control of the Police Department."

Proposition N

Amend Section 58 of the Charter of The City of San Diego to read as follows:

"Section 58. Fire Department. The Fire Department shall consist of a Chief of the Fire Department and such other officers, members and employees as the Council may from time to time prescribe by ordinance.

The Chief of the Fire Department shall be appointed by the City Manager and the appointment shall be confirmed by a majority of the Council, provided, however, that the Chief of the Fire Department may be removed by the City Manager at any time in the manner provided for in Section 30 of Article V of this Charter. The Chief of the Fire Department shall have all power and authority necessary for the operation and

control of the Fire Department and the protection of the lives and property of the people of the City from fire.

The Chief of the Fire Department, with the approval of the City Manager, shall direct and supervise the personnel. After appointment members of the Fire Department shall not be subject to the Civil Service provisions of this Charter and promotions, demotions, suspensions and dismissals from the Fire Department shall be made in accordance with fixed rules and regulations of a Merit System established by the Chief of the Fire Department and approved by ordinance of the Council; provided, however, that any member who has been dismissed, demoted or suspended, other than the Chief of the Fire Department, may within five days from the effective date of the order of such dismissal, demotion or suspension, appeal to the Civil Service Commission of the City, which after proper notice, shall conduct a public hearing at which the Commission shall have power to determine the justice of such order of dismissal, demotion or suspension, and may affirm, modify or refuse such order. The action of said Commission on such hearing shall be final and conclusive ''

Proposition O

Add new Section 43.1 to the Charter of The City of San Diego to read as follows:

''Section 43.1 Commissions, Boards, Committees—Appointments. Whenever under the provisions of this Charter or ordinance the Mayor is vested with authority to nominate or appoint subject to confirmation of the Council the members of commissions, boards or committees, and the Council has failed or refused to confirm two successive nominations of the Mayor to a vacancy on such commission, board or committee, the nomination and appointment to fill such vacancy shall be by vote of the Council.''

Proposition P

Repeal Sections 61 and 63 of the Charter of The City of San Diego as follows

''~~Section 61. Social Service Department. The Manager shall appoint a Social Service Commission consisting of five (5) members, only three (3) of whom shall be of the same sex. After their appointment said members shall determine by lot the terms of the members of the first Commission appointed hereunder. Two (2) members shall serve for terms of three (3) years and the other three (3) for terms of five (5) years. Thereafter the term of each member when appointed shall be for the term of five (5) years, or until his successor is appointed and qualified. Each of the members of the Social Service Commission shall have a general knowledge in the field of social welfare work.~~

~~The Social Service Department shall have such powers and duties as relate to the investigation, study, recommendation~~

~~and execution of legislation and policies relating to the social welfare of the people of The City of San Diego, and particularly those relating to improvement of social conditions which might lead to poverty, crime and disease, and the recommendation and carrying out of constructive programs for the prevention of juvenile delinquency. The Department shall also have such additional powers and duties as may be conferred upon it by ordinance of the City Council.~~

~~The Manager shall also appoint a Director of Social Service, who shall have the necessary qualifications and experience in the field of social welfare work, whose duty it shall be to administer and carry out such programs as shall be authorized by ordinance of the Council, and such other duties in relation to social welfare in The City of San Diego as may be imposed upon him by said ordinance or the City Manager. Such Director of Social Service shall receive such compensation as shall be recommended by the Civil Service Commission and fixed by ordinance of the Council.~~

~~" Section 63. Library Department. The Manager shall appoint a Library Commission of three members who shall serve without compensation during his pleasure. The Manager shall appoint a City Librarian who shall be the executive officer and Director of the activities of the Department. The City Librarian must be either a graduate of a Library School accredited by the American Library Association, or present a statement from the Board of Library Examiners of the State of California that in their judgment the applicant is qualified to fill the position of Librarian of the San Diego Public Library. The Library Department shall consist of such central and branch libraries and reading rooms and have such subordinate officers and employees as shall be authorized by ordinance.~~

~~The City Librarian shall manage and control the libraries and reading rooms of the City, shall purchase books, periodicals, and other publications, may purchase, lease, or receive by gift, any real or personal property for library purposes, subject to the provisions of the Annual Appropriation Ordinance, and shall make and enforce rules and regulations for the proper administration of all real and personal property under the jurisdiction of the Library Department. The City Librarian shall perform such other functions as are prescribed by general law or ordinance for public libraries.~~ "

Proposition Q

Amend Section 55 of the Charter of The City of San Diego to read as follows:

"Section 55. Park and Recreation The City Manager shall have the control and management of parks, parkways, plazas, beaches, cemeteries, street trees, landscaping of city-owned property, golf courses, playgrounds, recreation centers, recreation camps and recreation activities held on any city playgrounds, parks, beaches and piers, which may be owned,

controlled or operated by the City. The City Council shall by ordinance adopt regulations for the proper use and protection of said park property, cemeteries, playgrounds and recreation facilities, and provide penalties for violations thereof. The Manager is charged with the enforcement of such regulations.

All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose. However, real property which has been heretofore or which may hereafter be set aside without the formality of an ordinance or statute dedicating such lands for park, recreation or cemetery purposes may be used for any public purpose deemed necessary by the Council.

Whenever the City Manager recommends it, and the City Council finds that the public interest demands it, the City Council may, without a vote of the people, authorize the opening and maintenance of streets and highways over, through and across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park, recreation and cemetery purposes.

The City Manager shall also have charge of the management, control, preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein. At least fifty per cent of the net proceeds from the sale of all cemetery lots shall be deposited with the City Treasurer and be kept in a fund to be known as the Cemetery Perpetuity Fund. This fund shall be administered by the Funds Commission and shall be invested in such income-producing securities as the Funds Commission may decide. The principal of the perpetuity fund (subject to such accretion or diminution as may result from investing the same) shall not be available for meeting expenses for maintenance or upkeep of the cemeteries in any manner whatsoever. All income derived from the investment of the moneys in said perpetuity fund, together with the balance of the sale price of said lots not placed in the perpetuity fund, shall be expended in the maintenance and upkeep of the cemeteries and the perpetual care and upkeep of all graves and lots in said cemeteries; provided, however, that if in any one year such income is more than needed for the purpose of such maintenance, upkeep and perpetual care the Council may direct that the excess over and above that needed as above provided may be used for any other municipal purpose. Until the income from said investments of said perpetuity fund and the balance of the sale price of said lots each year are sufficient to maintain the cemeteries and to provide perpetual care and upkeep of all graves and lots in said cemeteries the Council shall annually appropriate from other revenues

an amount sufficient to enable the City to provide perpetual care and upkeep of all graves and lots in the cemeteries."

Proposition R

Amend Section 53 of the Charter of The City of San Diego and add new Section 26.1 to the Charter of The City of San Diego to read as follows, and repeal Sections 33, 34, 36, 44, 46, 59, 60, 60.1 and 60.2:

"Section 53. Water Utility. There shall be included in the administrative organization of the City a separate utility to be known as the Water Utility. The financial information and records on which the accounts are to be kept shall be established and maintained by the City, in accordance with methods set forth in Section 109 of the City Charter.

All revenues of the Water Utility shall be deposited in a Water Utility Fund. The Manager shall include in the annual budget the estimated expenditure and reserve requirements of the Water Utility Fund. The City Council using such estimates as a basis shall include in the annual appropriation ordinance for the Water Utility Fund provision for operating and maintenance costs; replacements, betterments, and expansion of facilities; payments necessary for obtaining water from the Colorado River; any other contractual obligations; reserves for future expansion of water utility plant; reserves for future water purchases. In addition thereto, the Council shall levy annually a tax sufficient to provide for the redemption of municipal bonds heretofore or hereafter issued for water purposes, together with a sum sufficient to pay the interest thereon. The amount of money necessary to be raised each year for the redemption of water bonds and the payment of interest thereon and for the retirement of any other funded or contractual indebtedness incurred by purchase or otherwise for the development, conservation or distribution of water shall be charged annually against the Water Utility on the accounts of the City. Only after providing the requirements for Water Utility purposes as set forth above may the City Council in the annual appropriation ordinance provide for the transfer to the General Fund of the City any excess revenues accruing to the Water Utility Fund. Such revenue transferred to the General Fund shall be available thereafter for use for any legal City purpose. All such surplus funds so transferred shall be credited on the accounts of the City as a reimbursement credit for the monies paid by the City each year for the redemption of Water Bonds and the payment of interest thereon, costs of services and facilities furnished to the Water Utility by other City departments and funds, and an amount equal to the estimated loss in taxation which would be paid to the City by the Water Utility if it were not municipally owned, together with a reasonable profit on the City's investment in the water system.

The Council shall have power to employ special counsel for the purpose of advising and representing the City in all mat-

ters, proceedings and things relating to or concerning the development, impounding and distribution of water

"Section 26 1 Public Services Required. It shall be the obligation and responsib lity of The City of San Diego to provide public works services, water services, building inspection services, public health services, park and recreation services, library services, and such other services and programs as may be desired, under such terms and conditions as may be authorized by the Council by ordinance.

" ~~Section 33. Manager's Control Department. The Manager shall appoint a Budget Officer, a Purchasing Agent and a City Engineer. He may at his discretion combine any or all of these offices in one or more persons or may exercise the duties of one or more of these offices himself. Each of these officers shall serve during the pleasure of the Manager and shall receive for their services such compensation as is fixed in the Annual Appropriation Ordinance.~~

~~The Manager's Department shall consist of such subordinate officers and employees as shall be authorized by ordinance.~~

" ~~Section 34. Budget Officer. The Budget Officer shall assist the Manager in the preparation of the annual budget and in all matters connected with the expenditures of the appropriations provided in the annual appropriation ordinance. He shall co-operate with the Auditor and Comptroller, and Purchasing Agent in the financial affairs of the City and shall have power to investigate and report on the operation and methods of all Departments of the City. He shall investigate the efficiency of each activity of the Departments and report to the Manager his findings and recommendations thereon. He shall perform such other functions connected with the financial affairs of the City as the Manager or the Council by ordinance may direct.~~

" ~~Section 36. City Engineer. The Manager shall appoint a City Engineer who shall be a registered civil engineer of the State of California, and of not less than five years' experience as a civil engineer. He shall perform the duties imposed upon City Engineers by general law, this Charter, or ordinances of the Council together with such other duties relating to his office as may be required of him by the City Manager. He shall have such subordinate officers and employees as shall be authorized by ordinance. Neither the City Engineer nor his subordinates shall do any private engineering work while they are employed by the City.~~

~~It shall be the duty of the City Engineer, subject to the approval of the City Manager, to furnish any Department of the City such service, labor and materials as may be requisitioned by the head of such Department. The expense of such service, labor and materials shall be charged to the Department so furnished at actual cost.~~

~~He shall possess the same power in the City in making surveys, plats and certificates as is given by law to City Engineers and County Surveyors, and his official acts and all~~

~~plats, surveys and certificates made by him shall have the same validity given by law to those of City Engineers or County Surveyors. 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 shall be the property of the City.~~

~~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, and he shall keep complete statistical records covering the investigation, design, construction, maintenance and operation of all municipal works done under the direction of his office, all of which he shall keep in proper order and condition, with full indexes thereof, and shall turn the same over to his successor, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor and Comptroller. No maps or specifications for public work for the improvement of streets or for the subdivision of property shall be accepted until they have been filed with and approved by the City Engineer. Such maps and specifications shall then become the property of the City.~~

~~" Section 11. Directors of Departments. At the head of each Department under the City Manager there shall be a Director as specified herein who shall have supervision and control thereof. The Manager may act as the Director of any Department under his direction. Each Director shall have power to prescribe rules and regulations, not inconsistent with this Charter and the ordinances passed in pursuance thereof, for the conduct of the officers and employees of the Department of which he is in charge, for the distribution and transaction of its business, and for the custody of the books, papers, records, and property under its control. The work of each Department shall be distributed among the Divisions established by this Charter or as may be established by ordinance. There shall be a single officer in charge of each Division.~~

~~" Section 16. Department of Public Works. Street Superintendent. There is hereby created a Department of Public Works, which shall be under the supervision and direction of a Director of Public Works, who shall be appointed by the Manager, and who shall perform the duties imposed upon this department by general law, the City Charter or ordinance of the Council. The Department of Public Works shall have charge of streets, sewers, refuse collection and disposal, public buildings, shops, and the manufacturing, storing and repairing of automotive equipment, machinery, tools and other implements and equipment used by the City in connection with the administration of said Department of Public Works.~~

~~The Manager is authorized to divide the department into administrative divisions, and if he sees fit appoint a Supervisor for each, who shall, however, be under the supervision and direction of the Director of Public Works. The Manager may~~

~~prescribe general rules and regulations for the administration of the Department of Public Works as he deems necessary.~~

~~The Manager shall also appoint a Street Superintendent, who shall be under the direction of the City Engineer, and shall do and perform any and all duties which may be imposed upon such Street Superintendent by public improvement laws of the State or this Charter.~~

~~" Section 59. Department of Inspection. The Department of Inspection shall consist of a Director of Building Inspection appointed by the Manager, and such subordinate officers and employees as shall be authorized by ordinance. The Director of Building Inspection shall be either a registered civil engineer or a certificated architect, either of whom must be licensed to practice his profession in the State of California, and be versed in building construction. strength and mechanics of materials, installations of all kinds, and has a general knowledge of the State housing laws and the local inspection ordinances. He shall have been engaged in his profession for a period of not less than five years prior to his appointment. The Director of Building Inspection and all of his supervisors, inspectors and deputies, shall have the right to enter into any buildings, or enclosures, or upon property within the limits of the City, for the purpose of inspecting the same and for enforcing the provisions of the building code, and all other laws and ordinances in force in the City relating to the duties of the Department in the preservation of the safety of the public. No officer or employee of the Department of Inspection shall be engaged either directly or indirectly in any business or profession during the time he is employed by the City in said Department, except that with the permission of the City Manager officers and employees of said Department of Inspection may teach or instruct students or pupils in a regularly established accredited school or college during such times as such teaching or instructing will not interfere with the duties prescribed for their office or employment with The City of San Diego.~~

~~" Section 60. Department of Public Health.~~

~~(a) The Manager shall appoint a Public Health Commission consisting of five members, three of whom shall be graduates of a recognized legal college of medicine and duly licensed to practice medicine in the State of California. The remaining two shall have general knowledge in the field of public health. The members of this Commission shall serve without compensation and shall hold office until their successors have been appointed and qualified.~~

~~(b) The Manager shall appoint a Director of Public Health who shall be a graduate of a recognized legal college of medicine and shall be licensed to practice his profession in the State of California. In addition to these qualifications he shall hold a degree of Director of Public Health from a recognized University, or, in lieu thereof, produce the necessary evidence showing that he possesses the essential qualities of administrative ability to perform the work of Director of Public Health.~~

~~(c) The Director of Public Health after appointment shall continue to hold office until his successor has been appointed and qualified and he shall receive as compensation such salary as may be fixed in the annual appropriation ordinance.~~

~~(d) The Director of Public Health shall be the executive officer of the Department and as such shall exercise all powers and perform all duties conferred by the general laws of the State upon health officers of municipal corporations. Such Director shall enforce all ordinances of The City of San Diego relating to public health and shall provide for the enforcement of all ordinances, quarantines, regulations and rules prescribed by the State Board of Health pertaining to the regulation of public health in The City of San Diego. He shall also carry out and perform any duty imposed upon him by any statute of the State relating to public health and vital statistics and shall have general supervision of all hospitals and clinics established by ordinance for the purpose of isolation and treatment of communicable diseases or child guidance clinics or any other clinics that may be established for preventive treatment of physical or mental conditions.~~

~~(e) The Director of Public Health shall appoint such officers, subordinates and employees as provided by ordinance and as may be necessary to carry out the provisions of this Article and to enforce all laws of the State and City appertaining to public health.~~

~~(f) The Public Health Commission as herein created shall exercise all the powers and perform all of the duties conferred by general law upon Boards of Health in the State of California and such additional powers and duties as may be prescribed for Boards of Health by the rules and regulations of the State Board of Health.~~

~~(g) The Director of Public Health, under the supervision of the Health Commission, shall have supervision and control under any and all ordinances adopted by the Council of The City of San Diego of hospitals, sanitariums, maternity hospitals, convalescent homes and all other establishments relating to public health. In addition thereto he shall have the power to issue and revoke permits or licenses provided for under any and all ordinances relating to health and sanitation.~~

~~(h) The Department of Public Health shall have under its supervision and control all health and sanitary inspectors appointed under any ordinance or ordinances of The City of San Diego which relate to public health. Said Department shall also have supervision and control of the issuance of permits for the operation and inspection of plumbing and gas installations and for all other establishments or businesses requiring inspection under the supervision of the Public Health Department. This Department shall also supervise the issuance and revocation of licenses of such intinerant vendors as may be licensed by ordinance of The City of San Diego.~~

~~(i) The Public Health Department shall have supervision over the City Pound and shall be authorized to enter into~~

agreements with any organization formed under the general laws of the State of California for the maintenance and operation of city pounds.

(j) Subject to the approval of the Manager, the Public Health Director may enter into agreements or contracts with other political subdivisions of the State or other United States health services for the purpose of insuring and safeguarding the public health of The City of San Diego and the inhabitants thereof. And in this connection to cooperate with the Public Health Service and Department of the United States or State of California and with any City or County of this State whenever in the judgment of said Public Health Department the public health and safety of said City and its inhabitants will be best subserved.

Nothing in this Article contained shall be construed as preventing The City of San Diego from adopting any law which will confer benefits by the formation and maintenance of a local health district or prevent the formation of local health districts including the territory of The City of San Diego as may be authorized by general law of said State.

"Section 60.1 Plumbing Permits and Inspections Regulated by Council. Notwithstanding the provisions of subdivision (h) of Section 60 of this Article, the Council of The City of San Diego shall have power by ordinance to provide that permits for the operation and inspection of plumbing and gas installations may be issued by the Department of Inspection, as provided in Section 59 hereof, and in said ordinance said Council may provide that the Plumbing Inspector and such assistants as may be provided by ordinance shall be under the supervision and control of the Chief Inspector of the Department of Inspection; provided, however, that nothing herein contained shall be construed as to affect the power of the Department of Public Health, or any other health officer of the State of California, from enforcing sanitary laws of the City and the State, and protecting the public health of the people of The City of San Diego.

"Section 60.2 Authority to Consolidate Department of Public Health With the County of San Diego. The Council is herein authorized to enter into a contract with the Board of Supervisors of the County of San Diego, wherein the Council may agree that any or all of the duties and functions of officers and employees of the Department of Public Health of The City of San Diego may be performed by officers and employees of the County of San Diego. Said contract may also provide that all or some of the present employees of The City of San Diego now serving in the Department of Public Health may be transferred to and become employees of the County of San Diego with full accredited status of members of the Civil Service of said County; for the preservation of all seniority and pension rights of any employees of said City affected by such transfer, and also for direct payments by the City to the County to preserve said rights; and for compensating

~~County for duties performed pursuant to the terms of said contract in the enforcement of health measures in said City either by direct payment to the County or by collection, directly or indirectly, by employees of the County of San Diego of fees, fines or penalties provided for or imposed under any city ordinance affecting public health and the retention by the County of such moneys so collected. Any officers or employees retained by the City who are obligated to continue their present duties shall perform such under the supervision of the City Manager or such other department head as he may select. In any such contract the right shall be reserved to the City to terminate said contract upon notice and assume again the obligations and duties prescribed by this Charter for the protection of public health within The City of San Diego.~~ ''

Proposition S

Repeal Section 221 of the Charter of The City of San Diego as follows:

'' ~~Section 221. City Offices to Be Kept Open. Except where otherwise provided for by law or this Charter all public offices of the City shall be kept open for business every day except Legal Holidays from 8:30 o'clock in the morning until 5:00 o'clock in the afternoon.~~ ''

Proposition T

Amend Section 117 of the Charter of The City of San Diego to read as follows:

''Section 117. Unclassified and Classified Services. Employment in the City shall be divided into the Unclassified and Classified Service.

(a) The Unclassified Service shall include:

1 All elective City Officers

2 Members of all boards and commissions

3 All department heads and one principal assistant or deputy in each department

4. One assistant to Mayor

5. City Manager, Assistant City Manager, and Assistants to the City Manager

6 City Clerk

7 Budget Officer

8 Purchasing Officer

9 Treasurer

10 All Assistant and Deputy City Attorneys

11 Industrial Coordinator

12 The Planning Director

13 A Confidential Secretary to the Mayor, City Council, City Manager, Police Chief, City Attorney

14 Officers and employees of San Diego Unified School District

15. Persons employed in positions for expert professional temporary service when such positions are exempted from the Classified Service for a specified period of temporary service by order of the Civil Service Commission

16. Interns including, but not limited to, Administrative Interns and Legal Interns, temporarily employed in regularly established training programs as defined in the job specifications of the City.

(b) The Classified Service shall include all positions not specifically included by this section in the Unclassified Service; provided, however, that the incumbents in the positions of the Planning Director and the Principal Assistant to the Planning Director on January 1, 1963 shall remain in the Classified Service until the respective positions are vacated by the incumbents."

Proposition U

Repeal Article XII, Sections 193, 194, 195, 195.1, 196, 197, 198, 199, 200 and 201 of the Charter of The City of San Diego as follows:

"~~Article XII. Labor on Public Work~~

~~Section 193. Prevailing Rate of Wages to Be Paid on Public Work. Not less than the prevailing or current rate of per diem wages paid by private employers in The City of San Diego for the same quality of service shall be paid to all laborers, workmen or mechanics employed by or on behalf of the City upon any public work, whether such work is done within or outside the limits of the City, and whether such work is done directly by the City or under contract or subcontract or any other arrangement whatsoever.~~

~~Section 194. Time and One-half Pay. Except for employees of the City who are paid twice monthly on the yearly salary basis, not less than one and one-half times the said prevailing or current rate of per diem wages shall be paid for extra work performed by laborers, workmen or mechanics employed by or on behalf of the City upon any public work on Sundays and such legal holidays as shall be designated by the Council of said City by ordinance and for work performed in excess of eight hours in one calendar day in such cases in which such overtime work is permitted by law.~~

~~Section 195. Penalty for Failure to Pay Prevailing Rate. The officer or public body awarding any contract for public work on behalf of the City shall ascertain the current or prevailing rate of per diem wages paid by private employers in the City for each craft or type of workman or mechanic needed to execute the contract, and shall specify in the bids for said contract, and in the contract itself, what the current or prevailing rate of wages is for each craft or type of workman or mechanic needed to execute the contract, also the overtime, Sunday and holiday rate, and it shall be mandatory upon the contractor to whom the contract is awarded, and upon any subcontractor under him, to pay at least the said specified~~

~~rates to all laborers, workmen and mechanics employed by them in the execution of the contract, and it shall be unlawful for them to fail to do so. The contractor to whom such contract is awarded shall forfeit as a penalty to the City ten dollars for each laborer, workman or mechanic employed, for each calendar day such laborer, workman or mechanic is paid less than the said stipulated rates for any work done under said contract or by virtue of said contract, by him, or by any subcontractor under him, and the said officer or public body awarding the contract shall cause to be inserted in the contract a stipulation to this effect. The term 'prevailing or current rate of per diem wages' shall be the rate determined upon as such rate by the officer or public body awarding the contract or employing the workman, whose decision in the matter shall be final. Nothing in these provisions, however, shall be construed to prohibit the payment to any laborer, workman or mechanic employed on any public works aforesaid of more than the said current or prevailing wages.~~

~~Section 195.1 Publication of Wage Scale. Nothing in the foregoing section 195 shall be construed to require or authorize the publication of the prevailing wage scale in any notice inviting bids for contracts which require performance of labor or services in connection with said public work.~~

~~Section 196. Eight-Hour Limit on Public Works. The time of service of any laborer, workman, or mechanic employed upon any of the public works of the City, whether such work is done within or outside the limits of the City, and whether such work is done directly by the City or under contract or subcontract or any other arrangement whatsoever, is hereby limited and restricted to eight hours during any one calendar day and it shall be unlawful for any officer or agent of the City who directs or controls the work of any laborer, workman, or mechanic, employed as herein aforesaid. to require or permit such laborer, workman, or mechanic to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property or except to work upon public military or naval defenses or works in time of war, provided, however, that within thirty days after any employee is permitted to work over eight hours in one calendar day due to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file with the officer or board awarding the contract a report, verified by his oath, setting forth the nature of said emergency, which report shall contain the name of said worker and the hours worked by him on the said day, and failure to file the said report within the said time shall be prima facie evidence that no extraordinary emergency existed. The contractor to whom such contract is awarded shall forfeit as a penalty to the City ten dollars for each laborer, workman or mechanic employed in the execution of the contract, or by virtue of the contract. by him, or by any subcontractor under him, upon any public work or upon any work**

herein mentioned, for each calendar day during which such laborer, workman or mechanic is required or permitted to labor more than eight hours in violation of the provisions of this Section, and the said officer or public body awarding the contract shall cause to be inserted in the contract a provision to this effect. If the work is being done directly by the City the officer directly in charge of the work shall file the said verified report covering any such extraordinary emergency with his superior officer or the officer or board which appointed him.

Section 197. Alien Labor on Public Works Prohibited. No alien shall be employed upon the public works of the City, whether such work is done within or outside the limits of the City, and whether such work is done directly by the City or under contract or subcontract or any other arrangement whatsoever, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war; provided, however, that within thirty days after any alien is permitted to work thereon due to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file with the officer or public body awarding the contract a report, verified by his oath, setting forth the nature of the said emergency and containing the name of the said alien, and failure to file the said report within the said time shall be prima facie evidence that no such extraordinary emergency existed. If the work is being done directly by the City the officer directly in charge of the work shall file the said verified report covering any such extraordinary emergency with his superior officer or the officer or board which appointed him. The contractor to whom such contract is awarded shall forfeit as a penalty to the City ten dollars for each alien employed in the execution of said contract, or by virtue of the contract, by him, or by any subcontractor under him, upon any of the public works of the City, or upon any work herein mentioned, for each calendar day during which such alien is permitted or required to labor in violation of the provisions of this Section, and the said officer or public body awarding the contract shall cause to be inserted in the contract a provision to this effect. The term 'alien' as used herein shall mean any person who is not a born or fully naturalized citizen of the United States.

Provided, however, anything to the contrary in this section notwithstanding, that during a period when the United States is engaged in war, and for six (6) months following the cessation of hostilities, the City Council may by ordinance adopted by a vote of five (5) of its members, authorize the employment upon the public works of the City, of the nationals of countries allied with the United States or with which the United States is at peace.

Section 198. Records to Be Kept by Contractors. Every contractor doing public work shall keep or cause to be kept an accurate record showing the names, occupation and citizenship

~~of all laborers, workmen or mechanics employed by him, or by any subcontractor under him. in connection with the said public work, and also showing the actual hours worked and actual wages paid to each of such workers which record shall be open at all reasonable hours to the inspection of the officer or public body awarding the contract, their deputies and agents, and to the chief of the division of labor statistics and law enforcement of the department of industrial relations, his deputies and agents.~~

~~Section 199. Duty to Report Violations. It shall be the duty of the officer or board awarding the contract to do any public work to take cognizance of all violations of the provisions of this Article committed in the course of the execution of said contract, and to report the same to City Auditor and Comptroller who shall withhold and retain from the contractor in question all sums and amounts which shall have been forfeited pursuant to the provisions of this Article and turn such sums over to the City Treasurer to become a part of the general fund of the City.~~

~~Section 200 Penalty for Violation. Any officer or member of a public board of the City who shall wilfully violate, or omit to comply, with any of the provisions of this Article shall be subject to removal from office by suit brought for that purpose in the Superior Court by any citizen, and any contractor, or agent or representative of any contractor doing any public work for or on behalf of the City, whether such work is done within or outside the limits of the City, who shall neglect to keep an accurate record of the names, occupation, citizenship, actual wages paid to and actual hours worked by the workers employed by him, or by any subcontractor under him. in connection with the said public work, or who shall refuse to allow access to same at any reasonable hour by any person authorized to inspect same under this Article, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.~~

~~Section 201. Street Work, etc., Subject to this Article. Street work and other improvement work done under the direction and supervision of the City, as well as irrigation and reclamation work, shall be held to come under the provisions of this Article; provided, however, that nothing in this Article with reference to the hours of labor shall apply to regular municipal employees who are employed at a regular weekly, monthly or yearly salary.~~ ''

Proposition W

Amend Section 104 of the Charter of The City of San Diego to read as follows:

''Section 104 Term and Plan of Purchase. Within six months after this Charter takes effect, copies of all franchises

existing at the time shall be deposited with the Manager. The Council shall certify to the existence of such franchises and shall recognize them for periods not longer than the date of expiration on each. The Manager shall keep a public record of all franchises, leases or permits granted for the use of the public property of the City. The Council may fix the term of each new franchise in accordance with the laws of the State of California, provided that any franchise may be terminated by ordinance whenever the City shall determine to acquire by condemnation or otherwise the property of any utility necessary for the welfare of the City, such termination to be effective upon and not before payment of the purchase price for the property to be acquired. The method of determining the price to be paid for the property so acquired shall be that provided by law affecting the purchase of public utility properties in effect at the time of the purchase or condemnation of such public utility property."

Proposition X

Repeal Section 96 of the Charter of The City of San Diego as follows:

"~~Section 96. Progressive Payments. Any contract may provide for progressive payments if the ordinance or resolution authorizing the work so prescribes, but no progressive payment can be provided for or made at any time which, with prior payments, shall exceed in amount at that time ninety per cent of the value of the work done and materials used and no contract shall authorize or permit the payment of more than ninety per cent of the contract price before five days after the expiration period of filing liens, and the acceptance thereof by the Head of the Department concerned, and the Manager~~."

Proposition Y

Amend Section 213 of the Charter of The City of San Diego to read as follows:

"Section 213. Continuing in Force Ordinances and Contracts. All ordinances not inconsistent with any of the provisions of this Charter or any amendments thereto shall continue in force until amended or repealed, and all contracts of The City of San Diego in force at the time of the adoption of this Charter or any amendments thereto, and not inconsistent with any of the provisions thereof, shall continue in force until completed, amended or rescinded."

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 18th day of November, 1963.

(SEAL)

CHARLES C. DAIL
Mayor of The City of
San Diego, California
PHILLIP ACKER
City Clerk of The City of
San Diego, 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 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 amendments to the Charter of the City of San Diego, 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 Diego.

CHAPTER 5

Assembly Joint Resolution No. 2—Relative to federal and state water rights.

[Filed with Secretary of State March 12, 1964]

WHEREAS, There exist many uncertainties relating to the establishment of rights for the diversion, use and storage of the water supplies of California and other states; and

WHEREAS, Federal court decisions in recent years have clouded the title to water rights held under state laws by suggesting unlimited federal prerogatives with respect to water rights; and

WHEREAS, The continued existence of these uncertainties over water rights is not in the best interests of California or the United States as doubt has been cast upon vested water rights and upon the authority of the states with respect to water rights; and

WHEREAS, Cities, districts and other public agencies in California and the State itself have invested billions of dollars in water development projects in reliance upon water rights,

which have been placed in jeopardy by said court decisions and federal policy; and

WHEREAS, California is vitally concerned with federal-state water rights relationships since more than 75 percent of the natural water runoff in California originates from or flows across federal land or reserves; and

WHEREAS, S. 1275 has been introduced in the United States Senate to provide an orderly procedure for resolving these uncertainties in water rights, and would facilitate and in no way interfere with urgently needed regional water planning and development; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact S. 1275 or similar legislation clarifying the relationship of the federal and state governments in the field of water resources development to insure that water development by the federal and state and local governments may proceed on a sound basis; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, to the Chairmen of the United States Senate and House Committees on Interior and Insular Affairs, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 6

Assembly Concurrent Resolution No. 7—Relating to commending Dennis Ralston.

[Filed with Secretary of State March 12, 1964.]

WHEREAS, It has come to the attention of the Members of the Legislature that Dennis Ralston is a member of the United States Davis Cup Team that recently returned the Davis Cup with all its prestige to the United States; and

WHEREAS, Sportsmanship, skill, and inspirational effort previously won for him, in 1963, the national indoor championship and the national intercollegiate championship; and

WHEREAS, In 1961 and 1963 he was a member of the United States tennis doubles championship team and before that, when only 17 years of age, was a member of the youngest tennis team ever to win the world's doubles championship; and

WHEREAS, In recognition of his many achievements in the field of tennis, the 1964 Headliner Award was presented to him by the Greater Bakersfield Chamber of Commerce; and

WHEREAS, Dennis Ralston has brought great pride and credit to his country, to his State, to his hometown of Bakersfield, California, to his parents, and to himself; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature congratulate Dennis Ralston on his success, and wish him no less success in all his future undertakings; 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 Dennis Ralston and to his parents, Mr. and Mrs Robert L. Ralston.

CHAPTER 7

Assembly Concurrent Resolution No. 4—Approving certain amendments to the Charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, voted for and ratified by the qualified electors of the city at a municipal election held therein on the fifth day of November, 1963.

[Filed with Secretary of State March 18, 1964]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of 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 }

We, the undersigned, James B. McKinney, Mayor of the City of Sacramento, State of California, and Reginald H. Boggs, 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 Section 8 of Article XI 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 three propositions for the amendment of the Charter of the City of Sacramento at the Regular Municipal Election held within the City on November 5, 1963.

That 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 16, 1963, 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, and in each edition thereof on said day. 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.

That until the date fixed for the Regular Municipal Election, November 5, 1963, 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 5, 1963, the date fixed for said Regular 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 Regular Municipal Election was duly and regularly held in said City of Sacramento on November 5, 1963, after due notice was given and published on September 16, 1963, and that November 5, 1963, the date of said election 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 voted upon Proposition A, Initiative and Referendum, How Invoked, and Proposition C, Payment to Housing Code Board Members, and ratified the same.

That thereafter on the 12th day of November, 1963, the Council of the City of Sacramento did in the manner provided by law, duly and regularly canvass the returns of said general

municipal election, and did adopt a resolution declaring the results of the canvass of the returns of said election on the 12th day of November, 1963.

That the Council of said City did by said resolution, find, determine, and declare that the said 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 the City 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 A

To amend Article XXIII, Sections 239 and 240, of the Charter of the City of Sacramento, to read as follows:

Initiative and Referendum
How Invoked

Sec. 239. The submission to the vote of the people of any proposed ordinance, or of any ordinance enacted by the City Council and which has not yet gone into effect, may be accomplished by the presentation of a petition therefor to the City Council in the manner hereinafter provided.

If a referendum petition of registered voters, protesting against the adoption of an ordinance is presented to the City Clerk within 30 days after the City Council has adopted the ordinance, the City Clerk shall file such petition if it is signed by not less than 15 percent of the number of voters who were registered within the City at the time of the last regular municipal election.

If an initiative petition of registered voters, containing a request that an ordinance be submitted to a vote of the people, is presented to the City Clerk, he shall file such petition if it is signed by not less than 10 percent of the number of voters who were registered within the City at the time of the last regular municipal election.

Signatures to an initiative petition shall be secured and the petition filed within six months of the date on which the first signature was affixed.

If the petition contains the required number of signatures of registered voters, as aforesaid, the City Council shall immediately take the necessary steps to submit to the voters of the City the question proposed in said petition; provided that in the case of the referendum the entire repeal of the ordinance sought to be referred, and in the case of the initiative, the passage by the City Council of the desired ordinance, shall put an end to all proceedings under said petition. It shall be

unlawful for any person to accept payment for circulating a petition.

Form of Petition

Sec. 240. The petition used to originate the Initiative or the Referendum shall be substantially in the following form:

Petition to the City Council

For the submission to the people of the question:

Shall the Proposed Ordinance, a Copy of Which Is Hereto Attached, Be Adopted?

We, the undersigned, do solemnly affirm that we are registered voters of the City of Sacramento, residing respectively at the addresses placed opposite our names, and we hereby petition the City Council to submit the foregoing question to the voters of the City of Sacramento at the next regular Municipal election (or at a special election).

Name	Residence	Precinct Name or Number	Date

Each separate paper of the petition shall have attached to it an affidavit made by a registered voter of the City. The affidavit shall state the affiant's residence, that the affiant circulated that particular paper, and saw written the signatures appended thereto.

The affidavit shall state that according to the best information and belief of the affiant, each is a genuine signature and that the signer is a voter of the City and that affiant has not been promised, nor has he accepted payment, for circulating said petition.

Proposal C

To amend the City Charter by adding Section 71a to Article XI, to read as follows:

Payment to Housing Code Board Members

Sec 71a Each member of the Housing Code Advisory and Appeals Board, five in number, shall receive the sum of Ten Dollars ($10 00) for each board meeting attended but not to exceed a maximum payment of Twenty Dollars ($20 00) in any one month."

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, correct, and exact copy of such amendments.

In witness whereof, we have hereunto set our hand and caused the seal of said City of Sacramento to be affixed hereto on January 10, 1964.

(SEAL)

JAMES B. MCKINNEY Mayor
City of Sacramento
REGINALD H. BOGGS City Clerk
City of Sacramento

Approved as to form:
EVERETT M. GLENN City Attorney

and

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are 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 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.

CHAPTER 8

Senate Concurrent Resolution No. 6—Relative to extending the time for reporting under Assembly Concurrent Resolution No. 11, First Extraordinary Session, 1963.

[Filed with Secretary of State March 19, 1964.]

WHEREAS, Assembly Concurrent Resolution No. 11, First Extraordinary Session, 1963, authorized and directed the Legislative Budget Committee to make a study of all facts relating to the proposal for the construction of a new residence for the Governor, with the requirement that the committee file its final report of the study not later than the first legislative day of the 1964 Regular Session; and

WHEREAS, The Legislative Budget Committee has met on this subject and has directed and received a staff report to the committee by the Legislative Analyst; and

WHEREAS, The committee determined that it would be desirable for the committee members to give further consideration to this matter and to receive the testimony of others, after the

assembling of the members for the convening of the 1964 Regular Session; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the time for filing the final report of the committee be extended to not later than the 15th legislative day of the 1964 Regular Session.

CHAPTER 9

Senate Concurrent Resolution No. 11—Relative to the Easter Seal Society

[Filed with Secretary of State March 23, 1964]

WHEREAS, The Easter Seal Society for Crippled Children and Adults of California has, since its inception 37 years ago, been a consistent source of leadership, guidance, and inspiration in the development of public and private services to the handicapped children and adults of California, to their families, and to the communities in which they live as well as to our State and nation; and

WHEREAS, The 49 affiliated local Easter Seal Society organizations provide a broad spectrum of direct service to the handicapped through care, treatment, training programs, and facilities which meet the vital needs of their communities in the best tradition of American citizen-volunteer action; and

WHEREAS, The Easter Seal Society in California is dedicated to the proposition that rehabilitation of the handicapped is essential to the realization of the democratic ideal that each person has a right to participate to the fullest extent of his capacities in all aspects of life, and that a democratic society must have the cultural, social and economic contribution of which each individual is capable; and

WHEREAS, During the past year, such Easter Seal Society rehabilitation services have been provided to 21,622 handicapped children and 5,669 handicapped adults of California, without regard to the nature of the illness or injury which caused their crippling condition, and without discrimination because of age, sex, racial or national origin, or economic status; and

WHEREAS, California's continued national leadership in providing the special services needed by its handicapped youth and adults is, in large measure, dependent upon the continued ability of the Easter Seal Society and its community-based organizations to provide such services through citizen volunteer leadership and the voluntary financial support of a concerned public; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the period March 1st through March 29th, 1964 is hereby designated as Easter Seal Month in California, and all the members recommend to the people

of California that through their generous support of the 1964 Easter Seal Appeal conducted during this month they insure the continuation and expansion of vital Easter Seal services to our handicapped children and adults; and be it further

Resolved, That through this action the Legislature honor the occasion of the visit to its chambers by Darlene Dinger of Fontana, California, who has been chosen to symbolize the courage and achievements of our handicapped children; and be it further

Resolved, That the Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to the Easter Seal Society for Crippled Children and Adults of California, and to Darlene Dinger of Fontana, California.

CHAPTER 10

Assembly Concurrent Resolution No. 8—Relative to the selection of the Legislative Counsel of California

[Filed with Secretary of State March 24, 1964]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That pursuant to Section 10201 of the Government Code, Angus C. Morrison is selected Legislative Counsel of California.

CHAPTER 11

Assembly Concurrent Resolution No. 6—Relative to the death of Harold A. Berliner.

[Filed with Secretary of State March 26, 1964.]

WHEREAS, A dedicated figure in the cause of the Amateur Athletic Union and of all amateur competitive sports, Harold A. Berliner, has passed from this life; and

WHEREAS, Born in San Francisco on September 16, 1899, he tirelessly and selflessly devoted much of his time to enlisting and encouraging volunteers to officiate at amateur sporting events, particularly in the area of track and field events; and

WHEREAS, His notable achievements and outstanding organizational and administrative ability led to his selection as chairman of the Winter Olympic Commission for the 1960 Winter Olympics at Squaw Valley; and

WHEREAS, The superb efforts of Harold A. Berliner were fruitful toward the successful operation of the Winter Olympics even with difficult and perplexing turns of events; and

WHEREAS, His activities included over a quarter of a century of membership in county and state central committees of the Democratic Party; and

WHEREAS, He was president of Hockwald Chemical Company and a former collector of internal revenue, and an active participant in many civic enterprises of service to his community; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members do hereby express their sorrow at the demise of so great a personality as Harold A. Berliner and extend their condolences to his bereaved widow, Camille Berliner, and the children, Harold A. Berliner, Jr., of Nevada City, and Mrs. Stanley Stillman and Miss Janet Berliner of San Francisco; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit suitably prepared copies of this resolution to Camille Berliner, Harold A. Berliner, Jr., Mrs. Stanley Stillman, and Miss Janet Berliner.

CHAPTER 12

Senate Concurrent Resolution No. 13—Relative to making additional funds available to the Legislative Budget Committee, established by Chapter 1667, Statutes of 1951.

[Filed with Secretary of State March 26, 1964.]

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 eighty thousand dollars ($480,000) or so much thereof as may be necessary is hereby appropriated from the Contingent Funds of the Senate and of the Assembly for the payment of any and all expenses incurred by the Legislative Budget Committee or its members pursuant to and under the 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 13

Assembly Concurrent Resolution No. 13—Relative to making additional funds available to the Legislative Audit Committee.

[Filed with Secretary of State March 30, 1964.]

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 four hundred thirty thousand dollars ($430,000), or so much thereof as may be necessary, is hereby made available 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 14

Senate Concurrent Resolution No. 1—Relative to the Richmond-San Rafael Bridge.

[Filed with Secretary of State March 31, 1964]

WHEREAS, There has been no recent reevaluation by the California Toll Bridge Authority of the fiscal condition existing in connection with the operation and maintenance of the Richmond-San Rafael Bridge and the payment of principal and interest on the revenue bonds issued to finance the construction of said bridge; and

WHEREAS, It is felt that such a reevaluation is highly desirable in order that a determination may be made by the authority as to whether a reduction in the tolls and charges on said bridge is possible, which reduction would be of great benefit to the motorists of this State, and particularly of the San Francisco Bay area, and would perhaps result in increased use of the bridge by the motoring public; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Toll Bridge Authority be requested to make a reevaluation of the financial condition existing in connection with the operation and maintenance of the Richmond-San Rafael Bridge and the payment of principal and interest on the revenue bonds issued to finance the construction of said bridge, with a view toward the possible reduction of tolls and charges on said bridge; and, be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to the California Toll Bridge Authority.

CHAPTER 15

Senate Concurrent Resolution No. 2—Relative to the Richmond-San Rafael Bridge

[Filed with Secretary of State March 31, 1964]

WHEREAS, With the tremendous increase in population and vehicle traffic in the San Francisco Bay area, all possible solutions to the transportation problems facing this area now, and which will increase in their severity and complexity with

each passing year, must be given careful consideration by both state and local governments; and

WHEREAS, There has, to date, been no study made of the possibility of using the Richmond-San Rafael Bridge for rapid transit purposes, in addition to the motor vehicle transportation purposes for which it was designed and is now being used; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Toll Bridge Authority be requested to direct the Department of Public Works to conduct a study as to the possibility of using the Richmond-San Rafael Bridge for rapid transit purposes in addition to motor vehicle transportation purposes, taking into consideration, among other things, the weight of the rapid transit vehicles to be used and the ability of the bridge to withstand the stresses and strains incident to their movement over the bridge; and be it further

Resolved, That the California Toll Bridge Authority shall submit a report on the results of the study made by the department, together with its recommendations thereon, to the Legislature not later than the fifth calendar day of the 1965 Regular Session of Legislature; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to the California Toll Bridge Authority.

CHAPTER 16

Senate Concurrent Resolution No. 3—Relative to Fort Barry, Fort Cronkhite and Fort Baker in Marin County.

[Filed with Secretary of State March 31, 1964.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Beaches and Parks of the Department of Parks and Recreation is requested to conduct a survey and to report to the Legislature as to what parts of the lands included within Fort Barry, Fort Baker, and Fort Cronkhite can be used for park purposes and what parts of such lands can be used for other purposes; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the Director of Parks and Recreation and to the Chief of the Division of Beaches and Parks.

CHAPTER 17

Senate Concurrent Resolution No. 10—Relative to the creation of the Joint Committee on Legislative Building Space Needs.

[Filed with Secretary of State March 31, 1964]

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Joint Committee on Legislative Building Space Needs is hereby created and authorized and directed to make a study of the long-range needs of the Legislature and of the agencies assisting the Legislature for building space in Sacramento for offices, committee rooms, storage, parking, and related functions, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of three members of the Senate appointed by the Committee on Rules thereof, and three members of the Assembly appointed by Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1965 Regular Session, with authority to file its final report not later than the fifth legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The Members of the Senate appointed to the committee shall constitute a subcommittee of the committee on the subject of this resolution as it affects the needs of the Senate. The members of the Assembly appointed to the committee shall constitute a subcommittee of the committee on the subject of this resolution as it affects the needs of the Assembly. Each such subcommittee and its chairman shall have all of the powers of the committee and its chairman.

7. 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 18

Senate Concurrent Resolution No. 14—Relative to the appointment of Mr. Daniel M. Luevano as Assistant Secretary of the Army.

[Filed with Secretary of State March 31, 1964.]

WHEREAS, The art of effective political counsel and the wise administration of public affairs jointly require that knowledge, courage, and persistent dedication be accompanied by a sensitive understanding of the needs and aspirations of people and of the capacity of our social and economic institutions to serve these needs and aspirations; and

WHEREAS, The art and practice of government, both in California and in the nation at large, increasingly require that in the determination of public policy a keen appreciation of the contributions of the scientific, business, and academic communities be matched with broad and perceptive awareness of the traditional roles of the several branches of government; and

WHEREAS, During the past decade Daniel M. Luevano has displayed these qualities with distinction, first as a member of the staffs of the Chancellor and President of the University of California, next as a highly respected consultant and advisor to a major committee and to many individual Members of the Legislature, and more recently as an outstandingly successful holder of the appointed position of Chief Deputy Director of the Department of Finance; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Daniel M. Luevano be congratulated on his appointment by President Lyndon B. Johnson as Assistant Secretary of the Army, and commended for his distinguished service to the State of California; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Daniel M. Luevano.

CHAPTER 19

Senate Joint Resolution No. 1—Relative to conveyance of federal lands in Marin County to the State of California.

[Filed with Secretary of State March 31, 1964.]

WHEREAS, The increasing demands which are being made upon park and recreational areas within the State of California as a result of the constantly increasing population of this State make it imperative that additional park and recreation areas be provided without delay; and

WHEREAS, This need is particularly acute in the San Francisco Bay area where an ever-expanding metropolitan population is finding it increasingly difficult to find park and recreational areas that are not overcrowded; and

WHEREAS, Fort Baker, Fort Barry and Fort Cronkhite in Marin County, however, contain thousands of acres of extremely beautiful land, including desirable beach land, which are eminently suited for development by the State of California for park and recreation purposes; and

WHEREAS, The federal government has already declared lands within Fort Baker, Fort Barry, and Fort Cronkhite to be surplus as unnecessary for military purposes, and indicated its plans to dispose of such lands; 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 take such action as may be necessary to provide for the conveyance to the State of California of the surplus lands within Fort Baker, Fort Barry, and Fort Cronkhite for use for park and recreation purposes; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President of the United States, to the 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 General Services.

STATUTES OF CALIFORNIA

FIRST EXTRAORDINARY SESSION

1964

Began Monday, February 3, 1964, and Adjourned
Saturday, May 23, 1964

4—L-670

PROCLAMATION BY THE GOVERNOR

CONVENING THE LEGISLATURE IN FIRST EXTRAORDINARY SESSION

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session, now therefore,

I, EDMUND G. BROWN, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on the third day of February, 1964, at 12:30 p m of said day for the following purpose and to legislate upon the following subjects:

Item No. 1. To consider and act upon legislation to augment Item 39 of Section 2A of the Budget Act of 1963 as added by Chapter 8 of the 1963 First Extraordinary Session relating to salaries of state employees.

Item No 2. To consider and act upon legislation to augment Item 283 of the Budget Act of 1963 relating to the emergency fund

Item No. 3 To consider and act upon legislation relative to financial support for local school districts

Item No. 4. To consider and act upon legislation to authorize the issuance and sale of bonds for site acquisition, construction, and equipment for junior college and state buildings

Item No. 5. To consider and act upon legislation to authorize the issuance and sale of bonds to provide capital outlay for construction or improvement of public schools.

Item No. 6. To consider and act upon legislation relative to federal aid for higher education.

Item No. 7. To consider and act upon legislation relative to the vote of electors required for a school district to incur any indebtedness or liability.

Item No. 8. To consider and act upon legislation relative to state college off-campus programs involving military installations.

Item No. 9. To consider and act upon legislation to amend Section 14-4/5 of Article XIII of the State Constitution and Section 12241 of the Revenue and Taxation Code with respect to the principal office deduction for insurance companies and to amend the Personal Income Tax Law to allow a flat standard deduction in lieu of itemization of allowable deductions in personal income tax returns, relating to state taxation.

Item No. 10. To consider and act upon legislation to amend or supplement Chapter 29, Statutes of 1956, Extraordinary Session, with respect to the tidelands and submerged lands granted by the State to the City of Long Beach, and the revenues therefrom.

Item No. 11. To consider and act upon legislation relative to the creation of the Office of California Development

Item No. 12. To consider and act upon legislation relative to the creation of the Department of Housing and Community Development.

Item No. 13. To consider and act upon legislation relative to executive and judicial salaries and retirement contributions relating thereto.

Item No. 14. To consider and act upon legislation relative to punchcard voting systems and the approval of voting machines

Item No 15. To consider and act upon legislation relative to the establishment of a bipartisan election commission to study voter registration and elections.

Item No 16. To consider and act upon legislation relative to the restriction, regulation, control, and licensing of outdoor advertising.

Item No. 17. To consider and act upon legislation relative to the payment of educational assistance to veterans and dependents of veterans.

Item No. 18. To consider and act upon legislation relative to the acquisition of farms by veterans.

Item No. 19. To consider and act upon legislation relative to the acceptance of deposits by banks organized under the laws of foreign countries.

Item No. 20. To consider and act upon legislation relative to registration, examination, and reporting by savings and loan holding companies.

Item No. 21. To consider and act upon legislation relative to the authority of the Board of Governors of the State Bar of California to determine the amount of regular annual membership fees of members of The State Bar of California, and classes thereof, and the classification of such members for the purpose of such regular annual membership fees.

Item No. 22. To consider and act upon legislation relative to the creation of Superior Courts.

Item No. 23. To consider and act upon legislation relative to the reapportionment of supervisorial districts in general-law counties.

Item No. 24. To consider and act upon legislation relative to the creation of public transit districts.

Item No. 25. To consider and act upon legislation relative to the creation of a commission to study the future of the San Francisco Bay and the effects of further filling of the bay.

Item No. 26. To consider and act upon legislation relative to granting submerged lands previously used and occupied by the Federal Government to the City of Benicia.

Item No. 27. To consider and act upon legislation relative to the Yuba County Water Agency.

Item No. 28. To consider and act upon legislation relative to Cardinal grapes and authorizing citrous disease tristeza treatment program.

Item No. 29. To consider and act upon legislation relative to validating the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies.

Item No. 30. To consider and act upon legislation relative to the Study Commission on Mental Retardation.

Item No. 31. To consider and act upon legislation to enable the State to obtain federal funds in connection with mental retardation and mental health.

Item No. 32. To consider and act upon legislation relative to the approval of positions, salaries and other budgetary matters of local school districts by the County Superintendent of Education.

Item No. 33. To consider and act upon legislation relative to inter-district attendance agreements between local school districts.

Item No. 34. To consider and act upon legislation relative to the cost of elections held to organize new junior college districts.

Item No. 35. To consider and act upon legislation relative to the Los Angeles Teachers' Retirement System.

Item No. 36. To consider and act upon legislation relative to preliminary examinations in criminal cases and contribution among joint tort feasors.

Item No. 37. To consider and act upon legislation relative to bonds of structural pest control licensees.

Item No. 38. To consider and act upon legislation to permit the expansion of the service area of the East Bay Municipal Utility District.

Item No. 39. To consider and act upon legislation relative to the assessment of property and the issuance of bonds representing unpaid assessments pursuant to the Parking District Law of 1951.

Item No. 40. To consider and act upon legislation relative to the issuance of revenue bonds by county water districts on behalf of improvement districts within such water districts.

Item No. 41. To consider and act upon legislation to delete the office of minute clerk from the statutory list of Assembly officers.

Item No. 42. To consider and act upon legislation relative to the consent calendar of the Senate and Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this thirtieth day of January, 1964.

EDMUND G. BROWN
Governor of California

[SEAL]

[ATTEST] FRANK M. JORDAN
Secretary of State

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California has been called in extraordinary session and has convened on February 3, 1964; and,

WHEREAS, On account of extraordinary occasions which have arisen and now exist, it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, EDMUND G. BROWN, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated January 30, 1964, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, in addition to the subject specified in the original Proclamation to wit:

Item No. 43 To consider and act upon legislation relative to the granting of tax relief in cases of disaster.

Item No. 44. To consider and act upon legislation relative to the Solano County Flood Control and Water Conservation District.

Item No. 45. To consider and act upon legislation relative to the San Benito County Water Conservation and Flood Control District.

Item No 46. To consider and act upon legislation relative to districts formed under the California Water District Law.

Item No. 47. To consider and act upon legislation relative to the creation of zones within districts formed under the Water Conservation Act of 1931.

Item No. 48. To consider and act upon legislation relative to the Atherton Channel Drainage District.

Item No. 49 To consider and act upon legislation relative to the change of boundaries of districts formed under the Municipal Water District Law of 1911 and the Metropolitan Water District Act.

Item No. 50. To consider and act upon legislation relative to legislation to be considered at budget sessions of the legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this seventh day of April, 1964.

EDMUND G. BROWN
Governor of California

[SEAL]

[ATTEST] FRANK M. JORDAN
Secretary of State

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California has been called in extraordinary session and has convened on February 3, 1964; and,

WHEREAS, On account of extraordinary occasions which have arisen and now exist, it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, EDMUND G. BROWN, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated January 30, 1964, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, in addition to the subject specified in the original Proclamation to wit:

Item No. 51. To consider and act upon legislation relative to the Kern County Water Agency Act.

Item No. 52. To consider and act upon legislation relative to financial assistance to the Crescent City disaster area.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this fourteenth day of April, 1964.

EDMUND G. BROWN
Governor of California

[SEAL]

[ATTEST] FRANK M. JORDAN
Secretary of State

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California has been called in extraordinary session and has convened on February 3, 1964; and,

WHEREAS, On account of extraordinary occasions which have arisen and now exist, it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, EDMUND G BROWN, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated January 30, 1964, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, in addition to the subject specified in the original Proclamation to wit:

Item No 53. To consider and act upon legislation relative to restrictions on amending the Constitution

Item No. 54. To consider and act upon legislation relative to the Placer County Water Agency.

Item No. 55. To consider and act upon legislation relative to the cancellation or refund of property taxes

Item No. 56. To consider and act upon legislation relating to studies for additional toll crossings.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-first day of April, 1964

[SEAL]

EDMUND G. BROWN
Governor of California

[ATTEST] FRANK M. JORDAN
Secretary of State

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California has been called in extraordinary session and has convened on February 3, 1964; and,

WHEREAS, On account of extraordinary occasions which have arisen and now exist, it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, EDMUND G BROWN, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated January 30, 1964, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, in addition to the subject specified in the original Proclamation to wit:

Item No. 57. To consider and act upon legislation relative to the Governor's mansion.

Item No. 58. To consider and act upon legislation relative to the South San Luis Obispo County Sanitation District.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-ninth day of April, 1964.

[SEAL]

EDMUND G. BROWN
Governor of California

[ATTEST] FRANK M. JORDAN
Secretary of State

STATUTES OF CALIFORNIA

PASSED AT THE 1964 FIRST EXTRAORDINARY SESSION OF THE LEGISLATURE

CHAPTER 1

An act relating to contribution among joint and several tortfeasors, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 14, 1964. Filed with Secretary of State February 14, 1964.]

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

SECTION 1. This act is applicable only to injuries to person or property and wrongful deaths resulting from the failure of the Baldwin Hills Dam and Reservoir in the City of Los Angeles on December 14, 1963.

SEC. 2. The right of contribution provided by this act is in addition to any other rights of contribution, and any other remedies, that exist.

SEC. 3. (a) Where two or more persons become jointly or severally liable in tort for the same injury to person or property or for the same wrongful death, there is a right of contribution among them which shall arise when one tortfeasor has discharged by payment the common liability or has paid more than his pro rata share thereof, although judgment has not been rendered against all or any of them in an action on the tort.

(b) Such right of contribution shall be administered in accordance with the principles of equity.

(c) Such right of contribution shall be limited to the excess so paid over the pro rata share of the person so paying and in no event shall any tortfeasor be compelled to make contribution beyond his own pro rata share of the common liability.

(d) There shall be no right of contribution in favor of any tortfeasor who has intentionally injured the injured person.

(e) A liability insurer who by payment has discharged the common liability of a tortfeasor shall be subrogated to his right of contribution.

(f) This act shall not impair any right of indemnity under existing law, and where one tortfeasor is entitled to indemnity from another, there shall be no right of contribution between them.

(g) This act shall not impair the right of a plaintiff to satisfy a judgment in full as against any tortfeasor judgment debtor.

SEC. 4. (a) The pro rata share of each tortfeasor shall be determined by dividing the entire common liability equally among all of them.

(b) Where one or more persons are liable solely for the tort of one of them or of another, as in the case of the liability of a master for the tort of his servant, they shall contribute a single pro rata share, as to which there may be indemnity between them.

SEC. 5. Where a release, dismissal with or without prejudice, or a convenant not to sue or not to enforce judgment is given in good faith to one or more of a number of tortfeasors claimed to be liable for the same tort:

(a) It shall not discharge any other such tortfeasor from liability unless its terms so provide, but it shall reduce the claims against the others in the amount stipulated by the release, the dismissal or the covenant, or in the amount of the consideration paid for it whichever is the greater; and

(b) It shall discharge the tortfeasor to whom it is given from all liability for any contribution to any other tortfeasors.

SEC. 6. (a) Whether or not judgment has been entered in an action against two or more tortfeasors for the same injury or wrongful death, contribution may be enforced by separate action.

(b) Where a judgment has been entered in an action against two or more tortfeasors for the same injury or wrongful death, a judgment for contribution may be entered by one such tortfeasor judgment debtor against the other tortfeasor judgment debtors by motion upon notice. Notice of such motion shall be given to all parties in the action, including the plaintiff or plaintiffs, at least ten (10) days before the hearing thereon. Such notice shall be accompanied by an affidavit setting forth any information which the moving party may have as to the assets of defendants available for satisfaction of the judgment or claim for contribution.

(c) The recovery of a judgment for an injury or wrongful death against one tortfeasor does not of itself discharge the other tortfeasors from liability for the injury or wrongful death unless the judgment is satisfied. The satisfaction of the judgment does not impair any right of contribution.

(d) The judgment of the court in determining the liability of the several defendants to the claimant for an injury or wrongful death shall be binding as among such defendants in determining their right to contribution.

SEC. 7. Inasmuch as it appears to the Legislature that an actual controversy respecting the constitutionality of this act exists, and that failure to resolve this controversy at an early date will likely frustrate the purposes of this act, any person or entity against whom has been asserted any claim arising out

of the event described in Section 1 and who alleges that if he were to pay all of such claim, he would expect to seek contribution from another or others pursuant to this act, may bring an action. Such action shall have priority as do other actions for declaratory relief pursuant to Section 1062a of the Code of Civil Procedure.

SEC. 8. Statutory definitions and rules of construction that would be applicable to this act if its provisions were part of Title 11 of Part 2 of the Code of Civil Procedure shall be applicable to this act.

SEC. 9. If Section 1 of this act is held invalid, this entire act is invalid. If any other provision of this act or the application thereof to any person 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 declared to be severable.

SEC. 10. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

On December 14, 1963, a dam and reservoir, located in the Baldwin Hills area within the City of Los Angeles, failed and more than 200 million gallons of water flooded hundreds of dwellings and commercial buildings, with more than 2,000 persons suffering severe damage to their property. The losses aggregated many millions of dollars and the County of Los Angeles has been declared by the President of the United States to be a disaster area.

The victims of the flood are in urgent need of funds to mitigate the hardships which they are suffering and to restore the damaged homes and business properties. The remedies provided by this act are necessary to cope with this situation and must be available immediately.

CHAPTER 2

An act to amend Section 3298 of the Education Code, relating to school district elections, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 13, 1964. Filed with Secretary of State March 13, 1964.]

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

SECTION 1. Section 3298 of the Education Code is amended to read:

3298. The cost of preparation and distribution of the statement setting forth the arguments in favor of, and those

opposed to, the recommendations of county committees and the cost of any election held hereunder shall be a charge against the general fund of the county in which the elementary school district or unified district is situated. If such district is situated in more than one county, the cost shall be prorated against each county in the same proportion as the assessed valuation of the district lying in such county bears to the total assessed valuation of the district.

When the election is held in more than one county because the recommendation of the committee calls for the formation of a new district situated in more than one county, the cost of the election shall be prorated against each county in the same proportion as the assessed valuation of the territory of the proposed new district lying in such county bears to the total assessed valuation of the proposed new district.

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

In order to provide a more equitable method of assessing the cost of school district reorganization elections which will occur during this school year, it is necessary that this act take effect immediately.

CHAPTER 3

An act making an appropriation for the payment of the expenses of the Senate and Assembly and Members of the Senate and Assembly necessarily incurred by them while attending the 1964 First Extraordinary Session of the Legislature, to take effect immediately.

[Approved by Governor March 25, 1964 Filed with Secretary of State March 25, 1964]

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

SECTION 1. The sum of one hundred seventy-three thousand four hundred sixty dollars ($173,460) is hereby appropriated out of the General Fund in the State Treasury for the payment of the expenses of the Senate and Assembly necessarily incurred by them while attending the 1964 First Extraordinary Session of the Legislature in accordance with the following schedule:

(a) For expenses of the Assembly, including the payment of expenses for the Members of the Assembly necessarily incurred by them while attending the 1964 First Extraordinary Session of the Legislature and the payment of mileage necessarily incurred by such members in attending such session..... $114,660

(b) For expenses of the Senate, including the payment of expenses for the Members of the Senate necessarily incurred by them while attending the 1964 First Extraordinary Session of the Legislature and the payment of mileage necessarily incurred by such members in attending such session $58,800

SEC 2. This act, inasmuch as it makes an appropriation for the usual current expenditures of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 4

An act to amend Section 1345 of the Education Code, relating to school district elections, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 25, 1964. Filed with Secretary of State March 25, 1964.]

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

SECTION 1. Section 1345 of the Education Code is amended to read:

1345. In the case of any school district election called or conducted under the provisions of this code, except as hereafter provided in this section, the county clerk, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district is located, shall, at the time provided in the Elections Code for the mailing of sample ballots for a statewide primary election, mail to each registered voter residing within the district, a card designating the polling place and time of the election and containing a statement of the purposes of the election. If the school district election is consolidated with a statewide election, the card shall be mailed at the same time as sample ballots are mailed to the voters.

In any district or territory located wholly or partially in a county with a population of less than 60,000 as determined by Section 28020 of the Government Code, the governing board of the school district, rather than the county clerk or registrar of voters, shall mail the card notice required in this section.

As used in this section, the word "card" means a card or other notice, as determined by the officer charged with the duty of mailing the same to the voters.

Nothing in this section shall be construed to require the use of sample ballots for school district elections.

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 the consolidation of school district elections with the statewide primary election in June in an orderly manner it is necessary that this act take effect immediately.

CHAPTER 5

An act to validate the organization and acts of unified school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 31, 1964. Filed with Secretary of State March 31, 1964.]

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

SECTION 1. Whenever the action necessary to the formation of a unified school district was completed before the first day of February, 1964, such district is hereby declared to be legally created and to be effective for assessment or taxation purposes if the statement, together with the map or plat, required to be filed under Section 54900 to 54904, inclusive, of the Government Code, is filed prior to April 1, 1964.

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

Under existing law, the formation of any new school district, including a unified school district, is not effective for the purposes of assessment and taxation if the statement and map or plat required to be filed by Government Code Sections 54900 and following are not filed on or before the first day of February of the year in which the assessments or taxes are to be levied. In order to permit newly formed unified school districts which have filed such statements and map or plats during the months of February and March, 1964, to properly function the first fiscal year of their existence for all purposes, it is necessary that this act take effect immediately.

CHAPTER 6

An act to amend Section 986.5 of the Military and Veterans Code, relating to the Veterans Farm and Home Purchase Act of 1943.

[Approved by Governor April 7, 1964. Filed with Secretary of State April 7, 1964.]

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

SECTION 1. Section 986.5 of the Military and Veterans Code is amended to read:

986.5. The purchase price of a home to the department, shall not exceed the sum of fifteen thousand dollars ($15,000), and a veteran purchasing the home may advance, subject to the provisions of Section 986.4, the difference between the total price or cost of the home and the sum of the purchase price of the home to the department and any amount the department is required under Section 986.9 of this code to add to the purchase price of the home in fixing the selling price thereof to the veteran. The purchase price of a farm to the department shall not exceed eighty thousand dollars ($80,000), and a veteran purchasing the farm may advance the difference between the total price of the farm or cost of the dwelling and improvements to be constructed on a farm under a contract and the sum of such purchase price to the department or contract price to the department and any amount which the department is required under Section 986.9 of this code to add to such purchase or contract price to the department in fixing the selling price of the farm to the veteran.

CHAPTER 7

An act to add Sections 45.5, 45.6, and 45.7 to, and to amend Section 49 of, the Citrous Pest District Control Act (Chapter 89 of the Statutes of 1939), relating to citrous trees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 8, 1964. Filed with Secretary of State April 8, 1964.]

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

SECTION 1. Section 45.5 is added to the Citrous Pest District Control Act (Chapter 89 of the Statutes of 1939), to read:

Sec. 45.5. A district may pay limited compensation to the owner of any citrus tree infected with quick decline (tristeza) which is removed by the district or by the owner within 60 days after written notice of such infection to the owner by the district, and prior to March 1, 1967. Such limited compensation shall not exceed the following payment schedule with the age

of the tree being conclusively established as of the time written notice of such infection is first given to the owner.

The schedule of payments shall be as follows:

Age of trees	Maximum payment
1 year	$5 per tree
2 years	7.50 per tree
3 years	10 per tree
4 years	14 per tree
5 years	17.50 per tree
6 years	20.75 per tree
7 years or older	25 per tree

For the purposes of this section, the holder of the record title of the real property on which the trees are located shall be considered to be the owner of the citrus trees to whom written notice of infection is given.

The written notice referred to above shall be a written or printed document labeled "Notice of Infection," addressed to the owner and informing the owner of the existence of such infected trees, their location, and that they should be removed forthwith.

For the purposes of determining the age of infected citrus trees under the provisions of this section, trees shall be considered one year old as of the January 1st succeeding the calendar year in which they are planted, and will be deemed one year older on the January 1st of each succeeding year.

SEC. 2. Section 45.6 is added to said act, to read:

Sec. 45.6. In order to expedite the elimination of the source of quick decline (tristeza) virus and when it appears to the board that the cost of testing, indexing, or retesting trees to determine infection may exceed the cost of removal, plus the payment of limited compensation, a district may with the consent of the owner remove and pay limited compensation under the provisions of Section 45.5 for trees which have not been determined to be infected with quick decline (tristeza).

SEC. 3. Section 45.7 is added to said act, to read:

Sec. 45.7. Any payment made to the owner or owners of citrous trees removed under the provisions of Sections 45.5 or 45.6 of this act shall in no event exceed the sum of three thousand dollars ($3,000) per geographical acre.

SEC. 4 Section 49 of said act is amended to read:

Sec. 49. Within 30 days after the receipt of the estimate the board shall adopt a preliminary budget of expenditures for such fiscal year.

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

There is a recent serious infestation of quick decline, otherwise known as tristeza, in the citrous-growing areas in the San Joaquin Valley. This disease is a very serious threat to the

citrous industry in California if it spreads from the trees now known to be infected and could produce a very detrimental effect on the economy of the areas affected and the entire State.

It further appears that it is essential that the diseased trees be removed as quickly as possible to eliminate the chance of spread from the infected trees to trees which are now free from this disease.

The Citrous Pest District Control Act makes no provision for the payment of compensation to the owners of trees which might be removed by a district in order to combat quick decline and it would appear that the payment of limited compensation to the owner of trees removed by the district to combat quick decline should be authorized in order to alleviate undue hardship to the owners of said trees and to expedite the eradication program.

CHAPTER 8

An act to amend Sections 671, 20102 and 20401 of, to amend the heading of Chapter 2 (commencing with Section 20400) of Division 15 of, and to add Sections 20107, and 20402 1 to, the Education Code, relating to the public school system, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 8, 1964 Filed with Secretary of State April 8, 1964]

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

SECTION 1. Section 671 of the Education Code is amended to read:

671. The county board of supervisors, by resolution, may transfer all of the following duties and functions of the county board of supervisors to the county board of education:

(a) Approval of the county superintendent's estimate of anticipated revenue and expenditures pursuant to Section 653, following which it shall be filed with the county board of supervisors.

(b) Allowance of the actual and necessary travel expenses and the expenses of the office of the county superintendent of schools pursuant to Sections 751, 752, and 753.

(c) Receipt of information concerning approvals of the formation of a joint parental school and the declaration, by resolution, of the school's formation, pursuant to Sections 6552 and 6553.

The transfer of duties and functions under the provisions of this article shall not alter the requirement that the expenses for such duties and functions be paid out of the county general fund as provided elsewhere in this code.

SEC. 2. Section 20102 of said code is amended to read:

20102. Wherever any of the terms "unapportioned county elementary school fund," "county elementary school super-

vision fund," "unapportioned county high school fund," and "county school service fund" are used in this code or in any other law, said term shall be deemed to refer to and mean the "county school service fund."

SEC. 3. Section 20107 is added to said code, to read:

20107. No moneys shall be expended from the county school service fund for any purpose in excess of the latest proposed expenditures for such purpose as approved by the Superintendent of Public Instruction under Section 18351, without the approval of the Superintendent of Public Instruction.

It shall be the duty of the county auditor to approve warrants drawn on the county school service fund for expenses approved in the county school service fund budget.

SEC. 4. The heading of Chapter 2 (commencing with Section 20400) of Division 15 of said code is amended to read:

CHAPTER 2. SINGLE BUDGET FOR THE PURPOSES OF THE COUNTY SCHOOL SERVICE FUND, COUNTY BOARD OF EDUCATION, COUNTY COMMITTEE ON SCHOOL DISTRICT ORGANIZATION, AND THE OFFICE OF THE COUNTY SUPERINTENDENT OF SCHOOLS

SEC. 5. Section 20401 of said code is amended to read:

20401. (a) On or before the 10th day of August in each year the county board of education shall determine, and file with the county board of supervisors a budget showing, all the purposes for which the county school service fund, the county board of education, the county committee on school district organization, and the office of the county superintendent of schools will need money, including the salaries of all employees. The county board of education shall determine the amount of money that must be provided by a county tax by deducting from the total estimated needs of the county school service fund, the county board of education, the county committee on school district organization, and the office of the county superintendent of schools as shown by the budget, the total estimated income from all sources other than a county tax as estimated in the budget.

(b) In addition to the above information, the tentative budget shall include estimated cash balances and the estimated apportionments from the State School Fund and an estimate of revenues from sources other than taxes on the secured roll of the equalized assessment roll of the county.

SEC. 6. Section 20402.1 is added to said code, to read:

20402.1. The single budget shall be the county school service fund budget, but the county revenues and expenditures for purposes of the county board of education, the county committee on school district organization, and the office of the county superintendent of schools required to be supported by county revenues shall not be subject to approval by the Superintendent of Public Instruction nor shall the revenues from other than county sources and proposed expenditures

from such sources be subject to any jurisdiction by the county board of supervisors.

The proceeds of the tax levied pursuant to Section 20403 for the purposes of this chapter shall be credited to the county school service fund of the county and any expenses of the county superintendent of schools, the county board of education, and the county committee on school district organization required by Section 881 or any other sections of this code to be paid from the county general fund shall not be paid from such fund but shall be paid from the money in the county school service fund which is derived from such tax.

SEC. 7. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide adequately for the support of the office of the county superintendent of schools and other county school agencies and to clarify the law concerning the approval of the budgets therefor for the ensuing fiscal year, it is necessary that this act take effect immediately.

CHAPTER 9

An act to amend Section 13 of Chapter 788 of the Statutes of 1959, relating to the Yuba County Water Agency.

[Approved by Governor April 8, 1964 Filed with Secretary of State April 8, 1964]

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

SECTION 1. Section 13 of Chapter 788 of the Statutes of 1959 is amended to read:

Sec. 13. The agency shall not incur any indebtedness or liability exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable. This section shall have no application to debts or liabilities incurred for feasibility reports nor to indebtedness incurred pursuant to the provisions of this act authorizing the issuance of bonds, the execution of contracts with the United States, nor the incurring of any indebtedness or liability authorized by a vote of the electors of the agency at an election held for such purpose. This section shall have no application to debts or liabilities incurred for the employment of officers, agents, and employees pursuant to Section 8.1.

CHAPTER 10

An act to add Section 6 3 to Chapter 788 of the Statutes of 1959, relating to the Yuba County Water Agency.

[Approved by Governor April 8, 1964 Filed with Secretary of State April 8, 1964]

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

SECTION 1. Section 6 3 is added to Chapter 788 of the Statutes of 1959, to read:

Sec. 6.3. The agency shall have the power to contract with the State of California or any agency thereof for the assumption, as principal guarantor, of indebtedness to the State of California or any agency thereof for carrying out any of the purposes of the agency. The power to borrow money and assume such liability shall not be subject to Sections 12 and 13 of this act.

CHAPTER 11

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 9, 1964 Filed with Secretary of State April 10, 1964]

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

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water districts
Cemetery districts
Citrous pest control districts
City maintenance districts
Community service districts
Conservancy districts

County boards of education
County drainage districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County sewerage and water districts
County water agencies
County water authorities
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control and water conservation districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway interchange districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Improvement districts of municipal improvement districts
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts

Protection districts
Public cemetery districts
Public utility districts
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
Regional planning districts
Resort improvement districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Unified air pollution control districts
Unified port districts
Urban renewal agencies
Vehicle parking districts
Veterans' memorial districts
Water agencies
Water authorities
Water conservation districts
Water districts
Water replenishment districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts
Zones of county water agencies
Zones of county water authorities

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such

public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

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

SEC. 4. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

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

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

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

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

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the First Validating Act of 1964.

SEC. 11. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the State require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and

essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the State can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 12

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith.

[Approved by Governor April 9, 1964. Filed with Secretary of State April 10, 1964.]

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

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.

Air pollution control districts

Airport districts

Assessment districts

Bridge and highway districts

California water districts

Cemetery districts
Citrous pest control districts
City maintenance districts
Community service districts
Conservancy districts
County boards of education
County drainage districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County sewerage and water districts
County water agencies
County water authorities
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control and water conservation districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway lighting districts
Highway interchange districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Improvement districts of municipal improvement districts
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind

Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Protection districts
Public cemetery districts
Public utility districts
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
Regional planning districts
River port districts
Resort improvement districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Urban renewal agencies
Unified air pollution control districts
Unified port districts
Vehicle parking districts
Veterans' memorial districts
Water agencies
Water authorities
Water conservation districts
Water districts
Water replenishments districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts
Zones of county water agencies
Zones of county water authorities

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other

income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

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

SEC. 4. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided

for in the law under which such acts or proceedings were taken

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

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

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

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10 This act may be cited as the Second Validating Act of 1964.

CHAPTER 13

An act to validate school district acts, proceedings, and bonds, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 11, 1964. Filed with Secretary of State April 13, 1964.]

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

SECTION 1. As used in this act, the term "bonds" means all instruments evidencing an indebtedness of a school district incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such district, and all instruments payable from revenues or special funds of such school districts, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All acts and proceedings heretofore taken by or on behalf of any school district under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such school district for any public purpose, are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such school district and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any school district heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the school district. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the school district. Whenever an election has heretofore been called for the purpose of submitting to the voters of any school district the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the school district.

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

be barred by any presently existing valid statute of limitations.

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

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

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

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

(e) This act shall be effective only with respect to acts, proceedings and bonds authorized at any election held between July 1, 1963 and March 10, 1964.

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

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

The peace, health and safety of citizens of the State require the orderly and unhampered functioning of school districts, and such functioning depends upon the validity of acts, proceedings, and bonds of school districts, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the State can be afforded the services and facilities provided by school districts;

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

(3) School districts can issue and sell bonds heretofore authorized for the purpose of providing services and facilities required for the public peace, health, and safety, and immedi-

ately needed to provide for an increased population, which cannot now be sold because of defects in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 14

An act to add Section 17206.5 to the Revenue and Taxation Code, relating to personal income taxes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 15, 1964. Filed with Secretary of State April 15, 1964.]

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

SECTION 1. Section 17206.5 is added to the Revenue and Taxation Code, to read:

17206.5. Notwithstanding the provisions of subdivision (a) of Section 17206, any loss

(a) Attributable to a disaster which occurs during the period following the close of the taxable year and on or before the time prescribed by law for filing the income tax return for the taxable year (determined without regard to any extension of time), and

(b) Occurring in an area subsequently determined by the President of the United States to warrant assistance by the federal government under Sections 1855-1855g of Title 42 of the United States Code Annotated,

at the election of the taxpayer, may be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Such deduction shall not be in excess of so much of the loss as would have been deductible in the taxable year in which the casualty occurred. If an election is made under this section, the casualty resulting in the loss will be deemed to have occurred in the taxable year for which the deduction is claimed.

SEC. 2. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution, and therefore shall go into immediate effect and operate retroactively. The facts constituting such necessity are as follows:

On or about March 28, 1964, a devastating tidal wave struck Crescent City, California, causing many deaths and destroying immense amounts of property. Under the existing income tax law, the property damage would be allowed to calendar year taxpayers as a casualty loss deduction for the taxable year 1964. This act permits calendar year taxpayers to claim the deduction for the calendar year 1963, thereby obtaining the income tax deduction one year earlier; therefore, it is essential

that this act go into effect immediately and operate retroactively

SEC 3. The amendments made by this act are applicable in the computation of taxes for taxable years beginning on or after January 1, 1963.

CHAPTER 15

An act to validate the boundaries and acts of public utility districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 15, 1964 Filed with Secretary of State April 15, 1964]

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

SECTION 1 Whenever the action necessary to alter the boundaries of a public utility district was completed before the first day of February, 1964, the boundaries of such district are hereby confirmed, validated and declared legally established and to be effective for assessment or taxation purposes, if the statement, together with the map or plat, required to be filed pursuant to Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code, is filed prior to April 15, 1964.

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

Under existing law the change in boundaries of any public utility district is not effective for the purposes of assessment and taxation if the statement and map or plat required to be filed by Government Code Sections 54900 and following are not filed on or before the first day of February of the year in which the assessments or taxes are to be levied. In order to permit public utility districts which have filed such statements and map or plats prior to April 15, 1964, to properly function and provide services necessary for the public health and safety, it is necessary that this act take effect immediately.

CHAPTER 16

An act to add Section 25450.30 to the Education Code, relating to junior colleges, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 15, 1964 Filed with Secretary of State April 16, 1964.]

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

SECTION 1. Section 25450.30 is added to the Education Code, to read:

25450.30. A junior college district formed pursuant to the provisions of this article shall, upon its formation, acquire all rights created and assume all obligations incurred by the petitioning district for junior college purposes prior to the formation of such junior college district. In addition to the transfer of balances provided in Section 25542.5 of this code, the petitioning district shall transfer to the building fund of the newly formed junior college district all funds in the building fund of the petitioning district, regardless of the source of said funds, which are or have been budgeted, allocated, apportioned or appropriated for junior college purposes and which are on hand as of the date upon which the junior college district becomes effective for all purposes.

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:

Various junior college districts have been formed or are in the process of being formed pursuant to the provisions of Article 3.5 (commencing with Section 25450) of Chapter 2 of Division 18.5 of the Education Code. Prior to the formation of such junior college districts, the high school or unified districts petitioning for the formation of such junior college districts have entered into contracts for the construction or improvement of junior college facilities and have otherwise incurred obligations for junior college purposes. The funds with which to pay these obligations have been raised by the petitioning districts by selling bonds and by other means. At present, there is no law which authorizes a junior college district formed pursuant to the provisions of Article 3.5 of Chapter 2 of Division 18.5 of the Education Code to assume obligations (other than bonded indebtedness) incurred by the petitioning districts for junior college purposes and no law which authorizes a transfer of bond funds raised or earmarked for junior college purposes. This act is necessary to enable such newly formed junior college districts to complete construction and improvement programs now underway in

such districts and to provide such junior college districts with the funds necessary to pay off the obligations incurred by the petitioning districts for junior college purposes.

CHAPTER 17

An act to repeal Article 10 (commencing with Section 8697) of Chapter 15 of Division 3 of the Business and Professions Code, as added by Chapter 1669 of the Statutes of 1963, and to add Article 10 (commencing with Section 8697) to Chapter 14 of Division 3 of the Business and Professions Code, relating to structural pest control, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 15, 1964. Filed with Secretary of State April 16, 1964.]

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

SECTION 1. Article 10 (commencing with Section 8697) of Chapter 15 of Division 3 of the Business and Professions Code, as added by Chapter 1669 of the Statutes of 1963, is repealed.

SEC. 2. Article 10 (commencing with Section 8697) is added to Chapter 14 of Division 3 of said code, to read:

Article 10. Indemnity Bonds

8697. Each operator licensed under the provisions of this chapter, except an operator who is an employee of another operator, shall maintain a bond issued by a surety company admitted to do business in this State in the surety amount of two thousand dollars ($2,000). The provisions of Sections 2851 and 2852 of the Civil Code shall be applicable to such bond.

8697.1. A person who files with the board a statement sworn to or certified under penalty of perjury setting forth his intention not to engage in any practice for which a license is required by this chapter shall be excused from compliance with the provisions of this article providing that the board is satisfied that the facts contained in the statement are true. 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.

8697.2. The bonds required by this article shall be in favor of the State of California for the benefit of any person who, after entering into a contract with the licensee, is damaged by fraud or dishonesty of the licensee in the performance of the contract, or any person who is damaged as a result of a violation of this chapter by the licensee. Any person claiming against the bonds required by this article may maintain an action at law against the licensee and the surety.

The aggregate liability of the surety to all persons for all breaches of the conditions of the bonds provided herein shall in no event exceed the amount of the bond.

8697.3. If, after a hearing conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, a license is suspended or revoked upon the grounds set forth in Article 7 (commencing with Section 8620) of this chapter, the registrar shall require the applicant or licensee, as a condition to the issuance, reissuance or restoration of the license, to file a surety bond in the sum to be determined by the registrar based upon the seriousness of the violation, but which sum shall not be less than one thousand dollars ($1,000) nor more than eight thousand dollars ($8,000).

The bond required by this section shall be in addition to the bond required by Section 8697 of this article.

Each applicant or licensee required to maintain a bond of the type provided in this section shall post such bond with the registrar for a period of at least two years and during such additional time as there may be unsatisfied claims outstanding against the same.

8697.4. Upon failure of a licensee to maintain in full force and effect any bond required by this article the registrar shall issue an order suspending or revoking such license, which shall not be reinstated until a new bond is filed.

8697 5. Such bonds as are required by this article shall be in addition to any bond which may be maintained pursuant to the provisions of Article 9 (commencing with Section 8690) of this chapter.

8697.6. In lieu of furnishing any bond required by this article, the licensee may deposit with the board a cash deposit This cash deposit may be satisfied by any of the following:

(1) Certificates of deposit payable to the board issued by banks doing business in this State and insured by the Federal Deposit Insurance Corporation.

(2) Investment certificates or share accounts assigned to the board and issued by a savings and loan association doing business in this State and insured by the Federal Savings and Loan Insurance Corporation.

(3) Bearer bonds issued by the United States Government or by this State.

(4) Cash deposited with the board.

SEC. 3. Bonds issued pursuant to Article 10 (commencing with Section 8697) of Chapter 15 of Division 3 of this code, as added by Chapter 1669 of the Statutes of 1963, and on file before this act takes effect, may continue in effect for the license period ending June 30, 1964, and such bonds are construed to comply with Section 8697 of Article 10 (commencing with Section 8697) of Chapter 14 of Division 3 of this code, as added by this act, except that the licensee may replace any such bond with a bond provided for by that Section 8697.

SEC. 4. Licenses which have been suspended for failure to file the bond required by Chapter 1669, Statutes 1963, are hereby reinstated, and such reinstatement shall be construed to cover the full period of the suspension The licensees shall be required to maintain a bond pursuant to the provisions of this act within 30 days from the time this act takes effect.

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

At the 1963 Regular Session, the Legislature enacted Assembly Bill No. 2935 (Ch. 1669, Stats. 1963), which requires a structural pest control operator to file a $5,000 bond with the Structural Pest Control Board. Many licensees have been unable to maintain a bond in that amount and as a consequence have had their licenses suspended. In addition, many licensees who have posted the bond have been able to do so only through considerable hardship. To improve this situation and to permit these licensees to continue their operations, it is important that this legislation, which reduces the amount of the bond, take immediate effect.

CHAPTER 18

An act to convey certain tide and submerged lands, situated in Solano County, to the City of Benicia, 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 April 16, 1964 Filed with Secretary of State April 16, 1964.]

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

SECTION 1. There is hereby granted to the City of Benicia 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 described as follows:

Beginning at the point of intersection of the Southerly Line of Benicia Arsenal as said line has been established by the State Lands Commission of the State of California in conjunction with the General Services Administration of the United States Government and the City of Benicia and the Westerly line of State Highway IV. X-CC., SOL-75, 74-MTZ, BEN said point being near the Northerly end of the Benicia-Martinez Bridge; thence along the above mentioned agreement line South 48° 51′ 22″ West, 257.19 feet; thence South 75°

52′ 05″ West, 290.80 feet; thence South 23° 08′ 45″ West, 142.47 feet; thence South 21° 34′ 17″ East, 462.39 feet; thence South 85° 58′ 18″ West, 142.35 feet; thence South 35° 13′ 03″ West, 104.04 feet; thence North 82° 27′ 38″ West, 205.78 feet; thence South 43° 41′ 17″ West 92.66 feet; thence North 40° 38′ 56″ West, 130.48 feet; thence South 69° 52′ 36″ West, 139.52 feet; thence South 37° 08′ 48″ West, 82.80 feet; thence South 76° 10′ 17″ West, 200.82 feet; thence South 68° 38′ 44″ West, 142.80 feet; thence North 51° 58′ 22″ West, 198.04 feet; thence South 62° 33′ 37″ West, 117.18 feet; thence South 9° 15′ 12″ West, 151.13 feet; thence North 57° 12′ 57″ West, 68.63 feet; thence North 65° 33′ 22″ West, 48.33 feet; thence North 87° 12′ 26″ West, 82.10 feet; thence West 108.00 feet; thence South 85° 38′ 45″ West, 197.57 feet; thence South 82° 12′ 32″ West, 693.40 feet; thence South 78° 28′ 35″ West, 210.24 feet; thence South 72° 30′ 15″ West, 96.46 feet; thence South 65° 38′ 49″ West, 104.28 feet; thence South 52° 15′ 11″ West, 196.02 feet to the Easterly City Limits line of the City of Benicia; thence along said line South 1° 00′ 12″ West, 1253.22 feet to the Pierhead line as said line is shown on the map entitled "Harbor Lines for Carquinez Strait, California", issued by the U. S. Engineer Office, San Francisco, California and dated March 1, 1940, amended August 24, 1962; thence along said Pierhead line North 87° 37′ 29″ East, 658.54 feet; thence North 57° 33′ 13″ East, 3025.97 feet; thence North 27° 11′ 11″ East, 865.28 feet to the Westerly line of the above mentioned State Route IV-SOL-75; thence along said line North 31° 30′ 25″ West, 289.48 feet to the point of beginning.

To be forever held by said city and by its successors in trust for the uses and purposes, and upon the express conditions following, to wit:

(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 all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities, as may be specified by the city council, after public hearing.

(3) 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.

(4) 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.

(5) 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.

(6) 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, 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 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 (b) 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.

(c) 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.

Nothing contained in this act, however, 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.

The acquisition by the City of Benicia of the pier and wharf facilities which on March 1, 1964, are located on said lands shall constitute substantial improvement of the lands within the meaning of this subdivision.

(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 Solano County.

CHAPTER 19

An act to validate certain contracts entered into by counties, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 20, 1964. Filed with Secretary of State April 20, 1964.]

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

SECTION 1. Any contract entered into by any county after June 16, 1963 and before the passage of this act, under the circumstances set forth in Section 2 hereof, where the entire cost of the contract to the county did not exceed six thousand dollars ($6,000), is hereby approved, confirmed, and validated to all intents and purposes, and all payments made and obligations to pay contractors, materialmen, or laborers in connection with and as a part of such contract are hereby ratified, approved, confirmed and declared to be legal and all such obligations are declared to be due and payable.

SEC. 2. This act applies to those situations in which all of of the following circumstances are present: (a) where the board of supervisors or a park commission acting for the board of supervisors received competitive quotations for improvements related to a swimming pool; (b) where such materials and labor was thereafter furnished to the county officers or employees by one of the suppliers giving such quotations; (c) where the board of supervisors find that such materials and supplies were furnished for a reasonable price and actually used for county purposes by county officers and employees.

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 have been certain technical statutory requirements overlooked by county officers in contracting for improvements to swimming pools. The material and labor has actually been furnished to the county and actually used for county park purposes. As a result of these technical oversights, the suppliers of labor and material who dealt with the county in good faith have been unable to secure payment from the county.

This has imposed a serious hardship on the suppliers and it is in the public interest, for the preservation of the public peace, health, and safety, to honor obligations entered into in good faith despite technical defects in procedure. Therefore, in order that the contracts entered into by the board of supervisors or a park commission acting for a board of supervisors may be honored by the counties without delay and the suppliers relieved of the serious hardship now imposed upon them, it is necessary that this act take effect immediately.

CHAPTER 20

An act to amend Section 15631 of the Elections Code, relating to punchcard voting systems.

[Approved by Governor April 20, 1964 Filed with Secretary of State April 20, 1964.]

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

SECTION 1. Section 15631 of the Elections Code is amended to read:

15631. As used in this chapter, "ballot card" means a card or a number of cards upon which are printed, or identified by reference to the ballot, the names of candidates for nomination or election to one or more offices or the ballot titles of one or more measures. The ballot card shall also contain proper blank spaces to allow the voter to write in names not printed on the ballot unless a separate write-in ballot is used. The separate write-in ballot may be a paper ballot, a card, or the envelope used to enclose a ballot card. All such separate write-in ballots shall have attached thereto two stubs which comply with the provisions of Section 15710 regarding the stubs attached to a ballot card, except that the information required under subdivision (c) of Section 15710, and instructions to voters on how to vote for persons whose names do not appear on the ballot may be printed on the write-in ballot and not upon a stub. The serial numbers appearing on the write-in ballot stubs need not be identical to the serial numbers appearing on the stubs attached to the ballot card or cards handed to the voter. Sections 10001 and 10004 of the said code shall not apply to the preparation of separate write-in ballots authorized by this section.

CHAPTER 21

An act to amend Sections 25001 and 25002 of, and to add Sections 25001.1, 25001.2, 25001.3, and 25001.4 to, the Government Code, relating to county supervisorial districts.

[Approved by Governor April 21, 1964 Filed with Secretary of State April 21, 1964.]

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

SECTION 1. Section 25001 of the Government Code is amended to read:

25001. Following each decennial federal census, and using the census as a basis, the board shall adjust the boundaries of any or all of the supervisorial districts of the county so that the districts shall be as nearly equal in population as may be, but in any case so that the population of every district when added to the population of any two other districts equals at

least 50 percent of the population of the county. In establishing the boundaries of the districts the board may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts.

SEC. 2. Section 25001.1 is added to said code, to read:

25001.1. The boundaries of the supervisorial districts shall be adjusted by the board between the first regular meeting of the board held in January, 1965 and April 30, 1965, and thereafter before the first day of October of the year following the year in which each decennial federal census is taken. If the board fails to adjust the boundaries between the first regular meeting of the board held in January 1965 and April 30, 1965, a supervisorial redistricting commission shall do so before the first day of July of the year 1965. If the board fails to adjust the boundaries before the first day of October following the year in which any succeeding federal census is taken, a supervisorial redistricting commission shall do so before the 31st day of December of the same year. In either case the adjustment of the district boundaries shall be immediately effective the same as if the act of the supervisorial redistricting commission were an ordinance of the board, subject, however, to the same provisions of referendum as apply to ordinances of the board.

If a board has adopted a redistricting ordinance after January 1, 1961, and adopts a resolution finding that the population equality among the districts meets the standard required by Section 25001, the board need not adjust the boundaries of the supervisorial districts between the first regular meeting of the board in January 1965 and April 30, 1965.

SEC. 3. Section 25001.2 is added to said code, to read:

25001.2. The supervisorial redistricting commission shall be composed of the county assessor, the district attorney, and the county clerk if he is elected by the qualified electors of the county, or, if not, the county superintendent of schools if he is elected by the qualified electors of the county, or if not, the sheriff. The county clerk, superintendent of schools, or sheriff, whichever is a member of the commission, shall be chairman.

SEC. 4. Section 25001.3 is added to said code, to read:

25001.3. At any time between the decennial adjustments of district boundaries, the board may cause a census of the county to be taken as provided in Section 26203, and may adjust the boundaries of the supervisorial districts on the basis of that census, or on the basis of the total number of registered voters of the county, pursuant to Section 25001.

SEC. 5. Section 25001.4 is added to said code, to read:

25001.4. Population figures to be used for the adjustment of boundaries to be accomplished between the first regular meeting of the board held in January 1965 and April 30, 1965, shall be based on the 1960 federal census, or a later census of the county taken under the provisions of Section 26203, or on the total number of registered voters of the county. In a county

in which the population has increased by 20 percent or more between April 1, 1960, and July 1, 1963, as reported by the State Department of Finance in the document entitled "Population of California Counties, July 1, 1963," population estimates may be used provided the board determines that the estimates will reflect the current population within the district boundaries more accurately than the 1960 census data. Any person claiming that the estimates of population used in the redistricting do not reflect the current population within the district boundaries more accurately than the 1960 census data, may commence an action in the superior court in declaratory relief to determine that fact. Such an action shall be brought within 30 days after the adoption of the redistricting ordinance.

SEC. 6 Section 25002 of said code is amended to read:

25002 The term of office of any supervisor who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he was elected.

At the first election for county supervisors in each county following adjustment of the boundaries of supervisorial districts, a supervisor shall be elected for each district under the readjusted district plan that has the same district number as a district whose incumbent's term is due to expire.

A change in the boundaries of a supervisorial district shall not be made within 90 days preceding a direct primary election or between the direct primary election and the general election.

CHAPTER 22

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

[Approved by Governor April 21, 1964. Filed with Secretary of State April 21, 1964.]

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

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

9171 The officers and employees of the Assembly are:

(a) A Speaker, a Speaker pro Tempore, a Majority Floor Leader, a Minority Floor Leader, one Chief Clerk, one Sergeant at Arms, one Minute Clerk and one Chaplain.

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

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

by and serve at the pleasure of the Chief Clerk, subject to approval by the Assembly Rules Committee.

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

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

CHAPTER 23

An act to amend Section 802 of the Agricultural Code, relating to grapes, and declaring the urgency thereof, in effect immediately.

[Approved by Governor April 21, 1964. Filed with Secretary of State April 21, 1964.]

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

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

802. As applied to grapes:

(a) "Mature" means that each bunch of the varieties classified above in group A shall test not less than 17 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, in view of differences in climatic conditions prevailing north and west of San Gorgonio Pass, which results in the Malaga variety of grapes grown in that area having, at maturity, a higher percentage of soluble solids than mature grapes of this variety grown in the area south and east of San Gorgonio Pass, Malaga grapes produced in the area north and west of San Gorgonio Pass shall so test not less than 18 percent; however, Thompson Seedless variety shall so test not less than 17 percent if grown south and east of San Gorgonio Pass or 17½ percent if grown north and west of the San Gorgonio Pass, but shall be considered mature regardless of where grown in the State if they so test not less than 16½ percent and if the juice contains soluble solids equal to or in excess of 22 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization); however, the varieties Emperor, Gros Colman, Bleu Grau, Drodelabi, Fresno Beauty, Servian Blue, Pierce Isabella, Pierce, Isabella Regia, California Concord, Concord, Dattier de Beyrouth, Red Malaga, Khalili, Persian 23, Dizmar, Ribier, Delight, Perlette and Queen shall so test not less than 16 percent and the varieties Olivette Blanche, Ladyfinger, Rish Baba, and Khandahar shall so test not less than 15 percent; however, the Blackrose, Cardinal, and Exotic varieties shall so test either not less than 16 percent or not less than 15 percent if the juice contains soluble solids

equal to or in excess of 25 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization), except the Cardinal variety when grown south and east of San Gorgonio Pass shall test not less than 15 percent on the Balling or Brix scale hydrometer.

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

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

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

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

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

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

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

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

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 avoid waste of Cardinal grapes and at the same time properly protect the consuming public during the 1964 season, it is necessary that this act be in effect immediately.

CHAPTER 24

An act making an appropriation to augment the Emergency Fund, to take effect immediately.

[Approved by Governor April 21, 1964. Filed with Secretary of State April 21, 1964.]

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

SECTION 1. The sum of four million seven hundred fifty thousand dollars ($4,750,000) is hereby appropriated for the Emergency Fund in augmentation of the appropriation made by Item 283, Budget Act of 1963; provided, that of the amount appropriated by this act no more than one million dollars ($1,000,000) may be expended under the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction by storm and flood or flood conditions which occurred between July 1, 1963 and June 30, 1964.

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 25

An act to amend Section 28110 of the Government Code, relating to the salary of the District Attorney of Contra Costa County.

[Approved by Governor April 21, 1964. Filed with Secretary of State April 21, 1964.]

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, twenty-one thousand five hundred dollars ($21,500) 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 supervisors shall be paid from county funds.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 26

An act to amend Section 73959 of, and to add Sections 73959.1 and 73959.2 to, the Government Code, relating to municipal courts.

[Approved by Governor April 21, 1964. Filed with Secretary of State April 21, 1964.]

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

SECTION 1. Section 73959 of the Government Code is amended to read:

73959. 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. Pursuant to Section 72194, the judges 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.

SEC. 2. Section 73959.1 is added to said code, to read:

73959.1. 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, including fees for transcription of testimony and proceedings in criminal proceedings as provided in Sections 69947 to 69953, inclusive, shall, upon order of the court, be paid from the general fund of the county treasury.

SEC. 3. Section 73959.2 is added to said code, to read:

73959.2. Official reporters of the court shall be members of any retirement system which includes the attachés of the court. For the purposes of such retirement system, the salary provided in Section 73959 for such reporters shall be deemed to be their entire compensation, except that where credit is claimed for service rendered prior to the establishment of

such salary by amendment of Section 73959 at the 1964 First Extraordinary Session of the Legislature, the actual compensation paid to such reporters by the county shall be the basis for contributions for such prior service, and continuous employment by the municipal court or a court superseded by the municipal court prior to membership in such retirement system shall be considered to be prior service therein upon payment by such reporters of the sums due, if any, under such retirement system.

CHAPTER 27

An act to add Sections 74666, 74667, 74668, 74669, 74670, 74671, 74672, 74826, 74827, 74828, 74829, 74830, 74831 and 74832 to, and to repeal Sections 74666 and 74826 of, the Government Code, relating to municipal courts.

[Approved by Governor April 21, 1964 Filed with Secretary of State April 21, 1964.]

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

SECTION 1. Section 74666 of the Government Code is repealed.

SEC. 2. Section 74666 is added to said code, to read:

74666. All per diem fees otherwise payable by law by the parties to proceedings in the court to official reporters or official reporters pro tempore shall be paid to the clerk of the court All fees shall be deposited in the treasury of the court to the credit of the general fund.

SEC. 3. Section 74667 is added to said code, to read:

74667. Fees for transcription of testimony and proceedings in such 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.

SEC. 4. Section 74668 is added to said code, to read:

74668. In the municipal court no further fee shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court. Such phonographic reporter shall be allowed and shall receive, unless waived by him, the fees allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcriptions shall be

paid as provided by Sections 69947 to 69953, inclusive, and by any other law pertinent to the case.

SEC. 5 Section 74669 is added to said code, to read:

74669. In any civil action or proceedings where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300), in addition to a fee or fees required by Sections 72054 to 72073, inclusive, a fee of nine dollars and fifty cents ($9.50) shall be paid to the clerk of the municipal 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 complaint in intervention where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(b) Upon the filing of an answer where the principal amount of the prayer of the complaint being answered, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

SEC. 6. Section 74670 is added to said code, to read:

74670. The fee required by Section 74669 shall be taxed as costs in favor of any party paying it and to whom costs are awarded by the judgment of the court. It is not subject to Section 6103.

On or before the first day of each calendar month the clerk of the municipal court shall transmit to the county treasurer all money paid to him pursuant to Section 74829 during the preceding calendar month, or up to the day immediately preceding the day in which he transmits such money. The money shall be deposited in the general fund of the county.

SEC. 7. Section 74671 is added to said code, to read:

74671. Official reporters in such municipal court, appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary of ten thousand six hundred dollars ($10,600) a year, which shall be a charge against the general fund of the county. During the hours which the court is open for transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 8. Section 74672 is added to said code, to read:

74672. Pursuant to Section 72194 the judges of such court may appoint as many additional reporters as the business of

the court may require, who shall be known as official reporters pro tempore, and who 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 said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive forty dollars ($40) a day, which shall upon order of the court be a charge against the general fund of the county.

SEC. 9. Section 74826 of said code is repealed.

SEC. 10. Section 74826 is added to said code, to read:

74826. All per diem fees otherwise payable by law by the parties to proceedings in the court to official reporters or official reporters pro tempore shall be paid to the clerk of the court. All fees shall be deposited in the treasury of the court to the credit of the general fund.

SEC. 11. Section 74827 is added to said code, to read:

74827. Fees for transcription of testimony and proceedings in such 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.

SEC. 12. Section 74828 is added to said code, to read:

74828. In the municipal court no further fee shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court. Such phonographic reporter shall be allowed and shall receive, unless waived by him, the fees allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcriptions shall be paid as provided by Sections 69947 to 69953, inclusive, and by any other law pertinent to the case.

SEC. 13. Section 74829 is added to said code, to read:

74829. In any civil action or proceedings where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300), in addition to a fee or fees required by Sections 72054 to 72073, inclusive, a fee of nine dollars and fifty cents ($9.50) shall be paid to the clerk of the municipal 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 complaint in intervention where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(b) Upon the filing of an answer where the principal amount of the prayer of the complaint being answered, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

SEC. 14 Section 74830 is added to said code, to read:

74830. The fee required by Section 74829 shall be taxed as costs in favor of any party paying it and to whom costs are awarded by the judgment of the court. It is not subject to Section 6103.

On or before the first day of each calendar month the clerk of the municipal court shall transmit to the county treasurer all money paid to him pursuant to Section 74829 during the preceding calendar month, or up to the day immediately preceding the day in which he transmits such money. The money shall be deposited in the general fund of the county.

SEC 15 Section 74831 is added to said code, to read:

74831. Official reporters in such municipal court, appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary of ten thousand six hundred dollars ($10 600) a year, which shall be a charge against the general fund of the county. During the hours which the court is open for transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 16 Section 74832 is added to said code, to read:

74832 Pursuant to Section 72194 the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who 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 said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive forty dollars ($40) a day, which shall upon order of the court be a charge against the general fund of the county.

CHAPTER 28

An act to amend Section 70046 of the Government Code, relating to court reporters.

[Approved by Governor April 21, 1964. Filed with Secretary of State April 21, 1964.]

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

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

70046. In a county with a population of 503,000 or more and under 600,000, as determined by the 1960 federal decennial census, each regular official reporter shall be paid an annual salary of ten thousand six hundred dollars ($10,600), and each pro tempore official reporter shall be paid forty dollars ($40) a day for the days he actually is on duty under order of the court.

CHAPTER 29

An act to amend Sections 6140 and 6141 of the Business and Professions Code, relating to membership fees in the State Bar.

[Approved by Governor April 21, 1964. Filed with Secretary of State April 21, 1964.]

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

SECTION 1. Section 6140 of the Business and Professions Code is amended to read:

6140. The board shall fix the annual membership fee for active members at a sum not exceeding fifty dollars ($50), except that for the years commencing January 1, 1959 and ending December 31, 1968 the board may increase the annual membership fee so fixed by an additional amount not exceeding five dollars ($5) in any or all of said years, said additional amount in any year to be applied only to the cost of land and buildings to be used to conduct the operations of the State Bar including furniture, furnishings, equipment, architects' fees, construction and financing costs, landscaping and other expenditures incident to the acquisition, construction, furnishing and equipping of such land and buildings, the payment of interest on and the repayment of moneys borrowed for such purposes, and the reimbursement of the State Bar's treasury for moneys heretofore or hereafter expended for such purposes. The annual membership fee for active members is payable on or before February 1st of each year.

Notwithstanding the foregoing provisions of this section, the annual membership fee, including any additional amount, for active members who have been admitted to the practice of

law in this State for less than five (5) years but more than two years preceding the February 1st of the year for which the fee is payable shall not exceed thirty-five dollars ($35), and for active members who have been admitted for less than two years preceding the February 1st of the year for which the fee is payable shall not exceed twenty-five dollars ($25).

The organization fee for an attorney licensed to practice in this State on or before July 29, 1927, who has failed to register as a member of the State Bar, is the sum of three dollars ($3).

SEC. 2. Section 6141 of said code is amended to read:

6141. The board shall fix the annual membership fee for inactive members at a sum not exceeding ten dollars ($10). The annual membership fee for inactive members is payable on or before February 1st of each year.

CHAPTER 30

An act to amend Section 20803 of the Education Code, relating to school district taxation.

[Approved by Governor April 21, 1964. Filed with Secretary of State April 21, 1964.]

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

SECTION 1. Section 20803 of the Education Code is amended to read:

20803. Any maximum rate of tax for any district may be increased and, having been increased, may be decreased by an amount equal to or less than the amount of such increase, by a majority vote of the qualified electors of the school district at an election which may be ordered by the governing board of the school district of its own motion and shall be ordered within 90 days after the filing with the governing board of a petition signed by not less than 10 percent of the registered voters of the district, requesting that an election be ordered, unless the petitioners request that the election be consolidated with the annual election for members of the governing board, or that the election be consolidated with the general election.

Any decrease in an increased maximum tax rate pursuant to this section shall not be in an amount which will reduce the tax rate for the district below the maximum specified in Section 20751. The governing board shall determine whether the increase or decrease shall remain in effect for a specified or unspecified period of time, unless the petition filed by the electors provides for a specified or unspecified period of time. If a specified period is provided for in the petition or determined upon by the governing board, such period shall be stated on the ballot.

Pursuant to the order of the governing board, the election shall be called, held, and conducted by the county superintendent of schools, as nearly as is practicable in accordance with the provisions of Chapter 6 of Division 4 of this code. The statement of the purposes of the election in the card notice of election shall contain only the following:

(a) The amount of the proposed decrease or increase in the maximum tax rate. If the proposed increase is a continuation of a previously authorized tax rate that fact shall be so stated.

(b) A brief summary of the issues involved.

The specification of the election order shall contain the text of the statement of the purposes of the election in the form in which it is to appear on the card notice of election. The same information shall be furnished the county superintendent of schools by the governing board of the district for all maximum tax increase or decrease elections ordered by it

The costs incurred by the county clerk or registrar of voters and the county superintendent of schools in connection with this section shall be paid out of the funds of the district.

Except as otherwise herein provided, the ballot used in the election shall contain substantially the words "Shall the proposed (increase decrease) in the maximum tax rates from _____ to _____, (such rate to be in effect in the ___ ___ school district for the school year (or years) 19___ to 19___,) be authorized?" Opposite such words, in separate lines, the words "Yes" and "No" shall be printed, with a voting square opposite each such word. If, at any prior election held in the district, the maximum tax rate of the district was increased for a specified period of time, and if the election is called for the purpose of continuing in effect the previously authorized increase in the maximum tax rate of the district, the words to appear on the ballot shall be "Continuation of existing maximum tax rate of _____ for the school years 19___ to 19___, yes" and "Continuation of existing maximum tax rate of _____ for the school years 19___ to 19___, no" or words of similar import. Each voter shall stamp or print a cross in the voting square after the answer he desires to give.

If a proposal is submitted to the electors under this section for an increase or decrease in the maximum tax rate, the ballot shall show the maximum tax rate of the district which will be in effect if the proposal is defeated. If a proposal is submitted to the electors under this section for the continuation of a prior increase authorized for a specified time, the ballot shall show the maximum tax rate which will be in effect in the district at the end of such specified time if the proposal is defeated. If a proposal is submitted to the electors under this section for an additional increase while a prior authorized increase is still in effect, the ballot shall show the maximum rate which will be in effect in the district if the proposal is defeated, and, if the prior authorized increase is for a specified time, the ballot shall also show the maximum tax rate

which will be in effect in the district at the end of such specified time if the proposal is defeated.

If an election for a decrease in an increased maximum tax rate of a district is held in any year prior to or concurrently with the district election for governing board members, any decrease adopted at such election shall become effective on July 1st following the election. If an election for a decrease in an increased tax rate of a district is held in any year after the date of the district election for governing board members, any decrease adopted at such election shall not become effective until July 1st of the next succeeding year.

CHAPTER 31

An act to add Chapter 3 5 (commencing with Section 35450) to Part 4, Division 18 of the Streets and Highways Code, relating to parking districts.

[Approved by Governor April 21, 1964 Filed with Secretary of State April 21, 1964]

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

SECTION 1. Chapter 3.5 (commencing with Section 35450) is added to Part 4, Division 18 of the Streets and Highways Code, to read:

CHAPTER 3.5. ASSESSMENTS AND BONDS FOR ASSESSMENTS

Article 1. General Provisions

35450. Unless otherwise provided, the definitions contained in Chapter 1 of the Street Opening Act of 1903, Sections 4001 to 4012, inclusive, of this code govern the construction of this chapter, unless from the context of this chapter it clearly appears that a different meaning is intended.

35451. This chapter shall remain in effect until June 30, 1965, and shall be of no force or effect thereafter, except that any district which has, by resolution enacted on or before June 30, 1965, declared its intention to take proceedings under this chapter may continue and complete such proceedings and exercise all powers granted by this chapter notwithstanding the termination of the effectiveness of this chapter.

Article 2. Assessments

35460. If the legislative body on behalf of a district formed under this part has previously issued bonds pursuant to Chapter 3 (commencing with Section 35400) of this part which are payable primarily from revenues from parking places or revenues from parking meters on streets, or both, and if the

legislative body determines that it would be in the best interests of the district to be relieved of the obligation to continue to produce such revenues, the legislative body may by resolution declare its intention to take proceedings under this chapter for the levy of an assessment to provide the funds necessary for the redemption of the outstanding bonds. In such resolution the legislative body shall determine the maximum interest rate on and term of the bonds to be issued to represent unpaid assessments.

35461. In the resolution, the legislative body shall order the engineer to make and deliver a diagram of the parking places for which the outstanding bonds were issued and of the property within the district.

35462. The diagram shall show:

(a) The parking places for which the outstanding bonds were issued.

(b) Each separate lot or parcel of land within the district.

(c) The dimensions of each such lot or parcel of land and its relative location to the parking places for which the outstanding bonds were issued.

35463. The diagram shall be delivered to the street superintendent who shall endorse the date of such delivery on the diagram.

35464. Upon receiving the diagram, the street superintendent shall assess the total amount necessary for the redemption of the outstanding bonds against the land within the district subject to assessment, and all incidental costs and expenses in connection therewith, including, but not limited to, engineer and attorney fees, costs in connection with preparation of the diagram, and all other costs necessarily incurred or to be incurred as a result of proceeding under this chapter. The assessment shall be in proportion to the benefits derived from the parking place for which such bonds were issued. The total amount necessary for the redemption of the outstanding bonds shall include the principal thereof, the interest thereon to maturity or to the first available call date, and the premiums which must be paid to call the bonds.

35465. All land within the district shall be assessed to provide the funds necessary for the redemption of the outstanding bonds, except:

(a) Land owned by the United States.

(b) Streets, alleys, and highways.

(c) Property acquired for parking places pursuant to this part.

(d) Public property exempt from assessment pursuant to Section 35466.

35466. Any lot or parcel of land in any public use belonging to the State or to any county, city, district, or other public corporation, public agent, mandatory of the government, school board, educational, penal, or reform institution, or institution for the feebleminded or insane, in use in the performance of a public function and lying within the district is not subject

to assessment unless the consent of its governing body to the assessment is filed with the legislative body at or prior to the confirmation of the assessment. If such consent is filed, the land is subject to assessment in the same manner as other land within the district.

35467. An assessment upon public property is an enforceable obligation against the owner or the governing body controlling the property and shall be paid by the officer or board having charge of the disbursement of its funds.

35468. If no money is available for the payment of an assessment of public property, the board or officer whose duty it is to levy taxes for the owner of the public property shall include in the next tax levy an amount, in addition to money for all other purposes, sufficient to pay the assessment and the interest thereon from the date the assessment is recorded, at the rate established for the bonds. When the money received from the tax levy is available, the assessment and interest shall be paid by the officer or board having charge of the disbursement of the funds of the owner.

Any duty imposed by this section and Section 35467 may be enforced by action, mandamus, or other proceeding.

35469. The assessment shall be made, notice given, hearing held, and the assessment confirmed and recorded substantially in the manner provided in Chapter 11 (commencing with Section 4270 of this code) of the Street Opening Act of 1903, and the provisions of that chapter relating to the method of making or spreading the assessment, the giving of notice, the making and waiving of objections, appeals or protests, the holding of the hearing, the finality and conclusiveness of the decisions and determinations of the legislative body, and the confirmation and recordation of the assessment are adopted as the procedure to be followed pursuant to this chapter. Except as provided by this chapter, all of the powers and authority granted in Chapter 11 of the Street Opening Act of 1903 are applicable to any assessment to be levied pursuant to this chapter.

35469.5. The notice published pursuant to Section 4280 and the notices mailed pursuant to Section 4281 shall also contain a statement that the legislative body has declared its intention to take proceedings under this chapter for the levy of an assessment to provide funds necessary for the redemption of the outstanding bonds and shall state the maximum interest rate on and term of bonds to be issued to represent unpaid assessments. The notice shall also state that any person who has any objection to such proceedings for the levy of such assessment may file a written protest not later than the hour set for the hearing as stated in said notice.

35469.6. At the hearing and prior to consideration of the correctness of the assessment and diagram, the legislative body shall hear and consider all protests to the proceedings for the levy of such assessment. If at the hearing it appears that prior to the hour set for the hearing the owners of taxable real property in the district having an assessed valua-

tion of more than one-half of the assessed valuation of all taxable real property within the district and subject to assessment in the proceedings under this chapter have filed written objection to the proceedings, and at the conclusion of the hearing have not withdrawn their written protests objecting to the formation of the district, the legislative body shall find that a majority protest has been filed and shall abandon the proceedings.

The Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply to proceedings under this chapter.

35469 7. If there is no such majority protest and if all protests to the proceedings are overruled, the legislative body may proceed with the hearing on the correctness of the assessment and diagram and may confirm the assessment

35470. After the assessment roll is recorded, all persons are deemed to have notice of its contents.

35471. Immediately upon the recording, the several assessments contained in the assessment roll are due and payable, and each assessment is a lien upon the property against which it is made. Unless sooner discharged, the lien shall continue for four years from the date of recording, or if bonds are issued to represent the assessment, the lien shall continue until the expiration of four years after the due date of the last installment upon the bonds or the last principal coupon attached to them.

35472. The lien, whether bonds issued to represent the assessment or otherwise, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property. The lien of a reassessment and of a refunding assessment shall be the same as the original assessment to which it relates.

35473. Any deed issued in the foreclosure of the assessment lien or sale of property for the lien conveys the property to the purchaser free and clear of all encumbrances, except taxes, and such special assessment liens as are, at the date of creation of the lien, equal or superior to the assessment lien.

35474. Any action or proceeding to set aside, cancel, avoid, annul, or correct any assessment or reassessment, or to review any of the proceedings, acts, or determinations pursuant to this chapter, or to question the validity or enjoin the collection of any assessment or reassessment, or to enjoin the issuance of bonds to represent any assessment or reassessment, shall not be maintained by any person, unless such action or proceeding is commenced within thirty (30) days after the recording of the diagram and assessment or reassessment. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity of the assessment or reassessment, or of bonds issued on the assessment or reassessment.

35475. Proceedings under this chapter shall not be attacked upon any ground not stated in an objection or protest filed pursuant to this chapter. Any landowner or person interested

in any land within the district is estopped to attack the proceedings upon any ground not stated in an objection or protest filed by him pursuant to this chapter

35476. The officer with whom the assessment is recorded shall give notice that the assessment has been recorded in his office and that all sums assessed in it became due and payable upon the recordation of the assessment, stating the date of recordation and that the payment of the sums, in whole or in part, is to be made to him within thirty (30) days after the date of recordation.

35477. The notice shall also contain a statement that bonds to represent each assessment, or the unpaid balance thereof, remaining unpaid after thirty (30) days will issue in the manner and form provided in this chapter, and shall state the period over which the bonds extend and the maximum rate of interest payable on them.

35478. The notice shall be published twice in a daily or weekly newspaper of general circulation printed and published in the city in which the assessed land lies.

35479. Notice shall also be given by mailing a post card to the owner of each lot, piece, or parcel of land assessed, according to the name and address appearing on the last equalized assessment roll prior to the recordation of the assessment or as known to the officer giving the notice.

35480. Failure of the officer with whom the assessment is recorded to give notice by mailing, or of the person addressed to receive the notice, shall not affect the validity of the proceedings or the validity of the lien of any assessment or of any bond issued on the assessment.

35481. When any payment is made upon an assessment, the street superintendent shall mark opposite the assessment "Paid in full" or "Paid in part," as the case may be, the date of payment, the amount of payment, and the name of the person by or for whom the assessment is paid. If so requested, he shall give receipt for the payment.

35482 After the expiration of thirty (30) days from the date of recording the assessment, the superintendent of streets shall make a complete list of all assessments unpaid and the amounts unpaid, except assessments upon public property.

35483. All unpaid assessments upon public property shall be collected pursuant to this article, but if the property is not in use in the performance of a public function, the lien of the assessment may be foreclosed in the mode provided for foreclosure of assessments in Part 3, Chapter 18 of the Improvement Act of 1911.

Article 3. Bonds for Assessments

35500. Bonds shall be issued pursuant to this article.

35501. The list of unpaid assessments shall be certified and filed with the city treasurer. Upon the filing of the list, the city treasurer shall make out and sign a separate bond repre-

senting upon each lot or parcel of land on the list the total amount of the unpaid assessment against it as shown on the list.

35502. The legislative body shall sell the bonds for cash for not less than the amount of the assessments represented by the bonds.

35503. At any time after the assessment is recorded, the legislative body may call for sealed bids on the bonds proposed to be issued. Notice inviting bids shall be given by two publications in a newspaper published in the city, the first publication to be at least ten (10) days before the bids are to be opened.

35504. The legislative body shall sell the bonds for cash, and if bids are made, for cash to the best responsible bidder.

35505. The bonds may be sold at any rate of interest not exceeding that stated in the resolution of intention. The maximum interest rate shall not exceed 6 percent a year.

35506. The bonds shall extend over a period not to exceed 24 years from January 2d next succeeding the next September 1st following their date.

35507. Upon the award of the bonds to a purchaser, the treasurer shall issue bonds representing the liens of the unpaid assessments as shown on the list and bearing interest at the rate fixed by the legislative body.

35508. The treasurer shall deliver the bonds to the purchaser upon receiving the purchase price bid. The purchase price shall be deposited in the fund for the redemption of the bonds issued pursuant to Chapter 3 (commencing with Section 35400) of this part.

35509. Except as otherwise provided in this article, bonds to be issued pursuant to this article shall be issued pursuant to Part 5 of the Improvement Act of 1911. Except as modified by this article, the provisions of that part are adopted for the issuance, collection, and enforcement of bonds issued pursuant to this article, and the provisions of that part apply to bonds issued pursuant to this article.

35510. The date of the bonds shall be the date selected and specified for that purpose by the legislative body in the resolution or order calling for sealed bids upon the bonds. The date shall be a date between the date of recordation of the assessment and the date of delivery of the bonds to the purchaser thereof. The bonds shall bear interest from their date.

35511. Where an action or proceeding is brought to set aside, cancel, avoid, annul, or correct any assessment or reassessment, or to review any of the proceedings, acts or determinations pursuant to this chapter, or to question the validity or enjoin the collection of any assessment or reassessment or to enjoin the issuance of bonds to represent any assessment or reassessment, said action or proceeding being brought after recordation of the assessment or reassessment but before the sale and award of the bonds, the legislative body may issue and sell said bonds unless prevented by order of court and may, in its discretion, order: (1) that the bonds be dated and

bear interest as provided in Section 35510, or (2) that the bonds be dated and bear interest from such date as may be specified by the legislative body, or (3) that notice of the assessment or reassessment be refiled in the office of the county recorder, in which case the time of recording as used in this part and in Section 4289 shall be the time of refiling such notice instead of the time of filing the original notice with the county recorder.

35512. The bonds shall be substantially in the following form:

Parking District No. _____
(Number of district)

of the City of _____

Improvement Bond

$_____ No. ___

Under and by virtue of the Parking District Law of 1951, I, out of the fund for the above designated Parking District No. ___ of the City of _____ bonds, will pay to _____, or order, (or to bearer,) the sum of $_____, with interest at the rate of ___ percent per annum, all as is hereinafter specified, and at the office of the Treasurer of the City of _____, State of California.

This bond is issued to provide funds necessary for the redemption of bonds for certain parking places in the City of _____ as the same are more fully described in assessment number ___ issued by the street superintendent of said city and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number _____, and which now remains unpaid, and constitutes a lien upon the property affected thereby, as the same is described herein, and in said recorded assessment with its diagram, to wit: The lot or parcel of land in said City of _____, County of _____, State of California, described as follows: _____

This bond is payable exclusively from said fund, and neither the city nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is _____ years from the second day of January next succeeding the next _____ following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year, following the next _____ after its date, an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of _____ per centum per annum.

The interest is payable semiannually, to wit: On the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, hereto attached, the first of which is for the interest from date to the next second day of _____ and thereafter the interest coupons are for semiannual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said law, at any time before maturity, and before commencement of proceedings for sale, upon payment to the treasurer, for the holder of this bond, of the amount then unpaid on the principal thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid together with a premium of 3 percent of the unpaid principal.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or anyone in his behalf, the holder of this bond is entitled on or after the second day of January or July, as the case may be, following such default to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law; provided, however, that any bond may be reinstated after such default in the manner provided in said law. In case of such default there shall be immediately added to such defaulted amount 1 percent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of 1 percent of such defaulted amount. The 1 percent penalty first imposed and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

At said City of _____, this _____ day of _____, in the year one thousand, nine hundred and _____.

_____

Treasurer of the City of _____

Article 4. Disposition of Funds

35520. From time to time the street superintendent shall pay to the treasurer all money collected by him on account of any assessment levied pursuant to this chapter.

On receipt of the money the treasurer shall place it in the fund for the redemption of the bonds issued pursuant to Chapter 3 (commencing with Section 35400) of this part. All proceeds of any bonds issued pursuant to this chapter shall also be placed in such fund

35521. Moneys in said fund clearly in excess of the amount necessary to redeem the outstanding bonds as hereinafter provided may be used to pay the costs and expenses referred to in Section 35464. The balance of such fund shall be a trust fund pledged to and held for the benefit of the holders of the outstanding bonds issued pursuant to Chapter 3 of this part, and until said bonds and the interest thereon have been fully paid said balance shall be used for no purpose other than the payment of the principal thereof, the interest thereon, and any premiums payable upon the call thereof. If said bonds, or any portion thereof, are to be called for redemption, the city shall immediately give notice of such redemption in the

manner and form provided in the ordinance, resolution or indenture under which said bonds were issued, even though such notice may be premature as to time, but if such notice is premature the city shall later give such notice again within the proper time. As soon as said notice, even though premature, has been given and as soon as there are moneys in said fund clearly sufficient to pay the principal of all of said bonds, all interest to maturity or to the call date stated in such notice as the case may be, and all premiums to which bondholders will be entitled by reason of such call, the city is discharged from all obligations under this part or under said ordinance, resolution or indenture to make charges for the use of, or produce revenues from, parking places of the district or parking meters on streets, but the city shall continue to be bound by all other provisions of such ordinance, resolution or indenture.

35522. When a fund has been established under this chapter sufficient to redeem all outstanding bonds previously issued on behalf of the district pursuant to Chapter 3 of this part, Section 35111 shall no longer apply to the district.

Article 5. Reassessment

35530. A reassessment shall be issued in any of the following events:

(a) When an assessment made, issued, or filed in the office of the clerk, or any bonds issued to represent the amounts of any such assessment, have been set aside by a court of competent jurisdiction, or when the court has refused to enforce an assessment or has decreed any such bonds not to constitute or represent valid and subsisting liens against the lots or parcels of land upon which the assessments represented by them have been levied.

(b) If for any reason the assessments or bonds, or both, are not effective and the curative and waiver provisions of this chapter or any curative act passed by the Legislature in relation to them fail to make them valid and enforceable

(c) Upon the initiative of the legislative body if the legislative body is of the opinion that all or any part of the assessments or bonds are not enforceable.

35531. It is the intent of this article to make the cost of the redemption of bonds issued pursuant to Chapter 3 (commencing with Section 35400) of this part through an attempted compliance with this chapter payable by the real property benefited by the parking place for which such bonds were issued by making a reassessment for that purpose. The power of reassessment embraces both a full and partial reassessment, and is not exhausted by a single attempted exercise of the power.

35532. Whenever the owner or holder of any bonds issued to represent or to be secured by assessments requests the legislative body to order a reassessment and the legislative body is

of the opinion that such bonds are not enforceable, it shall order the making and issuing of a reassessment covering only the assessments represented by, or securing the bonds owned or held by, the petitioner.

35533. If, in any suit involving the validity of the obligation of any bond or assessment, a court of competent jurisdiction for any reason holds the lien of the assessment or bond to be unenforceable, the court in and by its decree shall direct the making of a reassessment to cover the assessments involved in the suit.

35534. If, in any suit to set aside the lien of any assessment or of any bond representing any assessment, or in any suit to quiet title against the lien of any such assessment or bond, or in any suit to enjoin the making, filing, confirmation, or issuance of any assessment or bond to pay for the cost and expenses of any acquisition and improvement pursuant to this part, a court of competent jurisdiction in its judgment decrees such assessments or bonds to be void or unenforceable or enjoins the making, filing, issuance, or confirmation of any such assessment or bond, the court in and by its decree shall direct the making of a reassessment to cover the assessments involved in the suit.

35535. If, in any suit contesting the validity and legal force and effect of a sale to foreclose the lien of any assessment or bond, a court of competent jurisdiction decrees the sale to be void or unenforceable for any reason, the court in and by its decree shall direct the making of a reassessment to cover the assessments involved in the suit.

35536. If a reassessment is directed, by a decree of court or by an order of the legislative body, the street superintendent shall proceed to make a reassessment.

35537. If the reassessment is a partial one only, it is not necessary for the diagram to show any lots other than those covered by the partial reassessment. If it is a full reassessment, the street superintendent shall prepare and file with the reassessment a diagram showing the lots or parcels of land deemed by him to be benefited by the parking place for which the bonds were issued.

35538. The reassessment shall assess upon and against each of the lots or parcels of land contained in it an amount determined as follows:

(a) The benefits derived by each of the lots or parcels of land from the parking place for which the bonds were issued estimated as of the date of the filing in the clerk's office of the original assessment shall first be listed.

(b) Interest shall be added to amounts determined pursuant to (a) from the date of recording of the original assessment at the rate of seven percent (7%) a year.

35539. The total of the reassessment, exclusive of interest, shall not exceed the total amount necessary for the redemption of the bonds which are outstanding.

35540. The reassessment need not be in any prescribed form. It shall:

(a) Refer to the original assessment and set forth the date it was filed.

(b) State that it is made pursuant to the order of the legislative body or decree of court, as the case may be.

(c) Be accompanied by a diagram showing the lots or parcels of land to be reassessed and their relation to the parking place for which the bonds were issued.

35541. The reassessment shall be presented to the legislative body, which shall fix a time for hearing. The hearing shall be at least twenty (20) days after the presentation of the reassessment.

35542. The clerk shall advertise the time of hearing by publishing a notice in the newspaper in the city in which the parking place for which the bonds were issued is located. The notice shall be published for five (5) insertions, if the newspaper is a daily, or for two (2) insertions if the newspaper is published less frequently. If the reassessment is to be against the property in a district, this fact shall be set forth and the reassessment diagram referred to for particulars.

35543. At the time fixed for the hearing, or at any time to which the hearing is adjourned, the legislative body shall consider the objections to the reassessment and may informally direct the revision, correction, and modification of the reassessment in such manner as is most equitable to apportion to each lot or parcel of land benefited the amount of the actual benefits derived from the parking place.

35544. When the reassessment is revised, corrected, or modified to comply with its judgment the legislative body shall pass a resolution confirming the reassessment.

35545. The clerk shall certify at the end of the reassessment that it is the reassessment approved by the legislative body.

35546. The street superintendent shall record the reassessment with the clerk's certificate.

35547. The street superintendent shall note opposite the several assessments in the original assessment that have been displaced by the reassessment the fact that the reassessment has been made, giving its date, and shall credit upon the reassessment all payments made upon the original assessment, or upon the bonds issued to represent the original assessment, and interest on the payments at the rate of seven percent (7%) a year from the date of the payments.

35548. The reassessment shall be collected, paid, and enforced in the same manner as an original assessment, and shall have the same weight in evidence.

35549. If bonds were issued under or upon the security of the original assessment, they shall issue upon the reassessment for the sum reassessed against the lots or parcel of land covered by it.

35550. When the reassessment is recorded, the original assessment shall be canceled by the street superintendent so far as it affects the particular assessments involved. New bonds shall not be issued until the original bonds are delivered up to the treasurer who shall cancel them. The lien of the reassessment shall hold its relative rank as to other special assessment liens as of the date of filing of the original assessment.

CHAPTER 32

An act to amend Sections 8008, 8011, and 8023 of, to amend and renumber Section 8202.3, as contained in Section 6 of Chapter 2017 of the Statutes of 1963, and Section 8202.4, as added by Section 19 of Chapter 2017 of the Statutes of 1963, of, and to repeal Sections 8012, 8013, and 8014 of, the Elections Code, relating to proceedings of political parties.

[Approved by Governor April 21, 1964. Filed with Secretary of State April 21, 1964.]

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

SECTION 1. Section 8008 of the Elections Code is amended to read:

8008. Each delegate appointed pursuant to Section 8006 shall file with the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the day on which the convention is to convene his credentials signed by the chairman and the secretary of the committee which has the power to make the appointment.

SEC. 2. Section 8011 of said code is amended to read:

8011. As soon as practicable after the direct primary election in even-numbered years, and not later than the first day of July in odd-numbered years, the Secretary of State shall prepare a list of the names of all delegates to the convention qualified under the provisions of this chapter. He shall thereupon send a notice by mail to each delegate which shall inform the delegate that:

(a) He is a delegate to the state convention.

(b) The convention meets at Sacramento and the date of the meeting

SEC. 3. Section 8012 of said code is repealed.

SEC. 4. Section 8013 of said code is repealed.

SEC. 5. Section 8014 of said code is repealed.

SEC. 6. Section 8023 of said code is amended to read:

8023. This section applies only to the state convention of a political party with which are affiliated more than 3,200,000 registered voters.

Upon receipt by the chairman of the convention from the Secretary of State of the appointments of members of the state central committee, the convention shall determine the membership of the state central committee in accordance with

the provisions of this division. If the convention finds that any delegate to the convention has failed to file his appointment of members of the state central committee with the Secretary of State within the time prescribed, the convention shall make appointments of the requisite number of electors residing within the district represented by the delinquent delegate.

The secretary of the convention shall immediately notify, by mail or telegraph, members appointed by the convention to the state central committee.

The secretary of the convention shall certify the names of all of the members of the state central committee, as determined by the convention, to the Secretary of State within six hours after the convening of the convention.

The permanent chairman of the convention shall return the appointments of members of the state central committee, receipted for by him to the Secretary of State within six hours after the convening of the convention.

SEC. 7. Section 8202 3 of said code, as contained in Section 6 of Chapter 2017 of the Statutes of 1963, is amended and renumbered to read:

8202.35. Each delegate to the state convention shall appoint to membership on the state central committee one voter of the same sex as the delegate and two voters of the opposite sex, which appointments when so made shall be absolute, except that a "holdover" delegate to the state convention or a nominee delegate from a district represented by an incumbent officeholder affiliated with the same party as the nominee delegate may appoint two additional voters to membership on the state central committee.

Appointments to the state central committee of a party in which there are affiliated more than 3,200,000 registered voters shall expire annually, and new appointments shall be made in accordance with this section

SEC. 8. Section 8202.4, as added to said code by Section 19 of Chapter 2017 of the Statutes of 1963, is amended and renumbered to read:

8202.45. The Secretary of State shall keep and file appointments to the state central committee delivered to him and such appointments shall be open to public inspection.

CHAPTER 33

An act to amend Section 7201 of the Elections Code, relating to primary elections.

[Approved by Governor April 21, 1964 Filed with Secretary of State April 21, 1964.]

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

SECTION 1. Section 7201 of the Elections Code is amended to read:

7201. A primary election shall be held in the district in which the vacancy occurred on the fourth Tuesday preceding

the day of the special election at which the vacancy is to be filled. Candidates at the primary election shall be nominated in the manner set forth in Chapter 2 (commencing with Section 6400) of Division 5 of this code, except that nomination papers shall not be circulated more than 40 days before the primary election, shall be left with the county clerk for examination not less than 30 days before the primary election, and shall be filed with the Secretary of State not less than 25 days before the primary election.

Notwithstanding the provisions of Section 14621, applications for absent voter ballots may be submitted not more than 25 days before the primary election. Applications received by the clerk prior to the 25th day shall not be returned to the sender, but shall be held by the clerk and processed by him following the 25th day prior to the election in the same manner as if received at that time.

CHAPTER 34

An act to amend Section 21 of Chapter 2017 of the Statutes of 1963, relating to state central committees.

[Approved by Governor April 21, 1964. Filed with Secretary of State April 21, 1964.]

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

SECTION 1. Section 21 of Chapter 2017 of the Statutes of 1963 is amended to read:

Sec. 21. Members and officers of state central committees formed in the year 1964 for political parties with which are affiliated less than 3,200,000 registered voters shall continue as such until the first meetings of the committees in January of 1967. Members and officers of county central committees formed in the year 1962 for political parties with which are affiliated less than 3,200,000 registered voters shall continue as such until the first meetings of the committees in January of 1965.

Notwithstanding anything contained in Chapter 2 (commencing with Section 8200) of Division 6 of the Elections Code, the meetings of the state central committees of a political party with which are affiliated less than 3,200,000 registered voters shall be held on the day following the state convention of the party in 1964, instead of on the third Saturday of January following the general election, and shall be organized in accordance with the procedure prescribed for the conduct of meetings of state central committees of political parties with which are affiliated more than 3,200,000 voters. The terms of members and officers of such state central committees shall be as provided in this section.

CHAPTER 35

An act to amend Sections 20801 and 20801.1 of the Education Code, relating to school district taxation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 22, 1964. Filed with Secretary of State April 23, 1964.]

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

SECTION 1. Section 20801 of the Education Code is amended to read:

20801. The maximum rate of school district tax for any school year is hereby increased by such amount as will produce the amount of the proposed expenditures of the school district required or authorized pursuant to Sections 13561 and 13561.1, Sections 16551 to 16566, inclusive, and Sections 16651 to 16664, inclusive, of this code as shown by the budget of the district for such school year, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from the revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed five cents ($0.05) per each one hundred dollars ($100) of the assessed value of property within the district, and said increase shall be in addition to any other school district tax authorized by law to be levied.

In a unified school district the increase provided by this section shall not exceed ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of property within the district if the district maintains one or more elementary schools and high schools, and shall not exceed fifteen cents ($0.15) per each one hundred dollars ($100) if the district maintains, in addition, one or more junior colleges, and said increase shall be in addition to any other school district tax authorized by law to be levied.

In a high school district which maintains a junior college, the increase provided for by this section shall not exceed ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of property within the district, and said increase shall be in addition to any other school district tax authorized by law to be levied.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the expenditures of the school district during that year required or authorized by Sections 13561 and 13561.1, Sections 16551 to 16566, inclusive, and Sections 16651 to 16664, inclusive, of this code.

SEC. 2. Section 20801.1 of said code is amended to read:

20801.1. Notwithstanding the provisions of Section 20801, a district may accumulate from year to year any unencumbered balance derived from the tax levied under Section 20801, provided that the accumulated money is ultimately expended for a purpose authorized by Sections 13561 and 13561.1, Sections 16551 to 16566, inclusive, or Sections 16651 to 16664, inclusive.

SEC. 3. All expenditures made by any school district in the fiscal year 1963-1964 from money raised under Section 20801 of the Education Code for the purpose of providing supervision of pupils during the school lunch period pursuant to Sections 13561 and 13561.1 of the Education Code, are hereby ratified, confirmed and validated.

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:

Many school districts have found that expenditures involved in providing the very essential duty-free lunch periods for teachers involve a sufficient expenditure to justify the levy and allocation of taxes therefor. Rather than prescribe new and additional taxing authorization therefor, the Legislature has determined that the most practical solution to the problem involved is to include this expenditure requirement as one of the purposes, together with the civic center and community recreation purposes, for which a limited statutory override tax is already provided. In order that the necessary budgetary and administrative procedures may be undertaken as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 36

An act to add Sections 61935 and 61936 to the Government Code, relating to water service in Contra Costa County, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 27, 1964. Filed with Secretary of State April 27, 1964.]

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

SECTION 1. Section 61935 is added to the Government Code, to read:

61935. Notwithstanding anything to the contrary contained in this division, the holder or holders of title to territory included in a district within Contra Costa County, which district has no outstanding general obligation bonded indebtedness upon said territory for water supply or other water purposes, may, within three years of the effective date of this section,

file a written petition, in the manner and form prescribed by Sections 61930 and 61931, with the secretary for the withdrawal, pursuant to Section 61936, from the district of the power to supply such territory or the inhabitants thereof with water for any purpose.

SEC. 2. Section 61936 is added to said code, to read:

61936. The secretary shall promptly transmit the petition authorized by Section 61935 to the board, and the board shall consider and approve or disapprove such petition at its first meeting following the filing of the petition. If a majority of the board finds that the petition should be approved, the board by resolution shall exclude the territory from the present and prospective water service area of the district. After such exclusion the district shall not at any time supply or provide water to or for the territory or the inhabitants thereof, nor shall it thereafter levy any tax, assessment or charge upon the territory or the inhabitants thereof for any water supply or water purpose whatever.

The board shall furnish the State Board of Equalization and the county assessors a description of the property so excluded, and the county assessors shall include in the statement furnished pursuant to Section 61754 the total value of all property so described.

After such exclusion another public agency, public district or municipal corporation may annex the territory so excluded, supply and provide the territory and its inhabitants with water, and levy taxes, assessments and charges upon the territory and its inhabitants. The district may at any time execute a written agreement with such other public agency, public district or municipal corporation in order to make effective the provisions of Section 61935 and this section.

SEC 3. A necessity exists within the County of Contra Costa for the supplying of water to a certain area by the East Bay Municipal Utility District. This area is presently included within the Valley Community Services District, which does not have the facilities to serve this particular area. The people residing in this area are in urgent need of water. In order to alleviate overlapping jurisdiction and to permit the East Bay Municipal Utility District to supply this area with water, the adoption of a special act is required.

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

The people residing in the area affected by this act are in urgent need of water which must be supplied as soon as possible and therefore this act must take effect immediately.

CHAPTER 37

An act to amend Section 1756 of, and to add Section 1756.1 to, the Financial Code, relating to acceptance of deposits by foreign banks.

[Approved by Governor April 27, 1964. Filed with Secretary of State April 27, 1964.]

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

SECTION 1. Section 1756 of the Financial Code is amended to read:

1756. A foreign corporation which is authorized by license under Section 1754 may transact in this State the business of buying, selling, paying, or collecting bills of exchange, of issuing letters of credit, of receiving money for transmission by draft, check, cable, or otherwise, and of making loans. A foreign corporation organized under the laws of another state of the United States of America shall not accept deposits in this State. A foreign corporation organized under the laws of a foreign country or of Puerto Rico, may transact in this State the business of accepting deposits if under the laws of such foreign country or of Puerto Rico, a bank or trust company (organized under the laws of the United States or a state thereof) may be authorized to maintain either a branch or agency or may be authorized to own all the shares (except for directors' qualifying shares) of a banking organization organized under the laws of such foreign country or Puerto Rico, and if it has complied with all of the requirements of Section 1751 and Section 1756.1.

SEC. 2. Section 1756.1 is added to said code, to read:

1756.1. A foreign banking corporation shall not commence to transact in this State the business of accepting deposits, or transact such business thereafter unless it has met the following requirements:

(a) It has been approved for Federal Deposit Insurance Corporation insurance, and has on deposit with the State Treasurer in addition to the deposit required under Section 1751(g), such assets as the superintendent may from time to time deem necessary or desirable for the maintenance of a sound financial condition, the protection of depositors and the public interest, and to maintain public confidence in such business of such foreign banking corporation. So long as it shall continue business in the ordinary course, such foreign banking corporation shall be permitted to collect interest on the securities so deposited and from time to time exchange, examine, and compare such securities.

(b) It holds in this State currency, bonds, notes, debentures, drafts, bills of exchange or other evidences of indebtedness or other obligations payable in the United States or in United States funds or, with the prior approval of the superintendent, in funds freely convertible into United States funds, in an amount not less than 108 per centum of the aggregate amount

of liabilities of such foreign banking corporation payable at or through its branch or branches in this State, including acceptances, but excluding (1) accrued expenses, and (2) amounts due and other liabilities to other offices or branches of, and wholly owned (except for a nominal number of directors' shares) subsidiaries of, such foreign banking corporation. For the purposes of this subdivision, the superintendent shall value marketable securities at principal amount or market value, whichever is lower, shall have the right to determine the value of any nonmarketable bond, note, debenture, draft, bill of exchange, other evidence of indebtedness, or of any other obligation held by or owed to the foreign banking corporation or its branch or branches within the State, and in determining the amount of assets for the purpose of computing the above ratio of assets to liabilities, shall have the power to exclude any particular asset but shall give credit to assets required to be maintained pursuant to subdivision (a) of this section, to reserves required to be maintained pursuant to subdivision (c) of this section, and, subject to such rules and regulations as the superintendent may from time to time promulgate, to deposits and credit balances with unaffiliated banking institutions outside this State if such deposits or credit balances are payable in United States funds or in currencies freely convertible into United States funds; provided that credit given for such deposits and credit balances shall not exceed in aggregate amount such percentage, but not less than 8 per centum, as the superintendent may from time to time prescribe of the aggregate amount of liabilities of such foreign banking corporation, determined as hereinabove provided in this subdivision. If, by reason of the existence or the potential occurrence of unusual and extraordinary circumstances, the superintendent deems it necessary or desirable for the maintenance of a sound financial condition, the protection of depositors and the public interest, and to maintain public confidence in the business of the branch or branches of a foreign banking corporation, he may, notwithstanding anything to the contrary contained in this subdivision (b), reduce the credit to be given as above provided for deposits and credit balances with unaffiliated banking institutions outside this State and he may require such foreign banking corporation to deposit, in accordance with such rules and regulations as he shall from time to time promulgate, the assets required to be held in this State pursuant to this subdivision (b) with such banks or trust companies or national banks located in this State, as such foreign banking corporation may designate and the superintendent may approve.

(c) It has such reserves against such deposits as may be required from time to time by the laws of this State to be maintained by banks and trust companies. Amounts carried on the books of any such foreign banking corporation as credits to the account of another office or branch or wholly owned (except for a nominal number of directors' shares) subsidiary

of such foreign banking corporation shall not be deemed to be deposits.

(d) It certifies, at such intervals of time as the superintendent may require, the amount of its paid-up capital and its surplus, each expressed in the currency of the country of its incorporation, the dollar equivalent of which amount as determined by the superintendent, shall be deemed to be the amount of its paid-up capital and surplus. Loans, purchases, and discounts of notes, bills of exchange, bonds, debentures and other obligations, and extensions of credit and acceptances by such foreign banking corporation within this State shall be subject to the same limitations as to amount in relation to paid-up capital and surplus as may be imposed from time to time by the laws of this State upon banks and trust companies

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CHAPTER 38

An act to repeal Section 23313 of, and to add Section 23314 to, the Elections Code, relating to the consolidation of elections.

[Approved by Governor April 27, 1964. Filed with Secretary of State April 27, 1964.]

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

SECTION 1. Section 23313 of the Elections Code is repealed.

SEC. 2. Section 23314 is added to said code, to read:

23314. Whenever a school district election is to be held on the same day as a statewide election, the school district election may be consolidated with the statewide election. If consolidated, the consolidated election shall be held and conducted, election officers appointed, voting precincts designated, candidates nominated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, certificates of election issued, and all other proceedings incidental to and connected with the election shall be regulated and done, in accordance with the provisions of law regulating the statewide election.

The precincts used at the consolidated election shall be those used for statewide elections, and, where necessary, the board of supervisors, or the county clerk acting under the authority of the board of supervisors, may adjust precinct lines to coincide with the boundaries of the particular school district.

CHAPTER 39

An act to amend Section 22030 of, and to add Section 22031 to, the Elections Code, relating to consolidation of precincts.

[Approved by Governor April 27, 1964. Filed with Secretary of State April 27, 1964.]

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

SECTION 1. Section 22030 of the Elections Code is amended to read:

22030. The election board conducting local, special, or consolidated elections may, for the purpose of the election, divide the territory within which the election is to be held into special election or consolidated election precincts by consolidating existing precincts, or otherwise, subject to the provisions of Section 1568, and may change and alter the precincts for such elections as often as occasion requires. Not more than six existing precincts may be consolidated into one special election or consolidated election precinct. The polling place used for a consolidated precinct shall be located within the boundaries of the consolidated precinct.

SEC. 2. Section 22031 is added to said code, to read:

22031. At any election to fill a vacancy in the office of State Senator, Member of the Assembly, or Representative in Congress, there shall not be more than three precincts consolidated and they shall be formed to contain not more than 600 voters.

CHAPTER 40

An act to amend Sections 25001 and 25002 of, and to add Sections 25001.1, 25001.2, 25001.3, and 25001.4 to, the Government Code, relating to county supervisorial districts.

[Approved by Governor April 27, 1964. Filed with Secretary of State April 27, 1964.]

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

SECTION 1. Section 25001 of the Government Code is amended to read:

25001. Following each decennial federal census, and using the census as a basis, the board shall adjust the boundaries of any or all of the supervisorial districts of the county so that the districts shall be as nearly equal in population as may be, but in any case so that the population of every district when added to the population of any other two districts equals at least 50 percent of the population of the county. In establishing the boundaries of the districts the board may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and

compactness of territory, and (d) community of interests of the districts.

SEC. 2. Section 25001.1 is added to said code, to read:

25001.1. The boundaries of the supervisorial districts shall be adjusted by the board between the first regular meeting of the board held in January 1965 and April 30, 1965, and thereafter before the first day of October of the year following the year in which each decennial federal census is taken. If the board fails to adjust the boundaries between the first regular meeting of the board held in January 1965 and April 30, 1965, a supervisorial redistricting commission shall do so before the first day of July of the year 1965. If the board fails to adjust the boundaries before the first day of October following the year in which any succeeding federal census is taken, a supervisorial redistricting commission shall do so before the 31st day of December of the same year. In either case the adjustment of the district boundaries shall be immediately effective the same as if the act of the supervisorial redistricting commission were an ordinance of the board, subject, however, to the same provisions of referendum as apply to ordinances of the board.

If a board has adopted a redistricting ordinance after January 1, 1961, and adopts a resolution finding that the population equality among the districts meets the standard required by Section 25001, the board need not adjust the boundaries of the supervisorial districts between the first regular meeting of the board in January 1965 and April 30, 1965.

SEC. 3. Section 25001.2 is added to said code, to read:

25001.2. The supervisorial redistricting commission shall be composed of the county assessor, the district attorney, and the county clerk if he is elected by the qualified electors of the county, or, if not, the county superintendent of schools if he is elected by the qualified electors of the county, or if not, the sheriff. The county clerk, superintendent of schools, or sheriff, whichever is a member of the commission, shall be chairman.

SEC. 4. Section 25001 3 is added to said code, to read:

25001.3. At any time between the decennial adjustments of district boundaries, the board may cause a census of the county to be taken as provided in Section 26203, and may adjust the boundaries of the supervisorial districts on the basis of that census, or on the basis of the total number of registered voters of the county, pursuant to Section 25001.

SEC. 5. Section 25001.4 is added to said code, to read:

25001.4. Population figures to be used for the adjustment of boundaries to be accomplished between the first regular meeting of the board held in January, 1965 and April 30, 1965, shall be based on the 1960 federal census, or a later census of the county taken under the provisions of Section 26203, or on the total number of registered voters of the county. In a county in which the population has increased by 20 percent or more between April 1, 1960, and July 1, 1963, as reported by the State Department of Finance in the document

entitled "Population of California Counties, July 1, 1963," population estimates may be used provided the board determines that the estimates will reflect the current population within the district boundaries more accurately than the 1960 census data. Any person claiming that the estimates of population used in the redistricting do not reflect the current population within the district boundaries more accurately than the 1960 census data, may commence an action in the superior court in declaratory relief to determine that fact. Such an action shall be brought within 30 days after the adoption of the redistricting ordinance.

SEC. 6. Section 25002 of said code is amended to read:

25002. The term of office of any supervisor who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he was elected.

At the first election for county supervisors in each county following adjustment of the boundaries of supervisorial districts, a supervisor shall be elected for each district under the readjusted district plan that has the same district number as a district whose incumbent's term is due to expire.

A change in the boundaries of a supervisorial district shall not be made within 90 days preceding a direct primary election or between the direct primary election and the general election.

CHAPTER 41

An act to authorize a loan to the Yuba County Water Agency in connection with the Yuba River Development, and prescribing the terms and conditions upon which such loan shall be made.

[Approved by Governor April 27, 1964. Filed with Secretary of State April 27, 1964.]

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

SECTION 1. The Legislature of the State of California finds that:

(a) The Board of Directors of the Yuba County Water Agency has over a period of years studied and investigated the feasibility of the proposed multipurpose Yuba River Development, including the proposed Middle Yuba-Oregon Creek Diversion Project, Bullards Bar Dam, Reservoir and Powerhouse, Colgate Dam, Tunnel and Powerhouse, New Narrows Tunnel and Powerhouse, Timbuctoo Afterbay Dam, Irrigation Diversion Weir and Main Irrigation Canals and Drainage Works, for the further development, control, and conservation of the water supply of the Yuba River, primarily for agricultural, flood control, and power production purposes. Said

project is designated by the agency as the Yuba River Development. This project involves the development of new basic water supplies which are a necessary and integral part of an overall water development without which the public health, safety, and welfare may be jeopardized, both within the agency and in adjoining and downstream areas subject to flooding by the Yuba and Feather Rivers.

(b) The California Water Commission has assigned state applications 5631 and 5632 to the agency and in making such assignment found that said assignment is for the purpose of development not in conflict with a general or coordinated plan looking toward the development, utilization, or conservation of the water resources of the State and is in the best interest of the people of the State of California. The State Water Rights Board of the State of California has duly authorized the issuance of permits to the agency to appropriate and store water for the Yuba River Development. The Federal Power Commission has granted a license to the agency to develop power from such water to assist on the payment of the cost of the Yuba River Development.

(c) Full and adequate engineering reports, surveys, examinations and drawings have been prepared, from all of which full and adequate information is now available to or on file with the Department of Water Resources, covering all phases of the feasibility of the Yuba River Development.

(d) The government of the United States has duly investigated the feasibility of the Yuba River Development through the report of the U.S. Army Corps of Engineers, and said report is in the final stages of completion for submission to the Congress of the United States. A bill authorizing a monetary contribution for the flood control accomplishments of the multiple-purpose developments to be constructed on the Yuba River by the Yuba County Water Agency is pending before the Congress of the United States.

(e) Yuba County Water Agency duly called and held on May 16, 1961, an election for the issuance of revenue bonds in the amount of one hundred eighty-five million dollars ($185,000,000) for the purpose of financing the Yuba River Development, the vote being 3,020 Yes against 258 No. Said bonds were and now are duly authorized to be issued and sold in whole or in part for the purpose of financing the Yuba River Development.

(f) The Yuba River Development will be financed primarily by the above-mentioned bonds payable from revenues received from the sale of electric power. The remainder of the cost will be covered by the above-mentioned flood control monetary contribution. However, since this federal flood control monetary contribution will not, under the federal law, be paid in advance, but will be paid as reimbursement for certain construction expenditures from time to time during the period of construction of the project, and since the Yuba County Water Agency will be unable to market satisfactorily the revenue

bonds without the amount of the federal flood control monetary contribution on hand, it is necessary for the district to obtain an authorization and a commitment for a loan as provided in this act. It is estimated that the total amount which might be required from the State pursuant to a loan in the unlikely event that the federal government does not make the above-mentioned flood control monetary contribution in timely fashion, or in the full amount authorized, will not exceed ten million dollars ($10,000,000), and will not be required for expenditure until the 1966-67 and 1967-68 fiscal years.

SEC. 2. The Department of Water Resources is hereby authorized to make a loan to the Yuba County Water Agency, from the unencumbered balance of the appropriation made by Item 425.4 of the Budget Act of 1958 (Chapter 1, Statutes of 1958, Second Extraordinary Session), of not to exceed ten million dollars ($10,000,000), for use in assisting in the financing of the Yuba River Development. Such loan shall be made pursuant to a contract between the Department of Water Resources and the Yuba County Water Agency, which contract shall be subject to approval by the Department of Finance. In no event shall said loan be made to the agency until all of the following have taken place:

(a) Congress has authorized federal flood control contributions for this project.

(b) The Departments of Water Resources and Finance have made a finding that the Yuba County Water Agency has the financial capacity to repay the loan in the event federal funds are not made available.

(c) The agency has entered into a contract with the United States pursuant to Section 204 of the Flood Control Act of 1960 (Public Law 86-645).

The State shall advance to the agency such sums as the agency may need from time to time, upon receipt from the agency of certificates specifying that the payments due to the agency under its aforementioned contract with the United States, governing the federal flood control contributions to the aforesaid Yuba River Development of the agency, although appropriately requested under the terms of said contract, have not been made when due and payable thereunder or in the full amounts therein authorized and that such deficiencies in payments are needed by the agency, in whole or in part, to pay or reimburse the agency for construction costs already incurred.

The Department of Water Resources shall require the payment of interest on each advance made to the agency 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 advance was made; provided, that when the applicable net interest cost to the State is in 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. 3. The terms and conditions upon which said loan shall be made to Yuba County Water Agency are hereby prescribed by the Legislature as follows:

(a) No additional feasibility report or other reports shall be required as a condition to the making of such loan.

(b) No additional election shall be required to be held by the Yuba County Water Agency to authorize the execution of the contract for the loan herein authorized.

(c) Yuba County Water Agency need not take any action nor do any thing to qualify for the loan herein authorized other than to enter into a contract with the Department of Water Resources for the determination of the amount of the loan.

(d) Advances made to the Yuba County Water Agency under said loan shall be secured, as to both principal and interest, by the moneys received by the Yuba County Water Agency under flood control appropriations made pursuant to laws enacted by the Congress of the United States for this purpose and the Yuba Couny Water Agency shall apply such receipts exclusively to the repayment of advances made under the loan herein authorized. After full payment of the loan herein authorized has been made, the Yuba County Water Agency may keep and retain any additional flood control appropriations for its own uses and purposes.

(e) In the event that the federal government does not make the above-mentioned flood control monetary contribution in whole or in part, and, as a result thereof, the Yuba County Water Agency does not have sufficient funds to repay the principal and interest on advances made under the loan herein authorized, the agency shall be obligated to repay such principal and interest to the State, and the terms and conditions of such repayment shall be as specified in a supplemental contract thereafter to be entered into between the agency and the Department of Water Resources and approved by the Department of Finance.

(f) The Department of Water Resources shall include such further terms and conditions in the contract with the Yuba County Water Agency as may be determined to be necessary or desirable to implement the provisions of this act and to protect the State's interest.

CHAPTER 42

An act to validate bonds for sewerage, waste or storm water purposes in California water districts.

[Approved by Governor April 30, 1964 Filed with Secretary of State April 30, 1964]

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

SECTION 1. All acts and proceedings heretofore taken by or on behalf of any California water district or improvement

district therein under Division 13 (commencing with Section 34000) of the Water Code or any law, or under color of any law, for the authorization, issuance, sale or exchange of bonds of any such district or improvement district therein for any sewage, waste or storm water purposes (including the furnishing of such services to public agencies, private corporations or persons outside the district) are hereby confirmed, validated, and declared legally effective. This shall include a proposition to issue bonds of the district, or for an improvement district therein, for sewage, waste or storm water purposes specified in Article 5 (commencing with Section 35500) of Chapter 2, Part 5, Division 13 of the Water Code or otherwise specified which has been submitted at, or at the same time as, or at an election consolidated with, an election to exercise sewage, waste or storm water powers under said Article 5. This shall include all acts and proceedings of the board of directors of such district and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, sale or exchange of such bonds.

All such bonds of any district or improvement district therein heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the district. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the district. Whenever an election has heretofore been called, including the consolidation of such an election with, or holding such election with, or at the same time as, an election on the exercise of the powers under said Article 5, for the purpose of submitting to the voters of any district or improvement district thereon the question of issuing bonds for any sewerage, water or storm water purposes, such bonds, if hereafter authorized by a two-thirds vote of the voters voting on said bond proposition and in accordance with the proceedings heretofore taken including proceedings under said Article 5 taken either before or at the time of such bond election, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 2. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the state and federal constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined

or which may be pending or undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

SEC. 3. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 4. This act may be cited as the California Water District Sewer Bond Validating Act of 1964.

CHAPTER 43

An act to validate bonds for sewerage, waste or storm water purposes in California water districts and declaring the urgency thereof.

[Approved by Governor April 30, 1964. Filed with Secretary of State April 30, 1964.]

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

SECTION 1. All acts and proceedings heretofore taken by or on behalf of any California water district or improvement district therein under Division 13 (commencing with Section 34000) of the Water Code or any law, or under color of any law, for the authorization, issuance, sale or exchange of bonds of any such district or improvement district therein for any sewage, waste or storm water purposes (including the furnishing of such services to public agencies, private corporations or persons outside the district) are hereby confirmed, validated, and declared legally effective. This shall include a proposition to issue bonds of the district, or for an improvement district therein, for sewage, waste or storm water purposes specified in Article 5 (commencing with Section 35500) of Chapter 2, Part 5, Division 13 of the Water Code or otherwise specified which has been submitted at, or at the same time as, or at an election consolidated with, an election to exercise sewage, waste or storm water powers under said Article 5. This shall include all acts and proceedings of the board of directors of such district and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, sale or exchange of such bonds.

All such bonds of any district or improvement district therein heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the district. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the district. Whenever an election has hereto-

fore been called, including the consolidation of such an election with, or holding such election with, or at the same time as, an election on the exercise of the powers under said Article 5, for the purpose of submitting to the voters of any district or improvement district thereon the question of issuing bonds for any sewerage, water or storm water purposes, such bonds, if hereafter authorized by a two-thirds vote of the voters voting on said bond proposition and in accordance with the proceedings heretofore taken including proceedings under said Article 5 taken either before or at the time of such bond election, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body

SEC. 2. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the state and federal constitutions.

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

SEC. 3. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 4. This act may be cited as the California Water District Sewer Bond Urgency Validating Act of 1964.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

In order to properly provide the sewer facilities which California water districts were authorized to provide at the last general session of the Legislature it is desirable that the right of California water districts to issue bonds for sewer purposes pursuant to proceedings purportedly taken under the provision of the California Water District Law be validated. This bill will validate bonds authorized to carry out the sewer powers previously granted to the districts so that the immediate

sewer problems of the districts can be resolved and the public health and safety problems of the State will be reduced.

CHAPTER 44

An act to amend Section 70044.5 of the Government Code, relating to salaries of court reporters.

[Approved by Governor April 30, 1964. Filed with Secretary of State April 30, 1964.]

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

SECTION 1. Section 70044.5 of the Government Code is amended to read:

70044.5. In a county with a population of 230,000 or more and under 250,000, as determined by the 1950 federal census, the annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be ten thousand six hundred eighty dollars ($10,680) and the compensation of official reporters pro tempore shall be at the rate of thirty-five dollars ($35) a day, or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

CHAPTER 45

An act to amend Section 14206.5 of the Elections Code, relating to the conduct of elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1964. Filed with Secretary of State April 30, 1964.]

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

SECTION 1. Section 14206.5 of the Elections Code is amended to read:

14206.5. In any county having a population of 400,000, or more, as determined in accordance with the last preceding federal decennial census, the polls shall be opened at 7 o'clock a.m. of the day of any general election at which candidates for partisan offices are to be elected, and shall be kept open

until 8 o'clock p.m. of the same day, when the polls shall be closed, except as provided in Section 14436.

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 changes statutory requirements relating to the hours for voting at primary elections. In order that it may operate with respect to the 1964 direct primary election, it is essential that it go into effect immediately.

CHAPTER 46

An act to amend Section 73974 of the Government Code, relating to compensation of municipal court attachés.

[Approved by Governor April 30, 1964. Filed with Secretary of State April 30, 1964.]

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

SECTION 1. Section 73974 of the Government Code is amended to read:

73974. The monthly salaries for the following positions shall be according to the schedule set forth below:

	A	B	C	D	E
Chief clerk	$545	$575	$608	$641	$677
Supervising clerk	417	440	464	489	516
Municipal court clerk	417	440	464	489	516
Municipal court clerk assistant	375	395	417	440	464
Deputy municipal court clerk steno	355	375	395	417	440
Deputy municipal court clerk	337	355	375	395	417
Municipal court clerk typist	288	303	319	337	355
Marshal	641	641	641	641	641
Deputy marshal	440	464	489	516	545
Deputy bailiff marshal	440	464	489	516	545
Deputy marshal clerk	337	355	375	395	417

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 47

An act to amend Section 31030 of the Water Code, relating to revenue bonds by county water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1964. Filed with Secretary of State April 30, 1964.]

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

SECTION 1. Section 31030 of the Water Code is amended to read:

31030. The Revenue Bond Law of 1941 is applicable to districts for the purpose of providing funds for the acquisition, construction, improving or financing of any public improvement authorized by this division which is not inconsistent with the provisions of Section 54310 of the Government Code. The powers conferred upon districts by this section are in addition to the powers conferred by Article 7 of Chapter 2 of Part 6 of this division and none of the provisions of said Article 7 are applicable to proceedings taken by a district pursuant to this section. The board may issue revenue bonds under the Revenue Bond Law of 1941 on behalf of any portion of the district created as an improvement district pursuant to this division and any election for the issuance of such revenue bonds shall be limited to the area of such improvement district. If revenue bonds are so issued on behalf of an improvement district:

(a) No proceeds of such revenue bonds shall be used to finance public improvements to provide service outside the service area of the improvement district; and

(b) Only revenues which are derived from rates or charges for the providing of service within the service area of the improvement district shall be pledged to or used to pay such revenue bonds.

As used in this section the words "service area of the improvement district" are defined to mean the territory of the improvement district as it existed at the time of the bond election plus lands outside the improvement district, if any, being served at the time of the bond election by the improvement district facilities plus additional territory, if any, annexed to said improvement district as the same existed at the time of the bond election, not exceeding in the aggregate 40 percent by

area of said improvement district as the same existed at the time of the bond 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:

To provide adequate water service for domestic, municipal and industrial uses within rapidly growing areas it is essential that the County Water District Law be immediately amended to permit the issuance and sale of revenue bonds within an improvement district of a county water district. Such revenue bonds are the most practical method of financing urgently needed capital improvements, and it is imperative that the matters relating to revenue bonds and elections regarding the issuance of such bonds in improvement districts be amended so that proposed projects may be initiated without delay.

CHAPTER 48

An act to amend Section 69599 of the Government Code, relating to superior court judges of San Mateo County.

[Approved by Governor April 30, 1964 Filed with Secretary of State April 30, 1964]

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

SECTION 1. Section 69599 of the Government Code is amended to read:

69599. In San Mateo County there shall be nine judges of the superior court.

CHAPTER 49

An act freeing certain tide and submerged lands previously granted in trust to the County of Marin from the trust for navigation, commerce, and fisheries, and authorizing the exchange of said lands for other lands of comparable value.

[Approved by Governor April 30, 1964 Filed with Secretary of State April 30, 1964]

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

SECTION 1. The Legislature hereby finds and declares that certain portions of those tide and submerged lands heretofore conveyed to the County of Marin by Chapter 497 of the Statutes of 1959 are no longer necessary or useful for the purposes of commerce, navigation, and fisheries, and are hereby declared to be free from the public trust for commerce, navigation, and

fisheries and from the uses, trusts and conditions set out in said act. The lands freed from the public trust by this act are described as follows:

Beginning at a point on the Mean High Tide Line of 1954 as said line is shown on that certain map entitled "Plat of the Grant To The County of Marin, Parcel "B", Chapter 497, Statutes of 1959, Vicinity of Gallinas Creek, Marin County, California" which map was recorded September 16, 1960, in Can "G", Official Records of the County of Marin, said point being distant thereon South 51° 04′ 56″ West 6.71 feet from Station 38 of said grant; said point being also a point on the Northeasterly line of Lot 702 as said lot is shown on that certain map entitled "Map of Gallinas Village Unit Seven In The County of Marin, Calif." which map is recorded in Volume 8 of Maps, Official Records of the County of Marin at Page 36, said point being distant thereon North 55° 16′ 15″ West (North 56° 45′ West-Record Map) 68.98 feet from the most Easterly corner of said lot; thence from said point of beginning along said Northeasterly line North 55° 16′ 15″ West 51.02 feet; thence leaving said line North 34° 43′ 45″ East 28.55 feet; along a curve to the right of radius 860 feet, tangent to the last preceding course through a central angle of 20° 05′ for an arc length of 301.45 feet; North 54° 48′ 45″ East 101.00 feet; and North 66° 10′ East 36.75 feet to a point on said mean high tide line distant thereon South 44° 39′ 40″ West 24.90 feet from Station 36 of said grant; thence along said mean high tide line South 44° 39′ 40″ West 94.60 feet; South 40° 44′ 33″ West 352.40 feet; and South 51° 04′ 56″ West 6.71 feet to the point of beginning.

SEC. 2. The County of Marin is hereby authorized and empowered to reconvey to the State of California all of the lands described in Section 1 of this act for the purpose of effecting the exchange authorized by this act.

SEC. 3. The State Lands Commission is hereby authorized to convey to the owners of the lands above described all right, title and interest in and to the lands freed from the public trust by Section 1 of this act in exchange for and upon there being conveyed to the County of Marin by said owners all right, title and interest in and to other lands lying in the same general vicinity, such other lands being described in Section 4 of this act, if the commission finds: (a) that such exchange is in the best interests of the State as specified in Section 6307 of the Public Resources Code; and (b) that the value of the interests of the State in the lands to be conveyed by it is no greater than the value of the interests to be acquired by the County of Marin in such other lands in such exchange. Such findings, if and when made by the commission, shall be conclusive and binding upon all persons.

SEC. 4. The lands authorized to be exchanged by this act for lands described in Section 1 are described as follows:

Beginning at a point on the Mean High Tide Line of 1954 as said line is shown on that certain map entitled "Plat Of The Grant To The County Of Marin, Parcel "B", Chapter 497, Statutes of 1959, Vicinity of Gallinas Creek, Marin County, California" which map was recorded September 16, 1960, in Can "G", Official Records of the County of Marin, said point being distant thereon South 44° 39′ 40″ West 24.90 Feet from Station 36 of said grant; thence from said point of beginning North 66° 10′ East 210.25 feet; along a curve to the right of radius 120 feet, tangent to the last preceding course through a central angle of 62° 05′ for an arc length of 130.03 feet; South 51° 45′ East 277.00 feet; South 41° 46′ 57″ East 67.35 feet to Station 28 of said grant; thence along said mean high tide line North 28° 47′ 12″ West 103.83 feet; North 42° 36′ 18″ West 186.13 feet; North 74° 44′ 42″ West 68.41 feet; North 84° 44′ 46″ West 87.37 feet; South 79° 33′ 45″ West 77.28 feet; South 68° 55′ 38″ West 116.81 feet; South 30° 04′ 07″ West 21 95 feet; South 75° 34′ 45″ West 36.14 feet; and South 44° 39′ 40″ West 24.90 feet to the point of beginning.

SEC. 5. Before making any exchange herein authorized the commission shall publish notice of its intention to make the exchange. The notice need not particularly describe the lands or the interest therein proposed to be exchanged but shall refer to the maps and records on file with the commission for a detailed description thereof and for further particulars. Any affected city or county, within thirty (30) days after the publication of such notice, may request in writing to the commission that a hearing be held with respect thereto. Upon receipt of such request, the commission shall hold such a hearing and give not less than ten (10) days' written notice thereof to each city or county making such request. The notice herein provided for shall be published in a newspaper of general circulation published in the County of Marin. Authority to hold the hearing herein provided for may be delegated by the commission to its officers or employees.

SEC. 6. The lands acquired by the County of Marin pursuant to the provisions of this act shall be held by said county, in trust, for the same uses and purposes and subject to the same restrictions and conditions as specified in Chapter 497 of the Statutes of 1959.

SEC. 7. The grantee or grantees of any lands, pursuant to the provisions of this act, or his or their successor or successors in interest, immediate or remote, is and are hereby authorized to bring suit against the State of California to quiet title to the lands so conveyed in the manner provided in Chapter 7 (commencing with Sec. 6461) of Division 6 of the Public Resources Code.

CHAPTER 50

An act to amend Section 69588 of the Government Code, relating to superior courts.

[Approved by Governor April 30, 1964. Filed with Secretary of State April 30, 1964.]

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

SECTION 1. Section 69588 of the Government Code is amended to read:

69588. In the County of Marin there shall be four judges of the superior court.

CHAPTER 51

An act to amend Section 859b of the Penal Code, relating to criminal proceedings before trial.

[Approved by Governor April 30, 1964. Filed with Secretary of State April 30, 1964.]

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

SECTION 1. Section 859b of the Penal Code is amended to read:

859b. At the time the defendant appears before the magistrate for arraignment, if the public offense is a felony to which the defendant has not pleaded guilty in accordance with Section 859a, the magistrate, immediately upon the appearance of counsel, or if none appears, after waiting a reasonable time therefor as provided in Section 859, must set a time for the examination of the case and must allow not less than two days, excluding Sundays and holidays, for the district attorney and the defendant to prepare for the examination. He must also issue subpoenas, subscribed by him, for witnesses within the State, required either by the prosecution or the defense.

CHAPTER 52

An act to amend Sections 6903 and 8951 of, and to add Section 6904.1 to, the Education Code, relating to mental retardation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1964. Filed with Secretary of State April 30, 1964.]

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

SECTION 1. Section 6903 of the Education Code is amended to read:

6903. The education of mentally retarded minors who do not come within the provisions of Section 6902, who are 8 or more, and less than 18 years of age and who may be expected to benefit from special educational facilities designed to educate and train them to further their individual acceptance, social adjustment, and economic usefulness in their homes and within a sheltered environment, shall be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 8951 to 8956, inclusive. The education of such mentally retarded minors who are five or more and less than eight years of age may be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 8951 to 8956, inclusive.

Any such minor who becomes 18 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time such school or class is maintained during the then current school year.

Notwithstanding other provisions of this section any such minor who is participating regularly in an approved occupational training program in the manner set forth in Sections 6931 and 6932 may be permitted by the governing board of the district or county superintendent of schools, as the case may be, maintaining such training program to continue thereon until his 21st birthday.

SEC. 2. Section 6904.1 is added to said code, to read:

6904.1. The Superintendent of Public Instruction shall adopt regulations prescribing the conditions under which the education of mentally retarded minors under Sections 6902 and 6903 shall be the responsibility of either the elementary schools or the high schools maintained by school districts, and for determining when such pupils in classes maintained by a school district or a county superintendent of schools shall be designated as of elementary or secondary grade for attendance and state apportionment purposes.

SEC. 3. Section 8951 of said code is amended to read:

8951. (a) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in ele-

mentary or unified school districts which have an average daily attendance of less than 901 in the elementary schools of the district and who come within the provisions of Section 6902. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. The district shall pay to the county school service fund of the county in which the district is located all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Any elementary or unified school district which has an average daily attendance of less than 901 in elementary schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6902.

(b) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6902 and contract with an elementary or unified school district with an average daily attendance of 901 or more in the elementary schools of the district, or with a high school district with an average daily attendance of less than 901, subject to such terms and conditions as may be agreed upon. The contract shall be approved by the county board of education and shall require the district to pay to the county school service fund of the county in which the district is located all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Whenever a special training school or class is established under the provisions of this subdivision, the computations prescribed by Sections 17658 and 17663, or Sections 17658.1 and 17663.1, whichever are in effect, shall not apply.

(c) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded minors who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the district and in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district and who come within the provisions of Section 6903. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impracticable because of the transportation distances existing to bring a sufficient number of mentally retarded minors, within the meaning of Section 6903, together in one place to form a special training class, the county superintendent of schools upon the annual approval of

the Superintendent of Public Instruction may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in high schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded minors who come within the provisions of Section 6903.

A county superintendent of schools, required to provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction enter into agreement with an elementary, unified or high school district for the latter to provide for the education of such mentally retarded minors.

(d) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded minors who reside in the county and who come within the provisions of Section 6903 and contract with an elementary or unified school district with an average daily attendance of 8,000 or more in the elementary schools of the district and in unified or high school districts with an average daily attendance of 8,000 or more in the high schools of the district for the education by the county superintendent of schools of such minors residing in such districts. Whenever a special training school or class is established under the provisions of this subdivision, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply for elementary schools, and the foundation program prescribed in Section 17665 shall apply for high schools.

SEC. 4. This act shall become operative on July 1, 1964.

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

In order to provide an adequate educational program for mentally retarded minors of this State during the ensuing fiscal year it is necessary that this act take effect immediately.

CHAPTER 53

An act to amend Section 10758 of the Revenue and Taxation Code, relating to vehicle license fees, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 4, 1964. Filed with Secretary of State May 4, 1964.]

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

SECTION 1. Section 10758 of the Revenue and Taxation Code is amended to read:

10758. The license fee imposed under this part is in lieu of all taxes according to value levied for state or local purposes on vehicles of a type subject to registration under the Vehicle Code whether or not the vehicles are registered under the Vehicle Code.

"Vehicle of a type subject to registration under the Vehicle Code," as used in this section, includes, but is not limited to (a) any motor vehicle in the inventory of vehicles held for sale by a manufacturer, distributor or dealer in the course of his business, or (b) any unoccupied trailer coach in the inventory of trailer coaches held for sale by a manufacturer, distributor or dealer in the course of his business.

SEC. 2. The amendments which are made to Section 10758 of the Revenue and Taxation Code by Section 1 of this act do not constitute a change in, but are declaratory of, the preexisting law.

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:

Although the laws of California clearly indicate, and the Attorney General has ruled, that automobiles and trailer coaches in the inventory of the manufacturer, distributor, or dealer on the first Monday in March are exempt from local ad valorem property taxes, one county has construed the law differently so that the taxpayers in that county are presently exposed to unequal and unfair taxation. This situation must be cured without delay, as will be the case if this bill becomes effective immediately.

CHAPTER 54

An act to add Sections 33103.5 and 33376 to the Health and Safety Code, relating to disaster relief in the Crescent City area by redevelopment agencies and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 7, 1964. Filed with Secretary of State May 7, 1964.]

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

SECTION 1. Section 33103.5 is added to the Health and Safety Code, to read:

33103.5. Any ordinance of a legislative body heretofore adopted declaring the need for an agency to function in Crescent City is hereby validated, and in any proceeding involving the validity of, or enforcement of, or relating to, any contract by such an agency, the agency is conclusively deemed to have been established and authorized to transact business and exercise its powers upon proof that a copy of such ordinance has been filed with the Secretary of State.

Notwithstanding Section 33101, any such ordinance adopted as an emergency ordinance is not subject to referendum.

SEC. 2. Section 33376 is added to said code, to read:

33376. Any ordinance adopted pursuant to this article adopting a redevelopment plan for the Crescent City disaster area, may be adopted as an emergency ordinance and shall not be subject to referendum.

SEC. 3. This special act, applicable only to the redevelopment agency of the City of Crescent City, is necessary in order to provide aid to this disaster area damaged by the tidal waves following the March 1964 Alaskan earthquake, and the problems thus created are such that a general law cannot be made applicable.

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:

Areas of the State damaged by the tidal waves following the March 1964 Alaskan earthquake are urgently in need of assistance and redevelopment agencies to provide such assistance must be validly formed as soon as possible and, therefore, this act must be in effect immediately.

CHAPTER 55

An act to add Section 33349.5 to the Health and Safety Code, relating to the Redevelopment Agency of the City of Crescent City, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 7, 1964. Filed with Secretary of State May 7, 1964.]

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

SECTION 1. Section 33349.5 is added to the Health and Safety Code, to read:

33349.5. Notwithstanding Sections 33349 and 33361, the notice provided for in such sections applicable to the Redevelopment Agency of the City of Crescent City need be published only once, at least ten days prior to the hearing in question. The notice of the hearing by the agency on the redevelopment plan may be published at the same time as the notice of the hearing by the legislative body on the redevelopment plan, and both hearings may be held on the same day.

Notwithstanding Section 33500, 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 Redevelopment Agency of the City of Crescent City 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 lapse of thirty days from and after the date of adoption of the ordinance adopting the plan.

SEC. 2. This special act, applicable only to the Redevelopment Agency of the City of Crescent City, is necessary in order to provide aid to this disaster area damaged by the tidal waves following the March 1964 Alaskan earthquake, and the problems thus created are such that a general law cannot be made 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:

The area of the Redevelopment Agency of the City of Crescent City is urgently in need of assistance following the damage caused by the tidal waves following the March 1964 Alaskan earthquake, and in order to provide such aid as soon as possible this act must be in effect immediately.

CHAPTER 56

An act to amend Section 6359.3 of the Revenue and Taxation Code, relating to sales and use taxes, making a tax levy, to take effect immediately.

[Approved by Governor May 8, 1964 Filed with Secretary of State May 8, 1964]

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

SECTION 1. Section 6359.3 of the Revenue and Taxation Code is amended to read:

6359.3. (a) Any nonprofit organization whose primary purpose is to promote good citizenship in boys or girls by creating in them a spirit of civic duty and usefulness to others, and by stimulating their interest in wholesome, mental, moral, industrial and physical activities, is a consumer of, and shall not be considered a retailer within the provisions of this part with respect to, candy or other confectionery which it sells, where the profits are used solely and exclusively in furtherance of such purpose. Such an organization includes, but is not limited to, the Boy Scouts, the Cub Scouts, the Girl Scouts, the Camp Fire Girls, the Young Men's Christian Association and the Young Women's Christian Association.

(b) Any nonprofit veterans' organization is a consumer of, and shall not be considered a retailer within the provisions of this part with respect to flags of the United States of America which it sells, where the profits are used solely and exclusively in furtherance of the purposes of the nonprofit organization.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 57

An act to amend Section 802 of the Agricultural Code, relating to grapes, and declaring the urgency thereof, in effect immediately.

[Approved by Governor May 8, 1964. Filed with Secretary of State May 8, 1964]

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

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

802. As applied to grapes:

(a) "Mature" means that each bunch of the varieties classified above in group A shall test not less than 17 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; however, in view of differences in climatic condi-

tions prevailing north and west of San Gorgonio Pass, which results in the Malaga variety of grapes grown in that area having, at maturity, a higher percentage of soluble solids than mature grapes of this variety grown in the area south and east of San Gorgonio Pass, Malaga grapes produced in the area north and west of San Gorgonio Pass shall so test not less than 18 percent; however, Beauty Seedless variety shall so test not less than 16 percent if grown south and east of San Gorgonio Pass and Thompson Seedless variety shall so test not less than 17 percent if grown south and east of San Gorgonio Pass or 17½ percent if grown north and west of the San Gorgonio Pass, but shall be considered mature regardless of where grown in the State if they so test not less than 16½ percent and if the juice contains soluble solids equal to or in excess of 22 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization); however, the varieties Emperor, Gros Colman, Bleu Grau, Drodelabi, Fresno Beauty, Servian Blue, Pierce Isabella, Pierce, Isabella Regia, California Concord, Concord, Dattier de Beyrouth, Red Malaga, Khalili, Persian 23, Dizmar, Ribier, Delight, Perlette and Queen shall so test not less than 16 percent and the varieties Olivette Blanche, Ladyfinger, Rish Baba, and Khandahar shall so test not less than 15 percent; however, the Blackrose, Cardinal, and Exotic varieties shall so test either not less than 16 percent or not less than 15 percent if the juice contains soluble solids equal to or in excess of 25 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization), except the Cardinal variety when grown south and east of San Gorgonio Pass shall test not less than 15 percent on the Balling or Brix scale hydrometer.

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

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

Any varieties included in group A may be placed in the standard for juice grapes and other varieties may be placed in the standard established for table grapes, but regardless of standard, the maturity of varieties included in group A shall be determined by testing the juice from entire bunches representative of the least mature grapes in any container and constituting not less than 10 percent by weight of the contents of the container. The maturity of all varieties not included in group A shall be determined by testing the juice

from a composite sample representative of the average of the grapes in any container or bulk lot. The standards provided by this section are minimum standards, and the tolerances allowed by Sections 800 and 801 shall not be applied to any test made in accordance with this section for the purpose of determining whether any lot of grapes complies with the maturity standard for the variety; however, no lot of grapes of the varieties classified in group A shall be considered as failing to meet the maturity requirements of this section because the sample of grapes from one container fails to meet the required test.

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

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

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

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

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

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 avoid waste of Cardinal grapes and at the same time properly protect the consuming public during the 1964 season, it is necessary that this act be in effect immediately.

CHAPTER 58

An act to amend Sections 802.6 and 802.65 of the Agricultural Code, relating to grapes, and declaring the urgency thereof, to take effect immediately

[Approved by Governor May 8, 1964. Filed with Secretary of State May 8, 1964.]

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

SECTION 1. Section 802.6 of the Agricultural Code is amended to read:

802.6 All grapes shall be placed in standard containers numbers 1, 1B, 5, 28, 30A, 38I, 38K, 38L, 38M, 38N and 38P,

subject to the restrictions and additions specified in this chapter. Except as otherwise designated, all such containers shall be considered as standard for grapes when packed with or without pads, inner liners, or other device which does not reduce the inside volume of the container by more than 10 percent; provided, that the vacant spaces, if any, resulting from the use of such device are readily visible.

The depth dimension of containers designated for grapes in this chapter shall include in the measurement of the specified depth any cleat or cleats used, if any are used.

Container number 28 shall be standard for grapes only when (1) containing grapes packed in sawdust, cork or similar packing material in sufficient amount to completely surround and cover the grapes and (2) used without cleats.

Container number 30A shall be standard for grapes only when containing bunches which are (1) individually wrapped in paper or other protective wrapping material and (2) packed in excelsior or other similar packing material.

Containers numbers 38M, 38N and 38P shall be standard for grapes only when transported or sold within California, and then only when plainly marked with letters not less than one-half inch in height "California Sale Only," or "Calif. Sale Only."

SEC. 2. Section 802.65 of said code is amended to read:

802.65. Container number 38L when 5¾ inches deep, and container number 38K when 5¾ inches deep and 14¾ inches wide, shall be standard for grapes only when containing bunches which are not wrapped, and one outside end of the container is plainly marked, with not less than ¼-inch letters, with words "Net Weight 27 lbs." or "Net Wt. 27 lbs."; provided, however, such marking is not required if the bunches of grapes are completely surrounded by sawdust, paper wraps or other similar packing material.

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 avoid unnecessary waste of a valuable food product and to insure orderly marketing of such product this act must take effect immediately.

CHAPTER 59

An act to amend Section 19630.1 of the Education Code, relating to state school building aid.

[Approved by Governor May 11, 1964. Filed with Secretary of State May 11, 1964.]

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

SECTION 1. Section 19630.1 of the Education Code is amended to read:

19630.1. If the board, between April 5, 1963, and July 1, 1963, approves an application for an apportionment and makes a conditional apportionment to the district making the application and if after such approval it is determined that the projected enrollment of the district is less than that upon which the district's application was based, any apportionment made by the board under such application is hereby ratified and confirmed and payments shall be made to the district pursuant to such apportionment. The board shall as a condition to any apportionment made under such application require the district to repay in full that portion of the apportionment which it determines to be attributable to the excess projected enrollment upon which the application was based and the district shall be empowered and obligated to comply with such requirement if it accepts such portion of the apportionment. Such repayment shall be in equal annual installments made within 20 years from the date the district receives the apportionment. Such repayment shall be in addition to any other repayment required by this chapter. The rate of interest shall be the same rate as that fixed for the remainder of the apportionment.

If at any time the board determines that the amount of actual enrollment of the district attains the amount of the projected enrollment upon which the district's application, referred to above, was based, the board may, if it determines that the inclusion of such excess projected enrollment in the application occurred inadvertently, provide that the district shall not be required to pay any further installments for full repayment of that portion of the apportionment attributable to the excess projected enrollment and the unpaid balance of such portion and interest thereon shall thereafter be repaid under the same terms and in the same manner as the balance of the apportionment made under such application.

CHAPTER 60

An act to amend Section 13515 of the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 11, 1964. Filed with Secretary of State May 11, 1964.]

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

SECTION 1. Section 13515 of the Education Code is amended to read:

13515. Whenever, on or after September 15, 1961, a person has rendered service in a position requiring certification qualifications, or the governing board of a district has employed a person in a position requiring certification qualifications, or the county superintendent has drawn an order for a warrant in favor of a person in a position requiring certification qualifications, for a period of service during which the person did not have a valid credential required for such position in force as required by law, and when as a result thereof the employment of the person to render such service, the rendering of such service, the inclusion of the attendance of pupils taught by the person in the average daily attendance of the district, or the drawing of the order warrant for the service of such person, is in violation of Sections 11251, 13251, 13511 or any other provision of this code, such employment, rendering of service, inclusion of attendance, or drawing of the order for the warrant shall be deemed fully legal for all purposes if the State Board of Education approves thereof in accordance with this section.

The State Board of Education shall adopt rules and regulations to establish procedures for a review in such cases and shall determine whether the rendering of such service shall be approved and made fully legal for all purposes. If the board gives its approval to the rendering of such service, then such employment, inclusion of attendance, and drawing of the order for the warrant shall be automatically approved and made fully legal for all purposes.

The board shall not approve of the rendering of such service unless it determines that the person rendering the service had, in fact, the necessary qualifications, during the period of service in question, for the credential required by law for the position in which the service was rendered, and unless a valid credential required for such position has been issued to such person prior to review and action by the board.

In amending this section at the 1964 First Extraordinary Session of the Legislature, it is the intent of the Legislature to allow the State Board of Education to review cases involving service rendered prior to the effective date of such amendment in accordance with the provisions of this section as amended at such session.

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

There are many teachers who through inadvertence or misunderstanding failed to obtain new credentials at the proper time when they accepted employment in a new teaching position for which they were fully qualified except for the possession of the additional credential for which they were fully eligible.

Under the existing law the teacher cannot be paid for service rendered while he does not possess the appropriate credential and the attendance of pupils taught by the teacher cannot be included in the average daily attendance of the district for determining the amount of its apportionment from the State School Fund in the next fiscal year. In order to prevent an inequitable reduction in the quality of the educational program which such school districts furnish the children of this State, it is necessary that this act take effect immediately.

CHAPTER 61

An act to amend Sections 10801 and 17666.2 of, and to add Section 17411.1 to, the Education Code, relating to interdistrict school attendance, declaring the urgency thereof, to take effect immediately

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 10801 of the Education Code is amended to read:

10801. The governing board of any school district may admit to the schools or classes maintained in the district any pupil who lives in another school district which maintains schools or classes of the grade levels which the pupil desires to attend. An agreement providing for such attendance shall be entered into between the governing board and the governing board of the district in which the pupil lives. The agreement shall stipulate the terms upon which the interdistrict attendance shall be permitted. The terms of the agreement may require the payment of actual cost of education of the pupil, determined in the manner provided by Section 10805, or any lesser amount per pupil, as determined by the governing boards in their discretion, but in any event not less than the state apportionments resulting from the attendance.

The attendance, under an agreement entered into pursuant to this section, of pupils who are adults, as defined in Section

6352, shall be reported by and credited to the district attended for apportionment purposes. The attendance, under an agreement entered into pursuant to this section, of pupils, other than adults as defined in Section 6352, in grades 13 and 14, shall be kept separately and units of average daily attendance resulting therefrom shall be determined separately pursuant to Sections 11451.3 and 11501 and credited to the district in which the pupils reside.

This section does not apply to pupils who are deemed nonresidents of this State under Sections 25505 and 25505.5 and agreements entered into under this section shall not apply to the attendance of such pupils.

SEC. 2. Section 17411.1 is added to said code, to read:

17411.1. The Superintendent of Public Instruction shall withhold from the apportionment to a junior college district, as a part of the first principal apportionment and second principal apportionment, the amount allowed the district for the average daily attendance in grades 13 and 14 by reason of the operation of Section 17666.2 of pupils residing in the district who were in attendance at a junior college in another district under an interdistrict attendance agreement entered into pursuant to Section 10801. The amount withheld per unit of average daily attendance shall be determined by dividing the total amount of basic state aid and state equalization aid computed for the district of residence of such pupils by the total foundation program average daily attendance of the district.

The Superintendent of Public Instruction shall add the amount withheld to the apportionment required to be made to the junior college district maintaining the junior college at which the pupils were in attendance.

SEC. 3. Section 17666.2 of said code is amended to read:

17666.2. For the purpose of computing apportionments in the fiscal year 1961-1962 and for each fiscal year thereafter, for each junior college district, he shall multiply the number of units of average daily attendance, during the fiscal year, in grades 13 and 14 computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, by five hundred seventy dollars ($570).

For purposes of this section, and Section 17851, the average daily attendance of a junior college district shall, subject to the provisions of Section 17611, be computed in the manner prescribed by Sections 11451 and 11501 except that there shall be excluded from the computation the attendance of all students who resided in territory which was not a part of any district maintaining a junior college, the attendance of all students deemed nonresidents as provided in Sections 25505 and 25505.5, and there shall be included in the computation the attendance of all students residing in the district who were in attendance at a junior college in another district under an interdistrict attendance agreement entered into pursuant to Section 10801. Notwithstanding the above provisions of this

section, the attendance of students deemed nonresidents as provided in Sections 25505 and 25505.5 shall not be excluded from the average daily attendance of a junior college for the purposes of Section 17851.

The Superintendent of Public Instruction shall exclude from the computation provided by this section the average daily attendance during the fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

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

In order to prevent unforeseen budgetary and financial hardships which would result from 1963 legislation regulating interdistrict attendance agreements, it is necessary that this act take effect in the present fiscal year.

CHAPTER 62

An act to add Part 3 (commencing with Section 30000) to Division 10 of the Public Utilities Code, relating to rapid transit.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Part 3 (commencing with Section 30000) is added to Division 10 of the Public Utilities Code, to read:

PART 3. SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

30000. This part shall be known as the Southern California Rapid Transit District Law.

30001 The Legislature hereby finds and declares:

(a) There is an imperative need for a mass rapid transit system in the Southern California area, and particularly in Los Angeles County.

(b) In view of the limited powers of the Los Angeles Metropolitan Transit Authority (herein sometimes referred to as "authority") it has become apparent that the authority is unable to solve the transit problems of the Southern California area and provide the needed mass rapid transit system.

(c) It is, therefore, necessary to provide a successor corporation to the authority, to wit: a transit district, and to estab-

lish such transit district governed by representatives of the governmental agencies in the Southern California area so that there will be sufficient power and authority to solve the transportation problems in the Southern California area and to provide the needed mass rapid transit system.

30002. The part shall be liberally construed to carry out the objects and purposes and the declared policy of the State of California as in this part set forth

30003. Unless the context otherwise requires, the provisions of this chapter govern the construction of this part.

30004. "District," as used in this part, means the Southern California Rapid Transit District

30005. "Rapid transit," as used in this part, means the transportation of passengers only and their incidental baggage by means other than by chartered bus, sightseeing bus, taxi, or any other motor vehicle not on an individual passenger fare-paying basis Nothing in this section shall be construed to prohibit the district from leasing its buses to private certified public carriers or to prohibit the district from providing school bus service for the transportation of pupils between their homes and schools.

30006. "Board of directors," "board," or "directors," as used in this part, means the board of directors of the district.

30007. "Public agency," as used in this part, includes the State of California, and any county, city and county, city, district, or other political subdivision or public entity of, or organized under the laws of, this State.

CHAPTER 2. CREATION OF DISTRICT

30100. There is hereby created the Southern California Rapid Transit District, comprising that territory hereinafter described in this section lying within the boundaries of the County of Los Angeles and such territory in the County of Los Angeles and in other counties as may be hereafter annexed to the district as provided in this part The territory within the County of Los Angeles which is hereby created into such district is described as follows:

All that portion of the County of Los Angeles, State of California, lying southerly of the north line of Township 4 North S B.B. & M., and westerly of the east line of Range 15 West S B B. & M., and all that portion of the remainder of said county lying southerly of the north line of Township 2 North S.B.B. & M., excepting therefrom the islands of Santa Catalina and San Clemente.

30101. The district created in accordance with the provisions of this part is a public corporation created for the purposes set forth in this part.

Chapter 3. Government of District

Article 1. Board of Directors

30200. All powers, privileges and duties vested in or imposed upon the district shall be exercised and performed by and through a board of directors; provided, however, that the exercise of any and all executive, administrative, and ministerial power may be delegated and redelegated by the board of directors to any of the offices and officers created pursuant to this part or created by the board of directors acting pursuant to this part.

30201. The board of directors shall consist of eleven (11) members appointed as follows:

Five (5) by the Board of Supervisors of the County of Los Angeles, who, in the discretion of such board of supervisors, may or may not be members of such board of supervisors, but each of whom shall be a resident of a different supervisorial district.

Two (2) by the Mayor of the City of Los Angeles, subject to confirmation by the City Council of the City of Los Angeles, who may or may not be members of such city council, but each of whom shall be a resident of such city

Four (4) by the city selection committee, who, in the discretion of such committee, may or may not be members of such committee, but each of whom shall be a resident of a different city and none of whom shall be residents of the City of Los Angeles. The city selection committee may adopt rules and regulations grouping or combining the areas of the cities within the district except the City of Los Angeles into corridors based on existing or proposed transit lines or in any other manner regardless of contiguity. The rules and regulations may provide that members of the board of directors to be selected by the city selection committee shall be residents of the corridors or other groupings so determined.

30202 At its first regular meeting after the effective date of this part, the Board of Supervisors of the County of Los Angeles shall appoint as members of the first board of directors of the district the number to be appointed by it under Section 30201.

30203. At its first regular meeting after the effective date of this part, the Mayor of the City of Los Angeles, subject to confirmation by the City Council of the City of Los Angeles, shall appoint as members of the first board of directors of the district the number to be appointed by it under Section 30201.

30204. Each member of the board of directors appointed by the Board of Supervisors of the County of Los Angeles, shall serve at the pleasure of the appointing body. Each member of the board of directors appointed by the Mayor of the City of Los Angeles, subject to confirmation by the City Council of the City of Los Angeles, may be removed at any time thereafter by following the same procedure used for appointment. If he is a member of the Board of Supervisors of the

County of Los Angeles or the City Council of the City of Los Angeles and his term of office as a member of such bodies terminates, a vacancy is automatically created in his office as a member of the board of directors. If he is not a member of such bodies his term of office shall terminate at the end of his term as director.

30205. Each director appointed by the Board of Supervisors of the County of Los Angeles shall be appointed by resolution, and each director appointed by the Mayor of the City of Los Angeles, subject to confirmation by the City Council of the City of Los Angeles, shall be confirmed by resolution, and certified copies of such resolutions, together with notices of appointments made thereby, shall be forwarded without delay to the Secretary of State and to the secretary of the district.

30206. Any vacancy in the members of the board of directors appointed by the County of Los Angeles or by the City of Los Angeles shall be filled by appointment in the same manner as the appointment was made to the office in which the vacancy exists, in the manner provided in this part.

30207. A city selection committee shall be established which shall consist of one member representing each city within the district as described in Section 30100, except the City of Los Angeles. Each member of the city selection committee shall serve without compensation from the district and shall be designated and appointed by and be a member of the governing body of the city he represents. As a member of the city selection committee, each member shall be entitled to vote on all motions coming before the committee, and shall be entitled to cast one vote for each ten million dollars ($10,000,000), or major fractional part thereof, of assessed valuation of property taxable for district purposes in the city represented by him as shown by the assessment records of the county and evidenced by the certificate of the county auditor; provided, that each member shall have at least one vote and no city shall have votes exceeding in number the total number of votes of all the other cities whose corporate areas are included in the district. For the purposes of this section, the term "major fractional part" means a fractional part larger than one-half.

30208. On or before the second Monday which is not a holiday following the effective date of this part, the governing body of each city within the district, except the City of Los Angeles, shall appoint from among its members, to serve as members of the city selection committee, the number of members of the city selection committee to be appointed by it under Section 30207.

30209. Each member of the city selection committee shall serve at the pleasure of the governing body of the city by which he was appointed. If his term of office as a member of such appointing body terminates, a vacancy is automatically

created in his office as a member of the city selection committee, and also as a member of the board of directors, if he is so serving.

30210. Each member of the city selection committee shall be appointed by a resolution adopted by the governing body of the appointing body. Certified copies of all resolutions of appointment, together with notices of appointments made thereby, shall be forwarded without delay to the Secretary of State and, after the district has a secretary, to the secretary of the district.

30211. Any vacancy in the city selection committee shall be filled by appointment by the body which originally made the appointment to the office in which the vacancy exists, in the manner provided in this part.

30212. No person serving as a member of the city selection committee shall be eligible for appointment to any salaried office or employment in the service of the district nor shall he become eligible for such appointment within one (1) year after he has ceased to be a member of the city selection committee; provided, however, that, as provided in this part, members of the city selection committee may serve as directors of the district.

30213. The county auditor shall furnish the necessary certificates as to assessed valuation to enable the city selection committee to function.

30214. All meetings of the city selection committee shall be conducted pursuant to the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code.

30215. The presence of members of the city selection committee representing more than fifty (50) percent of the total number of votes of all the members of the city selection committee shall constitute a quorum.

30216. The affirmative votes of members representing more than fifty (50) percent of the total number of votes of all the members of the city selection committee shall be necessary and, except as otherwise provided in this part, shall be sufficient to carry any motion coming before the city selection committee.

30217. Within ten (10) days after the Secretary of State has received certified copies of the resolutions appointing a majority of the city selection committee, he shall call the first meeting of the city selection committee to be held not less than twenty (20) days thereafter at an appropriate time and place. The meeting shall be held in any city within the district designated by the Secretary of State, and may be adjourned from time to time or to a different place as determined by a majority of the total number of votes of all members present whether there be a quorum or less than a quorum.

30218. The city selection committee shall appoint from its members a chairman and such other officers as may be necessary. Until a chairman is appointed, the Secretary of State, or his deputy, shall act as chairman.

30219. The city selection committee shall appoint as members the number to be appointed by it under Section 30201 as the first board of directors of the district. All such appointments shall be completed within ten (10) days after the first meeting called by the Secretary of State.

30220. Members of the board of directors who are not members of the Board of Supervisors of the County of Los Angeles or members of the City Council of the City of Los Angeles or members of the city selection committee, shall, at the first meeting of the board of directors be assigned by lot so far as possible staggered terms of one, two, three and four years in that order and thereafter the terms of such members of the board of directors shall be four years

30221. Whenever a vacancy occurs in the members of the board of directors of the district appointed by the city selection committee, the same shall be filled by the city selection committee. The city selection committee shall meet within thirty (30) days following the occurrence to appoint a director to fill the vacancy. The board of directors shall determine promptly the time and place of the meeting of the city selection committee and shall give the members at least ten (10) days notice thereof. Whenever there shall not be a quorum present at the meeting of the city selection committee, the meeting shall be adjourned to a subsequent time and place as determined by a majority of the total number of votes present.

30222. The city selection committee shall meet each year within forty-five (45) days after the final equalization of the assessment rolls to appoint its proper number of members to the board of directors of the district; provided, however, that nothing herein shall prevent the reappointment of directors who are currently serving or who have served previously. The board of directors shall determine the time and place of the meeting of the city selection committee and shall give the members at least ten (10) days notice thereof Whenever there shall not be a quorum present at the meeting of the city selection committee, the meeting shall be adjourned to a subsequent time and place as determined by a majority of the total number of votes present.

30223. Upon petition signed by members of the city selection committee representing more than two-thirds ($\frac{2}{3}$) of the total number of votes of all the members of the city selection committee, the city selection committee shall meet for the purpose of considering the recall of any member of the board of directors appointed by the city selection committee and named in such petition. The board of directors shall determine promptly the time and place of the meeting of the city selection committee and shall give the members at least ten (10) days notice thereof. Whenever there shall not be a quorum present at the meeting of the city selection committee the meeting shall be adjourned to a subsequent time and place as determined by a majority of the total number of votes present. If at such meeting another person is appointed in place of the

person named in the petition such person shall be deemed to be recalled and the vacancy created thereby shall be filled by the new member thus appointed.

30224. Members of the board of directors shall serve until their respective successors are appointed and qualified.

30225. Except as provided in Section 30251 of this part, no person serving as a director shall be eligible for appointment to any salaried office or employment in the service of the district nor shall he become eligible for such appointment or employment within one (1) year after he has ceased to be a director.

30226 In order to provide orderly transition from the Los Angeles Metropolitan Transit Authority (herein sometimes referred to as "authority") to the district, it may be desirable for a member or members or former member or members of the authority to serve or continue to serve as a member or members of the board of directors of the district and nothing in this part shall prevent each one of the three appointing bodies from each appointing a member or members of the authority as a member or members of the board of directors of the district if the appointing body involved, in its discretion, wishes so to do.

30227. Within ten (10) days after the Secretary of State has received certified copies of the resolutions appointing a majority of the directors, he shall call the first meeting of the board of directors at an appropriate time within twenty (20) days thereafter. The meeting shall be held in the City of Los Angeles

Article 3. Powers and Duties of Directors

30250. Each director, before entering upon the duties of his office, shall take the oath of office. The oath shall be filed with the Secretary of State and a copy thereof with the secretary of the district.

30251. The board shall choose one of its members president, and another vice president, who shall be authorized to act for the president during his absence or disability. The board shall choose a secretary, who shall not be a member of the board, and shall provide for the time and place of holding its regular meetings which shall be held at least once each month. The board may hold such additional meetings as it may see fit. The time and place for holding all of its meetings shall be fixed by the board of directors. An attendance fee of fifty dollars ($50) per meeting attended, but not to exceed two hundred fifty dollars ($250) in any calendar month to any member, shall be paid to members of the board of directors.

30252 The board of directors is the legislative body of the district and, consistent with the provisions of this part, shall determine all questions of district policy.

30253. The board may contract and take any and all actions and proceedings and do any and all other things necessary to carry out the purposes of this part.

30254. The board shall determine what transit facilities should be acquired or constructed.

30255. In order to provide orderly transition from the Los Angeles Metropolitan Transit Authority (herein sometimes referred to as "authority") to the district, it may be desirable for certain members or former members of the authority or the officers, advisors and staff thereof, or both, to serve in an advisory capacity to the board. The board may, in its discretion, establish an advisory board of the above-named persons or any others that it sees fit, provided that each member of such advisory board shall consent to serve and also that there shall be no compensation paid by the district to members of such advisory board.

30256. The board shall supervise and regulate every transit facility owned and operated by the district, including the fixing of rates, fares, rentals, charges, and classifications thereof, 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.

30257. Subject to the provisions of Article 10 (commencing with Section 30750), Chapter 5 of this part, 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. The board shall establish an appropriate salary, salary range, or wage for each position so created, except for positions in a bargaining unit represented by a labor organization. The board may also establish health and other fringe benefits. The board may by resolution abolish any such position. Except as otherwise provided in this part, appointments to such positions shall be made by the general manager.

30258 The board may contract for or employ any professional services required by the district or for the performance of work or services for the district which, in the opinion of the board, cannot satisfactorily be performed by the officers or employees of the district.

30259. The board shall have an annual audit made of all books and accounts of the district by an independent certified public accountant or public accountant.

30260. As soon as practicable after the close of each fiscal year the board shall submit to the chief administrative officers and legislative bodies of cities and counties within the district a financial report showing the result of operations during the preceding fiscal year and the financial status of the district on the final day thereof. Copies of the report shall be supplied to the general public upon request in the quantity deemed appropriate by the board.

30261. 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 or such other officer or deputy as the board may prescribe.

30262. 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.

30263. The board may hold public hearings, subpoena witnesses, and perform all other acts necessary to properly carry out its duties. The board may delegate such authority to other officers of the district who shall report thereon to the board.

30264. Each director may administer oaths and affirmations in any district investigation or proceeding.

Article 4. Meetings and Legislation

30270. All meetings of the board of directors shall be conducted pursuant to the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code.

30271. The affirmative votes of a majority of the members of the board shall be necessary and, except as otherwise provided in this part, shall be sufficient to carry any order, resolution, or ordinance coming before the board of directors.

30272. The board shall adopt rules for the general conduct of its proceedings including, without limitation, penalties for unexcused absence from meetings.

30273. 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 five (5) days thereafter, nor at any time other than a regular or adjourned regular meeting. No ordinance shall take effect until the expiration of thirty (30) days following its adoption, unless otherwise provided in this part. The following ordinances shall take effect upon adoption: an ordinance relating to an election, or to the issuance or sale of bonds, or to the levying or collection of taxes, or the fixing of fares; or an ordinance necessary for the immediate preservation or protection of the property, interests, or welfare of the district, which shall contain a specific statement showing its urgency, and which shall be passed by two-thirds of the votes of all of the members of the board. All ordinances except those which take effect upon their adoption shall be subject to referendum as provided in Section 30741.

30274. The enacting clause of all ordinances shall be as follows: "Be it ordained by the Board of Directors of the Southern California Rapid Transit District:"

30275. All ordinances shall be signed by the president or the vice president of the board and attested by the secretary. All ordinances shall be published once within 15 days after passage in a newspaper of general circulation printed and published in the district.

Article 5. Officers

30300. The officers of the district shall consist of the members of the board of directors; a president and a vice president of the board, each of whom shall be a member of the board; a secretary, a general manager, a general counsel, a treasurer, an auditor, and such other or subordinate officers, assistants, and deputies as the board may deem necessary and provide for by ordinance or resolution.

30301. The secretary, general manager, general counsel, treasurer, and auditor shall be full-time officers and shall be appointed by and may be removed by the affirmative votes of a majority of the members of the board. All other officers and employees shall be appointed by the general manager and shall serve at his pleasure, subject to the provisions of this part relating to personnel.

30302. The compensation of all district officers and employees, except as otherwise provided in this part, shall be fixed by ordinance or resolution of the directors.

30303. The general counsel shall be a person admitted to practice law in the Supreme Court of California and shall have been actively engaged in the practice of law for not less than seven (7) years next preceding his appointment.

The person appointed auditor shall have been actively engaged in the practice of accounting for not less than seven (7) years next preceding his appointment.

30304. The oath of office of all officers appointed by the board of directors or by the general manager of the district shall be taken, subscribed, and filed with the secretary of the district at any time after the officer has notice of his appointment but not later than fifteen (15) days after the commencement of his term of office. No other filing is required.

30305. The board may require officers, assistants, deputies and employees to give bonds and may fix the amount thereof.

30306. Article 4 (commencing with Section 1090), Chapter 1, Division 4, Title 1, of the Government Code shall apply to all officers and contracts of the district.

30307. The treasurer shall be the custodian of the funds of the district and shall make payments only upon warrants duly and regularly signed by the president or vice president of the board, or other person authorized by the board so to do, and by the secretary or general manager. He shall keep an account of all receipts and disbursements.

30308. The district may designate the treasurer and the auditor of the County of Los Angeles as treasurer and auditor of the district and the treasury of that county may be designated the depositary for district funds for such time as the board may determine.

Article 6. General Manager

30330. 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.

30331. All other things being equal, the general manager shall be chosen on the basis of his qualifications with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of his office as hereinafter set forth.

30332. The general manager need not be a resident of this State at the time of his appointment

30333. The general manager shall hold office for an indefinite term and may be removed by the board upon the adoption of a resolution by the affirmative vote of a majority of all members 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 is final.

30334. 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 and collective bargaining agreements adopted by the board and except for officers appointed by the board to appoint, discipline or remove all officers and employees subject to the rules and regulations adopted by the board and the applicable provisions of this part or the terms and conditions contained in any applicable collective bargaining agreement

(e) To prepare and submit to the board as soon as practical after the end of each fiscal year a complete report of the finances and administrative activities of the district for the preceding year.

(f) To keep the board advised as to the needs of the district.

(g) To prepare or cause to be prepared all plans and specifications for the construction of the works of the district.

(h) To devote his entire time to the business of the district.

(i) To 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.

(j) To perform such other and additional duties as the board may require.

30335. The general manager shall attend meetings of the board and be entitled to participate in the deliberations of the board, but shall not have a vote as to any matter before the board.

30336. The directors may appoint a general manager pro tempore to serve during any absence or disability of the general manager.

CHAPTER 4. RETIREMENT SYSTEM AND EMPLOYMENT BENEFITS

Article 1. Establishment

30400. The board may establish a retirement system for the officers and employees of the district and provide for the payment of annuities, pensions, retirement allowances, disability payments, and death benefits or any of them.

30401. The district may maintain its own retirement fund or may provide for benefits to eligible officers and employees, or their beneficiaries, by means of group insurance or other insurance, or by such means as in the opinion of the board will satisfactorily provide an adequate and sure method of meeting the payments contemplated by the retirement system.

30402. Before establishing any retirement system the board shall secure a report from a qualified actuary, which shall show the cost of the benefits provided by the system, and the prospective assets and liabilities of the system.

30403. The board may adopt all ordinances and resolutions and perform all acts necessary or convenient to the initiation, maintenance, and administration of the retirement system.

30404. As an alternative method of providing a retirement system the board may contract with the Board of Administration of the State Employees' Retirement System and enter all or any portion of its employees under such system pursuant to law and under the terms and conditions of such contract.

30405. The board may also contract with the Board of Administration of the State Employees' Retirement System for participation in the Federal Social Security Act and may perform all acts necessary or convenient for such participation.

30406. The board may classify and determine the officers and employees who shall be included as members in the retirement system and may change the classification from time

to time. Membership of all officers and employees so classified and included in the retirement system is compulsory.

Article 2. Benefits and Contributions

30430. The board may prescribe the terms and conditions upon which the officers and employees of the district or their beneficiaries shall be entitled to benefits and the amounts thereof.

30431. Any pension or retirement system adopted shall be on a sound actuarial basis and provide for contributions by both the district and the employee members of the system which shall be based on percentage of pay roll to be changed only by adjustments on account of experience under the system.

30432. Contributions shall be in amounts which will accumulate at retirement a fund sufficient to carry out the promise to pay benefits to the individual on account of his service as a member of the system, without further contributions from any source.

30433. Nothing in any pension or retirement system or plan shall prevent the board from, at any time, amending, changing, modifying or terminating any provision for benefits, participation, or contributions thereto or thereunder.

Article 3. Employees Under Bargaining Agreements

30450. Article 1 (commencing with Section 30400) and Article 2 (commencing with Section 30430) of this chapter do not apply to any employees of the district in a bargaining unit which is represented by a labor organization.

30451. The adoption, terms, and conditions of the retirement systems covering employees of the district in a bargaining unit represented by a labor organization shall be pursuant to a collective bargaining agreement between such labor organization and the district. Any such retirement system adopted pursuant to a collective bargaining agreement shall be on a sound actuarial basis. The district and the labor organization representing the district's employees in a bargaining unit shall be equally represented in the administration of such retirement system.

Article 4. Other Benefits

30470. The district shall take such steps as may be necessary to obtain coverage of its employees under Title 2 of the Federal Social Security Act, as amended, and the related provisions of the Federal Insurance Contributions Act, as amended.

30471. The district shall take such steps as may be necessary to obtain coverage for the district and its employees

under the state laws relating to workmen's compensation and insurance, unemployment compensation, and disability compensation.

Chapter 5. Powers and Functions of District

Article 1. Corporate Power

30500. The district has perpetual succession and may adopt a seal and alter it at pleasure.

30501. The district and its officers may sue and be sued in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

30502. The district may levy, and collect or cause to be collected, taxes for any lawful purpose, as provided in Chapter 6 (commencing with Section 30800) of this part.

30503. The district may take or acquire real or personal property of every kind within the district by condemnation pursuant to the eminent domain proceedings in accordance with Title 7 (commencing with Section 1237), Part 3 of the Code of Civil Procedure, or, in the alternative, in accordance with Chapter 8 (commencing with Section 1401), Part 1, Division 1 of this code, whether the property is already devoted to the same use or otherwise.

No such taking or acquisition by the district which would involve the abandonment, removal, relocation or use of property of a railroad corporation, as defined in Section 230 of this code, shall be permitted, unless the Public Utilities Commission, after hearing, shall find and determine that the public interest and necessity require the abandonment, removal, relocation or use of such property and that such taking or acquisition will not unreasonably impair the ability of the railroad corporation involved to provide safe, adequate, economical and efficient service.

30504 The district is a rapid transit district within the meaning of Section 1241 of the Code of Civil Procedure.

30505 The district is entitled to the benefit of any reservation or grant, in all cases, where any right has been reserved or granted to the State or any agency or political subdivision thereof or any public corporation to construct or maintain roads, highways or other crossings over any public or private lands.

30506. The district may exercise any and all powers granted by any other law which by its terms is applicable to districts generally, to public corporations generally, or to any classification of districts or public corporations which includes a district of the type provided for in this part, but no such power shall be exercised contrary to any express provision of this part.

30507. Prior to the time the district incurs a bonded indebtedness, the district shall insofar as possible follow the budgetary control procedures for counties, pursuant to Arti-

cles 1 to 4, inclusive (commencing with Section 29000), Chapter 1, Division 3, Title 3 of the Government Code. Transfers of funds within, or revisions of, a budget adopted by the district, whether before or after the incurring of a bonded indebtedness, may be made by appropriate act of the board at a regular, adjourned regular or special meeting.

Article 2. Contracts

30530. 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, and to do all acts necessary and convenient for the full exercise of the powers granted in this part.

30531. The district may contract with any department or agency of the United States of America or of the State of California or with any public or private corporation upon such terms and conditions as the directors find is for the best interests of the district.

30532. The district may contract with any person, firm, corporation, association, or organization for the development of a rapid transit system.

30533. The district may insure against any accident to or destruction of the system or any part thereof.

30534. The district may insure against loss of revenues from any cause whatsoever.

30535. The district may insure against public liability or property damage, or both. It may provide in the proceedings authorizing the issuance of any bonds for the carrying of such or any other insurance, in such amount and of such character as may be specified, and for the payment of the premiums thereon.

30536. Bonds, notes, warrants and other evidences of indebtedness issued or incurred by the district shall be signed as provided in the section of this part applicable thereto or as provided in any other law applicable thereto; provided, however, that if the particular section or law does not prescribe the method of such execution, the method provided for general obligation bonds of the district shall apply so far as applicable. All other contracts of the district shall be executed on behalf of the district by the general manager; provided, however, that the board may, by resolution, fix any other method of executing such contracts.

Article 3. Purchases

30570. 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 pursuant to Section 6061 of the Government Code in a newspaper of general circulation, which publication shall be made at least ten (10) days before bids are received. The board may reject any and all bids and readvertise in its discretion.

30571. If, after rejecting bids, the board determines and declares by a vote of two-thirds 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.

30572. 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 vote of two-thirds 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

30600. The district may take by grant, purchase, gift, devise, or lease, or by condemnation as hereinbefore provided, 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, 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.

30601. Whenever the board by resolution determines that any record, map, book, or paper in the possession of the district or any officer or employee thereof is of no further value to the district, the board may authorize its sale, destruction, or other disposition.

Article 5. Rapid Transit Facilities and Service

30630. The district may provide a rapid transit system for the transportation of passengers and their incidental baggage.

30631. The district may acquire, construct, own, operate, control or use rights-of-way, rail lines, monorails, bus lines, stations, platforms, switches, yards, terminals, parking lots, and any and all other facilities necessary or convenient for rapid transit service within or partly without the district, underground, upon, or above the ground and under, upon, or over public streets, highways, bridges, or other public ways or waterways, together with all physical structures necessary or convenient for the access of persons and vehicles thereto, and may acquire or contract for any interest in or rights to

the use or joint use of any or all of the foregoing; provided, that installations in state freeways shall be subject to the approval of the State Department of Public Works and installations in other state highways shall be subject to Article 2 (commencing with Section 670), Chapter 3, Division 1 of the Streets and Highways Code.

It shall be presumed that the use of the streets, highways, freeways and other public places by the district 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, other than state highways or freeways referred to above, (including, but not limited to, streets, highways, pipelines, sewers, water mains, storm drains, poles, communications wires, and electric transmission wires) of another public agency, the State, or of a private owner must necessarily be relocated, replaced, or altered in order for the district to construct or operate its system, or in the event the construction or operation by the district of its system makes necessary the relocation, replacement, or alteration of any such facilities of another public agency, 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 district shall shall by prior agreement reimburse such public corporation, State, or private owner for the actual cost necessarily incurred in such relocation, replacement, or alteration.

The district may enter into an agreement with any city or county having jurisdiction over the street or highway involved, and as may be provided in such an agreement, may close any such city street or county highway at or near the point of its interception with any district facility or may make provision for carrying such city street or county highway over or under or to a connection with such district facility and may do any and all work on such city street or county highway as is necessary therefor. No city street or county highway shall be closed, either directly or indirectly, by the construction of district facilities except: (1) pursuant to such an agreement or (2) while temporarily necessary during the construction of district facilities.

30632. The district may lease or contract for the use of its facilities, or any portion thereof, to any operator, and may provide for subleases by such operator upon such terms and conditions as it deems in the public interest. The word "operator" as used in this section means any city or public agency or any person, firm or private corporation engaged in the transportation of passengers for hire, properly holding a Public Utilities Commission approved and authorized certificate of public convenience and necessity for the transportation of passengers.

30633. The district may construct, acquire, maintain and operate works and facilities in, under, upon, over, across, or along any road, street, alley, avenue 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 relating to roads, streets, alleys, avenues or highways are granted to municipalities within the State for such uses or any other use or uses, including, but not limited to, the provisions of Article 3 (commencing with Section 10101) of Chapter 1 of Division 5 of the Public Utilities Code.

30634. 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. As to any service which the district is authorized to perform pursuant to this part, the district may contract for the performance of such service by any city or county the territory of which is wholly or partly included within the district.

30635. The district may operate such feeder bus lines and other feeder services as necessary.

30636. As soon as practicable after the effective date of this part, the board shall cause a preliminary report to be made as to a rapid transit service and system which shall include:

(a) The estimated cost of the acquisition, construction and completion and all incidental expenses connected therewith;

(b) The probable sources of income and the estimated amount thereof;

(c) The estimated cost of maintenance and operation thereof;

(d) The proposed method or methods of financing;

(e) Any other information deemed pertinent, including, without limitation, the design of stations, platforms, terminals, structures and facilities constituting a method of rapid transit (all of the foregoing being hereafter referred to in this section by the word "facilities"), the location thereof and the routes of the system.

The district shall, in connection with the studies necessary to determine the possible routes and 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 in the affected areas.

The district shall give written notice of the preliminary report to each affected city or county that it may, within a period prescribed by the district (which period shall not be less than sixty (60) days), submit comments or evidence as to the effect

that the design, location and routes of said facilities would have in their areas, including, without limitation, the effect upon property values, state and local facilities, and city street and county highway traffic.

When sufficient information has been accumulated to permit intelligent discussion, the district 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 to the preliminary report.

Using the information developed the district shall then prepare a final report containing the foregoing subdivisions (a) to (e) and such other matters deemed pertinent, including, without limitation, the information obtained at conferences and meetings, the relationship between all proposed routes and 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 The final report shall conclude with a recommendation as to the routes, location and design of such facilities.

The district shall serve written notice of the final report to each affected city or county that it may, within a period to be prescribed by the district (which period shall be not less than sixty (60) days), request a public hearing. Such notification shall include a statement that the district will hold a public hearing, 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 district, the governing body or bodies shall have, by resolution, declared that no public hearing by the district is necessary, then the notification by the district shall advise such governing body only of the intention of the district to consider the matter.

If any such governing body requests such hearing, the district shall hold a hearing, after public notice given in such manner as the district 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 district 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 district may determine the routes, locations and design 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. If a hearing is requested, the district must determine the routes, location and design for 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.

Any city or county that objects to a particular route or design may request the district for an estimate of the extra

capital cost of eliminating its particular objection by rerouting or redesign. The district shall make such estimate and transmit it to the objecting city or county. The city or county may then offer to pay the increase in capital cost and the redesign cost thereof. The district may, in its discretion, accept such offer, subject to provisions satisfactory to it being made for the payment thereof, and reroute or redesign; or it may, in its discretion, conduct improvement district proceedings under Article 5 (commencing with Section 30960) of Chapter 7 of this part to pay such increase in capital cost and redesign cost or it may reject the objection.

30637. The district shall not exercise control over any transit facilities now or hereafter owned and operated wholly or partly within, or without, 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.

The district shall not 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 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 without the consent of the said utility.

The maintenance and operation but not the extension or rerouting, of any existing system acquired by the district from a publicly or privately owned public utility shall not be deemed to be the establishment of a rapid transit service or system within the meaning of this section.

The construction by the district of any structures constituting a method of 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 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 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 district. 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 district.

Nothing in this part shall be construed as in any way preventing or restricting the City of Los Angeles or any other

city from exercising any powers which it has under Section 19 of Article XI of the California Constitution, including, without limitation, the establishing and operation of any point to point lines or system of rapid transit to operate in connection with any other transportation services established and operated by such city.

30638. The rates and charges for service furnished pursuant to this part shall be fixed by a vote of two-thirds of all of the members of the board and shall be reasonable. Insofar as practicable, such rates shall be fixed so as to result in revenue which will make the transit system self-supporting, and shall be sufficient to accomplish the following:

(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 equipment under the provisions of Article 3 (commencing with Section 30940) of Chapter 7 of this part;

(d) Provide for the payment of the interest and principal of the bonded debt, subject to the applicable provisions of this part authorizing the issuance and retirement of bonds;

(e) Provide for payment of contracts, agreements, leases, equipment, trust certificates and other legal liabilities assumed under Chapter 8 (commencing with Section 31000) of this part.

After making any current allocations of funds required for the purposes prescribed by subdivisions (a) to (e), inclusive, of this section and by the terms of any indebtedness incurred under Article 1 (commencing with Section 30900), Article 2 (commencing with Section 30930) and Article 5 (commencing with Section 30960) of Chapter 7 of this part, the board may provide funds for any purpose the board deems necessary and desirable to carry out the purposes of this part.

The provisions of this section shall not constitute a covenant to the holders of any bonds or other evidences of indebtedness of the district unless the ordinance, resolution, or indenture providing for the issuance thereof so provides.

30639. The board of supervisors of a county, or the governing body of a city 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.

30640. Upon the filing of a request for hearing as provided in Section 30639 the district board shall fix the time and place for hearing. The time fixed shall not be less than fifteen (15) days nor more than sixty (60) days from the date such request is filed. Notice of such hearing shall be given to the county or city requesting such hearing, shall be mailed to the governing

body of each city and county wholly or partially within the district, and shall be published once by the board.

30641. At the time fixed for any hearing before the board any board of supervisors or city governing body 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.

30642. The district, petitioner or petitioners, and the intervenors shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in direct examination; and to rebut evidence introduced by other parties.

30643. Oral evidence shall be taken only on oath or affirmation. The hearing need not be conducted according to technical rules relating to evidences and witnesses Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious business affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action.

30644. A complete record of all proceedings and testimony before the board at such hearing shall be taken down by a reporter appointed by the board. In case an action is brought to review any decision of the board, a transcript of such testimony, together with all exhibits or copies thereof introduced, together with the written request for hearing and other proceedings in the cause shall constitute the record on review; provided, however, that the board and other parties may stipulate in writing that a specified portion of the evidence be certified to the court for judgment and in such case the portion of the evidence specified and the stipulation specifying such evidence shall be the record on review.

30645. Within thirty (30) days after the conclusion of the hearing the board shall render its decision in writing together with written findings of fact. Copies of the findings and decision shall be sent forthwith to the petitioners and intervenors by certified mail, postage prepaid.

30646. 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 district shall be subject to the jurisdiction of the Public Utilities Commission with respect to safety rules and other regulations governing the operation of street railways.

The commission shall enforce the provisions of this section.

30647. The district shall be subject to the provisions of Division 14.8 (commencing with Section 34500) of the Vehicle Code with respect to the operation of buses and to the rules and regulations prescribed by the Department of the California Highway Patrol pursuant to that chapter regulating the safe operation of buses.

Article 6. Claims

30670. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

Article 7. Indebtedness

30700. The district may issue bonds, borrow money and incur indebtedness as authorized by law or in this part provided. The district may also refund any indebtedness as provided in this part or in any other applicable law, and may also refund, by the issuance of the same type of obligations as those refunded and following the same procedure as at that time may be applicable to the issuance of such obligations, and may retire any indebtedness or lien that may exist against the district or its property.

30701. The district may accept contributions or loans from the United States, or any department, instrumentality, or agency thereof, for the purpose of financing the acquisition, construction, maintenance, and operation of transit facilities, and may enter into contracts and cooperate with, and accept cooperation from, the United States, or any department, instrumentality, or agency thereof, in the acquisition, construction, maintenance, and operation, of any such transit facilities in accordance with any legislation which Congress may have heretofore adopted or may hereafter adopt, under which aid, assistance, and cooperation may be furnished by the United States in the acquisition, construction, maintenance, and operation or in financing the acquisition, construction, maintenance, and operation of any such transit facilities. The district may do any and all things necessary, within the limitations imposed by this part or by any indebtedness created pursuant to this part, in order to avail itself of such aid, assistance, and cooperation under any federal legislation now or hereafter enacted. Any bonds, notes, equipment trust certificates, or like evidences of indebtedness issued for a purpose authorized by this section shall be issued in accordance with Chapter 7 (commencing with Section 30900) of this part.

30702 The district may cooperate with and enter into agreements with the State of California or any public agency for the acquisition, construction, completion, maintenance, operation, or repair, joint or otherwise, and in whole or in part, of transit facilities In connection with any such cooperation or

contract, the State or any public agency may make public contributions to the district as in the judgment of the Legislature, or the governing board of the agency, are necessary or proper for its undertaking, and the district may reimburse the State or public agency for any such advance or contribution from the proceeds of the sale of bonds or any other funds available to the district. The State or any public agency may also authorize, aid and assist the district to carry out any activity which the State or public agency is by law authorized to perform and carry out on its own behalf. Any bonds, notes, equipment trust certificates, or like evidences of indebtedness issued for a purpose authorized by this section shall be issued in accordance with Chapter 7 (commencing with Section 30900) of this part.

30703. The district may accept contributions or loans from the State of California or any public agency, for the purpose of planning, acquiring, constructing, operating or maintaining a rapid transit system, including, without limitation, the payment of principal and interest and providing security funds for bonds or notes of the district issued for any such purposes, and may enter into contracts and cooperate with, and accept cooperation from, the State or any public agency therefor. The district shall be deemed to be a public rapid transit district, rapid transit district or any other type of public agency which is authorized by any other law to receive such contributions, loans or cooperation, including, without limitation, Sections 11005.1 and 11104 of the Revenue and Taxation Code; and the district may do any and all things necessary, within the limitations imposed by this part or by any indebtedness created pursuant to this part, in order to avail itself of such contributions, loans or cooperation.

30704. The district shall not incur an indebtedness which exceeds in the aggregate 15 percent of the assessed value of all real and personal property in the district. Within the meaning of this section, "indebtedness" includes, without limitation, any and all forms thereof which the district is authorized to issue by this part or by any other law.

Article 8. Investments

30730. The board may, by resolution, order that any of the moneys in the funds under its control which are not necessary for current operating expenses be invested in any obligations, bonds or securities in which a county could invest such funds; provided, however, that (1) any such investments shall be made in such a manner that the moneys in such funds will be available at the times and in the amounts necessary to accomplish the purpose for which said funds were established, and (2) no such investment shall be made in contravention of any provision or covenant in any proceedings for the authorization and issuance of bonds, notes, contracts or other evidences of indebtedness.

Article 9. Elections

30740. All district elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in general law cities insofar as the same are not in conflict with this part. Pursuant to the Elections Code, all district elections shall be consolidated with either a statewide general election or a statewide direct primary election.

30741. The provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative and referendum in districts shall apply insofar as such provisions of the Elections Code are not in conflict with this part. Insofar as the district is concerned, officers of the district shall not be subject to recall.

30742. No irregularities or informalities in conducting any election shall invalidate the same if the election shall have been otherwise fairly conducted.

Article 10. Labor Provisions

30750. (a) Subject to the provisions of subdivision (b) of this section, whenever a majority of the employees employed by a district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the board, upon determining as provided in Section 30751 that said labor organization represents the employees in the appropriate unit, and the accredited representative shall bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, hours, and working conditions. In the absence of the expression of such desire, employees would be subject to any personnel system established pursuant to the provisions of Section 30257.

(b) Upon the acquisition by the district of the property of the Los Angeles Metropolitan Transit Authority pursuant to the provisions of Chapter 8 (commencing with Section 31000) of this part, the district shall assume and observe all existing labor contracts and shall recognize the labor organization certified to represent the employees in each existing bargaining unit as the sole representative of the employees in each such bargaining unit. Any certification of a labor organization previously made under the provisions of the Los Angeles Metropolitan Transit Authority Act by the State Conciliation Service to represent or act for the employees in any collective bargaining unit shall remain in full force and effect and shall be binding upon the district. Such certifications and any certifications made hereunder shall not be subject to challenge on the grounds that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification or the expiration of

any collective bargaining agreement, whichever is later; provided, that no collective bargaining agreement shall be construed to be a bar to representation proceedings for a period of more than two years.

(c) The obligation of the district 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 district to bargain collectively shall extend to all subjects of collective bargaining, including, without limitation, retroactive pay increases. Notwithstanding the provisions of the Government Code or other laws or statutes, the district 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 any other purpose for which deductions may be authorized by employees where such deductions are pursuant to a collective bargaining agreement with a duly designated or certified labor organization.

(d) In case of dispute over wages, hours, or working conditions which is not resolved by negotiations in good faith between the board and the representatives of the employees, upon the agreement of both the board and the representative of the employees said dispute may be submitted to the decision of the majority of an arbitration board, and the decision of a majority of such arbitration board shall be final and binding. The arbitration board shall be composed of two representatives of the district and two representatives of the labor organization, and they shall endeavor to agree upon the selection of a fifth member. If they are unable to agree, the 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 district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated as the arbitrator. The labor organization and the district shall determine by lot who shall first strike a name from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of such impartial arbitrator shall be provided half by the district and half by the labor organization.

(e) No contract or agreement shall be made with any labor organization, association, group or individual where such organization, association, group or individual denies membership on the grounds of race, creed or color; provided, such organi-

zation may preclude from membership any individual who advocates the overthrow of the government by force or violence.

The district shall not discriminate in regard to employment against any person because of his race, creed, or color.

30751. Any question which may arise with respect to whether a majority of the employees in an appropriate unit desire to be represented by a labor organization shall be submitted to the Director of the Department of Industrial Relations. In resolving such questions of representation including the determination of the appropriate unit or units, petitions, the conduct of hearings and elections, the director shall apply the relevant federal law and administrative practice developed under the Labor Management Relations Act, 1947, as amended, and for this purpose shall adopt appropriate rules and regulations. Said rules and regulations shall be administered by the State Conciliation Service and shall provide for a prompt public hearing and a secret ballot election to determine the question of representation.

30752. Whenever the district acquires existing facilities from a publicly or privately owned public utility, either in proceedings by eminent domain or otherwise, to the extent necessary for operation of facilities, all of the employees of such public utility whose duties pertain to the facilities acquired who have been employed by said utility for at least seventy-five (75) days shall be appointed to a comparable position in the district without examination and shall be governed thereafter by the personnel system adopted by the board, and these employees shall be given sick leave, seniority and vacation credits in accordance with the records of the acquired public utility.

The provisions of this section shall apply only to those officers or supervisory employees of the acquired utility as shall be designated by the board.

30753. (a) Whenever the district acquires existing facilities from a publicly or privately owned public utility, either in proceedings in eminent domain or otherwise, the district shall assume and observe all existing labor contracts, and to the extent necessary for operation of facilities acquired, all of the employees of such acquired public utility whose duties pertain to the facilities acquired, shall be appointed to comparable positions in the district without examination, subject to all the rights and benefits of this part, and these employees shall be given sick leave, seniority, pension and vacation credits in accordance with the records and labor agreements of the acquired public utility.

(b) 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 employee of any acquired public utility shall suffer any worsening of his wages, seniority, pension, vacation or other benefits by reason of the acquisition.

30754. The district shall not acquire any existing transit system or part thereof whether by purchase, lease, condemnation, or otherwise, or dispose of or lease any transit system or part thereof, or merge, consolidate or coordinate any transit system or part thereof, or substitute any type of equipment on any system or part thereof for the then existing equipment or terminate any lease arrangement or management contract, 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 the district's 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 the parties are unable to agree upon such provisions the dispute shall be submitted to arbitration. The arbitrator shall be selected according to procedures established by subdivision (d) of Section 30750. The decision of the arbitrator shall be final and binding on the parties. In the event that at the time the district 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 district shall provide for the continuation of such protection for the period of the agreement or order.

30755. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

30756. (a) In the event the board and the representatives of the employees do not agree to submit a dispute over the terms and conditions of a collective bargaining agreement to arbitration as provided in subdivision (d) of Section 30750, the State Conciliation Service may be notified by either party that a dispute exists and that there is no agreement to arbitrate.

(b) Following such notification the State Conciliation Service shall determine whether or not the dispute may be resolved by the parties and, if not, the issues concerning which the dispute exists.

(c) Upon such determination the service shall certify its findings to the Governor of the State of California.

(d) The Governor shall, within 10 days of receipt of certification appoint a Fact Finding Commission consisting of three persons.

(e) The commission shall immediately convene and inquire into and investigate the issues in the dispute.

The commission shall have authority to issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, documents and other records. Subpoenas shall be serviced and enforced in accordance with

Chapter 2 (commencing with Section 1985) of Title 3, Part 4, of the Code of Civil Procedure.

Said commission shall report to the Governor within 30 days of the date of its creation.

(f) After the creation of such commission and for 30 days after such commission has made its report to the Governor, no change, except by mutual agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose, and service to the public shall be provided.

CHAPTER 6. TAXATION

30800. The board may provide for the levy and collection of taxes by the district.

30801. On or before August 15th of each year, the auditor of each county wherein such district or any part thereof shall lie shall prepare and deliver to the auditor of the district a certificate showing the assessed valuation of all taxable property within the district and within each improvement district thereof lying in the county.

30802. To the extent possible and subject to the priorities set forth in Section 30638, the principal of, interest on, and sinking fund payments for general obligation bonds of the district, including the establishment and maintenance of any reserve fund therefor, shall be paid from the revenues of the district. If from any cause the revenues of the district are or are expected to be inadequate in any year to pay the principal of, interest on, or sinking fund payments for general obligation bonds of the district as the same become due, or to establish or maintain any reserve fund therefor, the board shall, at the same time as the board of supervisors are required by law to fix the general tax levy and in the manner provided for such general tax levy, levy for district purposes and collect upon all property in the district taxable for county purposes a tax sufficient, together with revenues already collected and available therefor, to pay the interest on the bonds as the same will become due and such part of the principal thereof, including any sinking fund installments required by any of the district's agreements with its general obligation bondholders, as will come due before the proceeds of a tax levied at the next general tax levy will be available for such purpose, and sufficient to provide or to restore such reserve fund to the amount required by any of the district's agreements with its general obligation bondholders.

30803. To the extent provided in the proceedings authorizing the issuance of bonds of the district for an improvement district therein and subject to the priorities set forth in Section 30638 and subject to prior use for general obligation bonds, the principal of, interest on and sinking fund payments for bonds for each improvement district, including the establishment and maintenance of any reserve fund therefor, shall be paid from the revenues of the district or from the portion

thereof which the board allocates for such purposes If from any cause the revenues of the district, or the portion allocated for such purpose, are or are expected to be inadequate in any year to pay the principal of, interest on or sinking fund payments for such bonds for any improvement district, as the same become due, or to establish and maintain any reserve fund therefor, 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 a tax within the improvement district involved sufficient, together with revenues already collected and available therefor, to pay the interest on the bonds for such improvement district as the same will become due and such part of the principal thereof, including any sinking fund installments required by any of the district's agreements with the bondholders of such bonds for such improvement district, as will become due before the proceeds of a tax levied at the next general tax levy will be available for such purpose, and sufficient to provide or to restore such reserve fund to the amount required by any of the district's agreements with its bondholders of such bonds for such improvement district.

30804. Taxes required to be levied and collected on account of interest, principal, sinking fund and reserve fund of general obligation bonds of the district, or bonds for improvement districts therein, shall be used for no other purpose than the payment of the bonds, premiums, if any, on the mandatory call of any of said bonds, and accruing interest, and except for taxes levied pursuant to Section 31401, shall be the only taxes levied by the district unless additional taxes are authorized pursuant to Section 30806.

30806. The taxes required to be levied for general obligation bonds of the district and bonds for improvement districts therein under Sections 30802, 30803 and 30804 and to pay principal of and interest on notes, if any, issued for temporary borrowing pursuant to Article 4 (commencing with Section 30950) of Chapter 7 of this part, shall be levied; and no taxes of any kind or nature whatever shall be levied to pay operating expenses of the district and/or to provide for repairs, maintenance and depreciation of works owned or operated by the district; and no taxes shall be levied for other district purposes unless the board shall have authorized the same by ordinance adopted by a vote of two-thirds of all members of the board and such ordinance shall be approved by a majority of the qualified electors of the district voting at an election called for that purpose. The board in such ordinance shall provide the maximum tax rate or rates for such other district purposes, specified in such ordinance, and may provide for limitations upon the time or times which such additionally authorized taxes shall be in effect. Any maximum tax rate adopted pursuant to this section may be increased when authorized by the board by ordinance adopted in the manner and by the vote hereinbefore stated in this section and ap-

proved by a majority of the qualified electors of the district voting at an election called for that purpose.

30807. The valuation of the taxable property in the district upon which taxes shall be levied shall be that fixed by the last equalized assessment roll of each county in which the district or any portion thereof lies.

30808. 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.

30809. If in the determination of any tax rate a fraction of a cent occurs, the board shall adopt a rate ending in the next higher tenth of one cent ($0.001). An excess over the amount specified in the budget, arising from the use of the tenth-of-one-cent tax rate, is not a violation of this chapter. Any cash collected resulting from such excess or from an excess resulting from any other cause shall not invalidate the levies but shall be applied in the next succeeding budget year as available surplus unless its expenditure is otherwise authorized by law.

30810. The board shall immediately after fixing the rate of taxes as above provided transmit to the county auditors of the counties in which the district is situated a statement of the rate of taxes fixed by the board.

30811. The district taxes so levied shall be computed and collected at the same time and in the same manner required by law for the assessment, computation and collection of taxes for county purposes, and the property subject to such tax shall be subject to the same penalties for delinquencies, and the same provisions of law relating to the sale of property for nonpayment of county taxes and redemption thereof shall apply to the tax herein authorized. When so collected such taxes shall be paid over to the treasurer of the district, subject to the deduction authorized by Section 30812.

The district may adopt the alternative procedure of tax collection and appropriation established by Chapter 3 (commencing with Section 4701), Part 8, Division 1, of the Revenue and Taxation Code and any amendments thereof; provided, however, that the district may thereafter abandon said alternative procedure effective at the end of any fiscal year of the district.

30812. The compensation to be charged by and paid to any county for the performance of services under this chapter shall be fixed by agreement between the board of supervisors of the county and the board. The compensation shall in no event exceed one-half of 1 percent of all money collected for the district. The compensation collected by the county shall be placed to the credit of the county salary fund.

Chapter 7. Bonds and Other Evidences of Indebtedness

Article 1. Authorization and Issuance of General Obligation Bonds

30900. Whenever the board deems it necessary for the district to incur a general obligation bonded indebtedness for the acquisition, construction, completion or repair of any or all improvements, works, property or facilities, authorized by this part or necessary or convenient for the carrying out of the powers of the district, or for any other purpose authorized by this part, including, without limitation, the refunding referred to in Chapter 8 (commencing with Section 31000) of this part, it shall, by ordinance, adopted by a vote of two-thirds of all members of the board, so declare and call an election to be held in said district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of general obligation bonds of said district. Said ordinance shall state:

(a) The purposes for which the proposed debt is to be incurred, which may include all costs and estimated costs incidental to or connected with the accomplishment of such purposes, including, without limitation, engineering, inspection, legal, fiscal agents, financial consultant and other fees, bond and other reserve funds, working capital, bond interest estimated to accrue during the construction period and for a period not to exceed three years thereafter, and expenses of all proceedings for the authorization, issuance and sale of the bonds.

(b) The estimated cost of accomplishing said purposes.

(c) The amount of the principal of the indebtedness.

(d) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 50 years from the date thereof or the date of each series thereof.

(e) The maximum rate of interest to be paid, which shall not exceed 6 percent per annum.

(f) The proposition to be submitted to the voters, which may include one or more purposes.

(g) The date of the election.

(h) The manner of holding the election and the procedure for voting for or against the measure.

30901. Notice of the holding of such election shall be given by publishing, pursuant to Section 6066 of the Government Code, the ordinance calling the election in at least one newspaper published in such district. No other notice of such election need be given. Except as otherwise provided in the ordinance, the election shall be conducted as other district elections.

30902. If any proposition is defeated by the electors, the board shall not call another election on a substantially similar proposition to be held within six months after the prior election. If a petition requesting submission of such a proposition,

signed by 15 percent of the district electors, as shown by the votes cast for all candidates for governor at the last gubernatorial election, is filed with the board, it may call an election before the expiration of six months.

30903. If 60 percent of the electors voting on the proposition vote for it, then the board may, by resolution, at such time or times as it deems proper, issue bonds of the district for the whole or any part of the amount of the indebtedness so authorized and may from time to time, by resolution, 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 and different dates of payment fixed for the bonds of each series. A bond need not mature on an anniversary of its date. The maximum term the bonds of any series shall run before maturity shall not exceed 50 years from the date of each series respectively. In such resolution or resolutions the board shall prescribe the form of the bonds (including, without limitation, registered bonds and coupon bonds) and the form of any coupons to be attached thereto, the registration, conversion and exchange privileges, if any, pertaining thereto, and fix the time when the whole or any part of the principal shall become due and payable.

30904. The bonds shall bear interest at a rate or rates not exceeding 6 percent per annum, payable semiannually, except that the first interest payable on the bonds or any series thereof may be for any period not exceeding one year as determined by the board. In the resolution or resolutions providing for the issuance of such bonds the board may also provide for call and redemption of such bonds prior to maturity at such times and prices and upon such other terms as it may specify, provided that no bond shall 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 or denominations of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one thousand dollars ($1,000). The principal of and interest on such bonds shall be payable in lawful money of the United States at the office of the treasurer of the district or at such other place or places as may be designated, or at either place or places at the option of the holders of the bonds. The bonds shall be dated, numbered consecutively and shall be signed by the president and treasurer, countersigned by the secretary and the official seal of the district attached. The interest coupons of such bonds shall be signed by the treasurer. All such signatures, countersignatures and seal may be printed, lithographed or mechanically reproduced, except that one of such signatures or countersignatures on the bonds shall be manually affixed. If any officer whose signature or countersignature appears on 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.

30905. The bonds may be sold as the board determines by resolution but for not less than par. Before selling the bonds, or any part thereof, the board 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 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.

30906. Delivery of any bonds may be made at any place either inside or outside the State, and the purchase price may be received in cash or bank credits.

30907. All accrued interest and premiums 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 and the remainder of the proceeds of the bonds shall be placed in the treasury to the credit of the proper improvement fund and applied exclusively to the purposes for which the debt was incurred; provided, however, that when said purposes have been accomplished any moneys remaining in such improvement fund (a) shall be transferred to the fund to be used for the payment of principal of and interest on the bonds, or (b) shall be placed in a fund to be used for the purchase of outstanding bonds of the district from time to time in the open market at such prices and in such manner, either at public or private sale or otherwise, as the board may determine. Bonds so purchased shall be canceled immediately.

30908. After the expiration of three years after a general obligation bond election the board may determine, by ordinance adopted by a vote of two-thirds of all the members of the board, that any or all of the bonds authorized at said election remaining unsold shall not be issued or sold. When the ordinance takes effect, the authorization to issue said bonds shall become void.

30909. Whenever the board deems that the expenditure of money for the purposes for which the bonds were authorized by the voters is impractical or unwise, it may, by ordinance adopted by a vote of two-thirds of all members of the board, so declare and call an election to be held in the district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of such bonds for some other purposes or, in the case where bonds have been sold, the proposition to use the proceeds for some other purposes. The procedure, so far as applicable, shall be the same as when a bond proposition is originally submitted.

30910. The board may provide for the issuance, sale or exchange of refunding bonds to redeem or retire any bonds issued by the district upon the terms, at the times and in the manner which it determines. Refunding bonds may be issued

in a principal amount sufficient to pay all or any part of the principal of such outstanding bonds, the interest thereon and the premiums, if any, due upon call and redemption thereof prior to maturity and all expenses of such refunding. The provisions of this article for issuance and sale of bonds apply to the issuance and sale of such refunding bonds; except that (i) no election need be called or held for the purpose of authorizing the issuance of refunding bonds, and (ii) when refunding bonds are to be exchanged for outstanding bonds the method of exchange shall be as determined by the board.

30912. The provisions of Article 4 (commencing with Section 53500), Chapter 3, Part 1, Division 2, Title 5 of the Government Code are applicable to the district.

30913. Any bonds which shall be issued under the provisions of this article shall be legal investment for all trust funds; for the funds of insurance companies, banks—both commercial and savings—and trust companies; and for state school funds; and whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or other districts within the State of California, such money or funds may be invested in the bonds issued under this part, and whenever bonds of cities, cities and counties, counties, school districts, or other districts within this State may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public moneys, the said bonds issued under this part may be so used. The provisions of this article 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.

Article 2. Revenue Bonds

30930. Whenever the board deems it necessary for the district to incur a revenue bonded indebtedness for the acquisition, construction, completion or repair of any or all improvements, works, property or facilities authorized by this part or necessary or convenient for the carrying out of the powers of the district, or for any other purpose authorized by this part, including, without limitation, the refunding referred to in Chapter 8 (commencing with Section 31000) of this part, the board shall provide for the issuance of such revenue bonds in accordance with the provisions of the Revenue Bond Law of 1941, as the same now exists or may hereafter be amended; except that: (a) if the board provides for the issuance of such revenue bonds by ordinance adopted by a vote of two-thirds of all the members of the board, which ordinance shall be subject to referendum, and (b) no election is required by Section 30932, no election need be called or held for the purpose of authorizing the issuance of revenue bonds

Revenue bonds may include one or more purposes; and the purposes for which revenue bonds may be issued may include,

without limitation, all costs and estimated costs incidental to or connected with the accomplishment of such purpose, or purposes, including, without limitation, engineering, inspection, legal, fiscal agents, financial consultant and other fees, bond and other reserve funds, working capital, bond interest estimated to accrue during the construction period and for a period not to exceed three years thereafter, and expenses of all proceedings for the authorization, issuance and sale of the bonds.

30931. The district is hereby declared to be a local agency within the meaning of the Revenue Bond Law of 1941. The term "enterprise" as used in the Revenue Bond Law of 1941 shall for all purposes of this part include any or all improvements, works, property or facilities, authorized by this part or necessary or convenient for the carrying out of the powers of the district.

30932. Revenue bonds issued under the provisions of this Article 2 shall be subject to the priorities set forth in Section 30638. Revenue bonds shall have a priority as to the use of revenues superior to that of any bonds for improvement districts issued under Article 5 of this chapter. Revenue bonds having a priority as to the use of revenues superior to that of any general obligation bonds issued under Article 1 of this chapter may be issued if the proposition for the issuance of such revenue bonds with such priority shall have been submitted by the board by the same vote required under Article 1 and approved by the electors by the same vote required under Article 1.

Article 3. Equipment Trust Certificates

30940. The district shall have power to purchase equipment such as cars, trolley buses and motorbuses, 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 or loans, or both, as provided in Sections 30701, 30702, and 30703 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, income, grants, or loans, and title to such equipment shall not vest in the district until the equipment trust certificates are paid.

30941. The agreement to purchase or lease may direct the vendor or lessor to sell and assign or lease the rolling equip-

ment to a bank or trust company duly authorized to transact business in the State of California as trustee, lessor or vendor for the benefit and security of the equipment trust certificates and may direct such trustee to deliver the rolling equipment to one or more designated officers of the district and may authorize the district to simultaneously therewith execute and deliver an installment purchase agreement or a lease of the equipment to the district.

30942. 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 such revenue, income, grants or loans.

30943. The covenants, conditions and provisions of the agreements, leases, and equipment trust certificates shall not conflict with any of the provisions of any agreement securing the payment of bonds, notes or certificates of the district.

30944. An executed copy of each such agreement and lease shall be filed in the office of the Secretary of State, who will be entitled to receive one dollar ($1) for each such copy filed with him and which filing shall constitute notice to any subsequent judgment creditor or any subsequent purchaser. Each vehicle so purchased or leased shall have the name of the owner or lessor plainly marked on both sides thereof followed by the appropriate words "owner and lessor" or "owner and vendor," as the case may be.

Article 4. Temporary Borrowing

30950. The district may borrow money by issuance of negotiable promissory notes:

(a) To provide funds for the expenses of formulating a rapid transit program in an amount not exceeding seven hundred fifty thousand dollars ($750,000); and

(b) To provide any or all sums required to be paid in connection with the calling or conducting of any bond election or elections authorized under Article 1 (commencing with Section 30900), under Article 2 (commencing with Section 30930) or under Article 5 (commencing with Section 30960) of Chapter 7 of this part.

Negotiable promissory notes issued pursuant to this section shall mature in not exceeding five years from their respective dates and shall bear interest at a rate or rates not exceeding 6 percent per annum, payable as provided therein.

The negotiable promissory notes shall contain such terms and provisions as the board shall specify in the resolution providing for the issuance thereof and shall be sold pursuant to Section 30905. The negotiable promissory notes shall be signed

in the same manner as general obligation bonds of the district.

Taxes for the payment of all negotiable promissory notes issued under this section shall be levied, collected, paid to the district and used in the same manner as provided for general obligation bonds of the district.

Article 5. Improvement Districts

30960. Whenever the board deems it necessary for the district to incur a bonded indebtedness for the acquisition, construction, completion or repair of any or all improvements, works, property or facilities authorized by this part or necessary or convenient for carrying out the powers of the district, or for any other purpose authorized by this part and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the district, it shall, by resolution adopted by a vote of two-thirds of all members of the board so declare and state:

(a) The purposes for which the proposed debt is to be incurred, which may include all costs and estimated costs incidental to or connected with the accomplishment of such purposes, including, without limitation, engineering, inspection, legal, fiscal agents, financial consultant and other fees, bond and other reserve funds, working capital, bond interest estimated to accrue during the construction period and for a period not to exceed three (3) years thereafter, and expenses of all proceedings for the authorization, issuance and sale of the bonds;

(b) The estimated cost of accomplishing said purposes and the amount of the principal of the indebtedness to be incurred;

(c) That the board intends to form an improvement district of a portion of the district which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the district, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district for said improvement district;

(d) That taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district;

(e) The extent to which, if at all, all or a portion of the revenues of the district are to be used as provided in Section 30803 to pay the principal of, interest on and sinking fund payments for said bonds, including the establishment and maintenance of any reserve fund therefor;

(f) That a general description of the proposed improvement, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed

improvement is on file with the secretary of the district and is available for inspection by any person or persons interested;

(g) 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, the estimated cost and the amount of debt to be incurred; and

(h) That at the time and place specified in the resolution any person interested, including all persons owning property in the district or in the proposed improvement district, will be heard.

30961. Notice of said hearing shall be given by publishing a copy of the resolution declaring the necessity pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in at least one newspaper published in the district.

30962. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the district or within the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity.

30963. The board shall have power to change the purposes for which the proposed debt is to be incurred, or the estimated cost, 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.

30964. The purposes, estimated cost, amount of bonded debt or boundaries shall not be changed by said board except after notice of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in at least one newspaper published in the district. Said notice shall state the changed purposes and estimated cost and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the district, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such change or changes, which time shall be at least ten (10) days after publication of said notice.

30965. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the district or the proposed improvement district, may appear and present any matters material to the changes stated in the notice.

30966. 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 purposes for which said proposed debt is to be in-

curred, the estimated cost of accomplishing said purposes, the amount of the proposed debt, that the exterior boundaries of the portion of the district which will be benefited are set forth on a map on file with the secretary of the district, which map shall govern for all details as to the extent of the improvement district, and that said portion of the district set forth on said map shall thereupon constitute and be known as "Improvement District No. _____ of the Southern California Rapid Transit District," and the determinations made in said resolution shall be final and conclusive.

30967. After the formation of such improvement district within the district pursuant to this article, all proceedings for the authorization and issuance of bonds of the district for such improvement district 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; and the revenues of the district shall be used only to the extent set forth in the resolution declaring the necessity.

30968. After the board has made its determination of the matters required to be determined by said last mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district for said improvement district. Said resolution shall state:

(a) That the board deems it necessary to incur the bonded indebtedness.

(b) The purposes for which the bonded indebtedness will be incurred.

(c) The estimated cost of accomplishing said purposes.

(d) The amount of the principal of the indebtedness to be incurred.

(e) The improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the district, which map shall govern for all details as to the extent of the improvement district.

(f) That taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; and that revenues of the district shall be used only to the extent set forth in the resolution declaring the necessity.

(g) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed fifty (50) years from the date thereof or the date of each series thereof.

(h) The maximum rate of interest to be paid, which shall not exceed 6 percent per annum.

(i) The proposition to be submitted to the voters which may include one or more purposes.

(j) The date of the election.

(k) The manner of holding the election and the procedure for voting for and against the measure.

30969. Thereafter the provisions relating to the authorization and issuance of general obligation bonds, Section 30901 to 30913, inclusive, shall apply.

30970. 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 (3) 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.

Article 6. Miscellaneous

30980. The district may bring an action to determine the validity of any of its bonds, equipment trust certificates, warrants, notes or other evidences of indebtedness pursuant to Chapter 9 (commencing with Section 860) Title 10 of Part 2 of the Code of Civil Procedure.

30981. Notwithstanding any other provisions of this part or any other law, the provisions of all ordinances, resolutions and other proceedings in the issuance by the district of any general obligation bonds, general obligation bonds with a pledge of revenues, bonds for improvement districts, revenue bonds, equipment trust certificates, notes, or any and all evidences of indebtedness or liability shall constitute a contract between the district and the holders of such bonds, equipment trust certificates, notes or evidences of indebtedness or liability and the provisions thereof shall be enforceable against the district, any or all of its successors or assigns, the State, any department of the State, or any officer thereof, by mandamus or any other appropriate suit, action or proceeding in law or in equity in any court of competent jurisdiction. Nothing contained in this part or in any other law shall be held to relieve the district or the territory included within it from any bonded or other debt or liability contracted by the district. Upon dissolution of the district or upon withdrawal of territory therefrom, the property formerly included within the district or withdrawn therefrom shall continue to be liable for the payment of all bonded and other indebtedness or liabilities outstanding at the time of such dissolution or withdrawal the same as if the district had not been so dissolved or the territory withdrawn therefrom, and it shall be the duty of the State or other successors or assigns to provide for the payment of such bonded and other indebtedness and liabilities. Except as may be otherwise provided in the proceedings for the authorization, issuance and sale of any revenue bonds, general obligation

bonds secured by a pledge of revenues or bonds for improvement districts secured by a pledge of revenues, revenues of any kind or nature derived from any revenue-producing improvements, works, facilities or property owned, operated or controlled by the district shall be pledged, charged, assigned and have a lien thereon for the payment of such bonds as long as the same are outstanding, regardless of any change in ownership, operation or control of such revenue-producing improvements, works, facilities or property and it shall, in such later event or events, be the duty of the State or other successors or assigns to continue to maintain and operate such revenue-producing improvements, works, facilities or property as long as bonds are outstanding.

30982. 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.

CHAPTER 8. PROVISIONS RELATING TO THE LOS ANGELES METROPOLITAN TRANSIT AUTHORITY

31000. On the date (which is hereinafter referred to as "merger date") of the second regular meeting of the board held pursuant to Section 30251 that follows the meeting referred to in Section 30227 the Los Angeles Metropolitan Transit Authority (herein sometimes referred to as "authority") shall be merged into the district Such merger shall be effective upon the recording with the Recorder of the County of Los Angeles of the certificate provided for in Section 31001.

Upon such merger the separate existence of the authority ceases, and the district shall succeed, ipso facto and by operation of law and without other transfer, to all the rights and property of the authority, and shall be subject to all the legally enforceable debts and liabilities of the authority, in the same manner as if the district had itself incurred them.

All rights of creditors and all liens upon the property of the authority shall be preserved unimpaired, limited in lien to the property affected by such liens immediately prior to the time of the merger.

Any action or proceeding pending by or against the authority may be prosecuted to judgment, which shall bind the district, or the district may be proceeded against or substituted in its place.

For the protection of the holders of the outstanding, unmatured bonds and other evidences of indebtedness of the authority the district shall have power to take all actions and do all things necessary or required for the protection of such holders and for compliance with the terms of such bonds and other evidences of indebtedness; and the district shall have power to continue all services which the authority is furnishing on the merger date whether such buslines and services are

partly or wholly within or without the district, or within or without the County of Los Angeles.

31001. Upon the merger date, the secretary of the district shall record in the office of the Recorder of the County of Los Angeles a certificate setting forth the date upon which the Southern California Rapid Transit Law became effective and stating that the district was created by such law and that by virtue of Section 31000 thereof the district succeeded on the merger date, without other transfer, to all the rights and property of the authority subject to all the legally enforceable debts and liabilities of the authority.

31002. A copy of the certificate provided for in Section 31001 certified by the Recorder of the County of Los Angeles is, except as against the State, conclusive evidence of the transfer to the district of all the rights and property of the authority subject to all the legally enforceable debts and liabilities of the authority, all as provided in Section 31000 of this part.

31003. On said merger date, all employees of the authority shall become employees of the district with all the same rights, privileges and compensation they had as employees of the authority.

31004. It is the intent of this part that the board of directors of the district shall have a free choice as to officers of the district mentioned in Section 30300 who are not members of the board of directors At the merger date such officers shall be appointed on a permanent or pro tem basis, in the discretion of the board. Prior to that time, however, the following shall serve as ex officio officers of the district:

Secretary—the Clerk of the Board of Supervisors of the County of Los Angeles.

General Manager—the Chief Administrative Officer of the County of Los Angeles.

General Counsel—the County Counsel of the County of Los Angeles.

Treasurer—the Treasurer of the County of Los Angeles.

Auditor—the Auditor of the County of Los Angeles

The Board of Supervisors of the County of Los Angeles is authorized and directed to make available to the district its hearing room and other space, personnel and facilities so that the district can be organized and the transfer of operations be completed in an orderly businesslike manner.

31005. Whenever the board deems it necessary, it may issue bonds to refund all outstanding, unmatured bonds of the authority which are subject to call and redemption prior to maturity. The amount of such bonds shall include the principal and, if necessary, the interest of the bonds to be refunded, the premiums payable upon call and redemption thereof and all expenses of the trustee for the refunding, the calling of said bonds for redemption and any other incidental expenses. The refunding bonds shall be authorized and issued in the manner provided for herein as a separate issue or as a part of another issue for any purpose authorized in this part.

CHAPTER 9. ANNEXATION AND EXCLUSION

31400. The governing body of any city, which is not within the district, may apply to the board of directors of the district for consent to annex the corporate area of such city to the district. The board of supervisors of the County of Los Angeles and any other county may apply to the board of directors of the district for consent to annex any unincorporated county territory to the district.

31401. The board of directors may grant or deny such application and in granting the same may fix the terms and conditions upon which the corporate area of city or unincorporated county territory may be annexed to and become a part of the district. Such terms and conditions may provide, among other things, without limitation, (a) for the levy by the district of special taxes upon taxable property within such city or such unincorporated county territory in addition to the taxes elsewhere in this part authorized to be levied by the district, 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, and (b) representation of the city or unincorporated county territory, as the case may be, on the board or in an advisory capacity to the board; provided, however, that the membership of the board and the appointment thereof shall not be changed unless the terms and conditions are approved by a unanimous vote of all members of the board.

31402. The action of the board of directors evidenced by resolution shall be promptly transmitted to the governing body of such applying city or board of supervisors, and if such action shall grant consent to such annexation, such governing body or board of supervisors may thereupon submit to the qualified electors of such city or the unincorporated county territory, at any general or special election held therein, the proposition of such annexation subject to the terms and conditions fixed as herein provided. Notice of such election shall be given by posting at least 10 days and in three public places in the unincorporated county territory and by publication once at least 10 days before the date fixed for the election in a newspaper of general circulation published in the county or in the city.

31403. The notice shall contain the substance of the terms and conditions fixed by the board of directors, as provided in Section 31401. Such election shall be conducted and the returns thereof canvassed in the manner provided by law for elections in such city or county as the case may be. If the proposition shall receive the affirmative vote of a majority of electors voting thereon at such election, the governing body

of such city or the board of supervisors of the county shall certify the result of such election on the proposition to the board of directors of the district, together with a legal description of the boundaries of the corporate area of such city as of the date of the election, or the boundaries of such unincorporated county territory, accompanied by a map or plat indicating such boundaries

31404. A certificate of proceedings shall be made by the secretary of the district and filed with the Secretary of State. Upon the filing thereof in the office of the Secretary of State, the corporate area of such city as of the date of the election or such unincorporated county territory shall become, and be, an integral part of the district, and the taxable property therein shall be subject to taxation thereafter for all purposes of the district, including, without limitation, the payment of bonds and other obligations of the district at the time authorized or outstanding, and the board of directors of the district shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

31405. Upon the filing in his office of the aforesaid certificate of proceedings, the Secretary of State shall, within 10 days, issue his certificate, reciting the filing of such papers in his office and the annexation of the corporate area of such city as of the date of the election or such unincorporated county territory to the district. The Secretary of State shall transmit the original of his said certificate to the secretary of the district and shall forward a certified copy thereof to the county clerk of each county in which is situated such district or any portion thereof.

31407. If territory is annexed to a city or consolidated with a city, the corporate area of which has been included in the district, or, if a new city is incorporated, a portion of which is within the district, such annexed, consolidated, or incorporated territory as is not already within the district shall simultaneously with its annexation to the city or consolidation with a city or its incorporation as a city be annexed to the district, and shall become and be, an integral part of the district and the taxable property therein shall be subject to taxation thereafter for all purposes of the district, including, without limitation, the payment of bonds and other obligations of the district at the time authorized and outstanding, and the board of directors of the district shall be empowered to do all things necessary to enforce and make effective this section.

31408. If the applicable provisions of law governing such annexation to, or consolidation with, such municipality or such incorporation shall require any notice of any election called for the purpose of determining whether such proposed annexation, consolidation or incorporation shall occur, or shall require any notice of hearing or other notice to be given to the residents or electors of, or owners of property in, such territory, such notice shall contain a statement that the territory shall

be annexed to the district, and shall become and be an integral part of the district and the taxable property therein shall be subject to taxation thereafter for all purposes of the district, including, without limitation, the payment of bonds and other obligations of the district at the time authorized and outstanding. The governing body of such city or other officer thereof having the duty of certifying the proceedings resulting in such annexation to, or consolidation with, such city, or such incorporation of, pursuant to the provisions of law applicable thereto, shall include in such certification a record of the proceedings by which such territory has been annexed to the district in accordance with the provisions of this article, and shall file a duplicate of such certificate with the board of directors of the district.

31409. The validity of any proceedings resulting in the annexation of territory to the district shall not be contested in any action unless such action shall have been brought within three months after the completion of such annexation.

31410. If any portion of the corporate area of any city whose corporate area is a part of the district, shall be excluded from such city in accordance with the provisions of law applicable to such exclusions, and, if such area is not within the boundaries of the district as defined in Chapter 2 (commencing with Section 30100) of this part, or, if in another county is not surrounded by territory which is a part of the district, then such excluded area shall thereby be excluded from and shall no longer be a part of the district, but the taxable property within such excluded area shall continue taxable pursuant to Section 30981.

31411. Any city whose corporate area is a part of the district and any county with regard to any unincorporated territory which is a part of the district, may apply to the board of directors of the district for consent to exclude such area from the district. The board of directors may grant or deny such application and in granting the same may fix the terms and conditions upon which a corporate area of the city or such unincorporated county territory may be excluded from the district. Such terms and conditions shall include, without limitation, exclusion of the city or unincorporated county territory, as the case may be, from representation on the board or in an advisory capacity to the board. The action of the board of directors evidenced by resolution shall be promptly transmitted to the governing body of such applying city or board of supervisors and if such action shall grant consent to such exclusion the governing body of the city or the board of supervisors of the county, as the case may be, may submit to the electors of the city or such unincorporated county territory at any general or special election the proposition of excluding from the district the corporate area of such city or such unincorporated county territory. Notice of such election shall be given in the manner provided in Section 31402. Such election shall be conducted and the returns thereof canvassed in the

manner provided by law for the conduct of elections in such city or county. In the event that the majority of the electors voting thereon vote in the favor of such withdrawal, the result thereof shall be certified by the governing body of such city or the board of supervisors of such county to the board of directors of the district. A certificate of the proceedings hereunder shall be made by the secretary of the district and filed with the Secretary of State, and upon the filing of such certificate the corporate area of such city or such unincorporated county territory shall be excluded from the district, and shall no longer be a part thereof; provided, however, that the property within such city as such city shall exist at the time of such exclusion, or within such unincorporated county territory shall continue taxable pursuant to Section 30981. Upon the filing in his office of the aforesaid certificate of proceedings the Secretary of State shall, within 10 days, issue his certificate, reciting the filing of said papers in his office and the exclusion of the corporate area of such city or such unincorporated county territory from the district The Secretary of State shall transmit the original of his certificate to the secretary of the district and shall forward a certified copy thereof to the county clerk of each county in which is situated such district or any portion thereof.

31412. Whenever any change is made in the boundaries of this district by the annexation or exclusion of any city or any unincorporated county territory pursuant to this chapter, the district shall comply with the provisions of Sections 54900, 54901, and 54902 of the Government Code.

31413. No consent to annexation or exclusion shall be made by the board of directors of the district pursuant to this chapter, and no annexation or exclusion shall be made pursuant to this part or pursuant to any other law, which is in violation of all or any part of any ordinance, resolution or other proceeding taken by the district in the issuance of bonds, certificates, notes or any and all other evidences of indebtedness or liability of the district.

CHAPTER 10. SEVERABILITY

31520. If any section, subsection, sentence, clause, or phrase of this part, or the application thereof to any person or circumstance, is for any reason held invalid, the validity of the remainder of this part, or the application of such provision to other persons or circumstances, shall not be affected thereby. The Legislature hereby declares that it would have passed this part, 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.

CHAPTER 63

An act to amend Sections 24622 and 24667 of, and to add Sections 24613, 24614 and 24684 to the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations and Massachusetts trusts.

[Approved by Governor May 13, 1964 Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 24622 of the Revenue and Taxation Code is amended to read:

24622. (a) If the transfer of a share of stock to an individual pursuant to his exercise of an option would otherwise meet the requirements of Section 17532(a), 17533(a), or 17534(a) of the Personal Income Tax Law except that there is a failure to meet any of the holding period requirements of Section 17532(a)(1), 17533(a)(1), or 17534(a)(1) of the Personal Income Tax Law, then any deduction from the income of the employer corporation for the income year in which such exercise occurred attributable to such disposition, shall be treated as a deduction from income in the income year of such employer corporation in which such disposition occurred.

(b) If an individual who has acquired a share of stock by the exercise of a qualified stock option makes a disposition of such share within the three-year period described in Section 17532(a)(1) of the Personal Income Tax Law, and such disposition is a sale or exchange with respect to which a loss (if sustained) would be recognized to such individual, then the amount which is deductible from the income of the employer corporation, shall not exceed the excess (if any) of the amount realized on such sale or exchange over the adjusted basis of such share.

SEC. 2. Section 24667 of said code is amended to read:

24667. (a) Under regulations prescribed by the Franchise Tax Board, a person who regularly sells or otherwise disposes of personal property on the installment plan may return as income therefrom in any income year that proportion of the installment payments actually received in that year which the gross profit, realized or to be realized when payment is completed, bears to the total contract price.

(b) For purposes of subsection (a), the term 'installment plan' includes a revolving credit-type plan which provides that the purchaser of personal property at retail may pay for such property in a series of periodic payments of an agreed portion of the amounts due the seller under the plan, except that such term does not include any such plan with respect to a purchaser who uses its account primarily as an ordinary charge account.

(c) Subsection (b) shall apply in respect of sales made during income years beginning after December 31, 1963.

SEC. 3. Section 24613 is added to said code, to read:

24613. For purposes of applying Sections 24601 to 24611, inclusive, with respect to contributions made to or under a pension, profit-sharing, stock bonus or annuity, plan by a domestic corporation (i.e., a corporation created or organized within the United States), or by another corporation which is entitled to deduct its contributions under Section 24603(b), on behalf of an individual who is treated as an employee of such domestic corporation under Section 17527(a) of the Personal Income Tax Law—

(1) Except as provided in paragraph (2), no deduction shall be allowed to such domestic corporation or to any other corporation which is entitled to deduct its contributions under such sections,

(2) There shall be allowed as a deduction to the foreign subsidiary of which such individual is an employee an amount equal to the amount which (but for paragraph (1)) would be deductible under Sections 24601 to 24611, by the domestic corporation if he were an employee of the domestic corporation, and

(3) Any reference to compensation shall be considered to be a reference to the total compensation of such individual (determined with the application of subsection (b)(2) of Section 17527 of the Personal Income Tax Law.)

Any amount deductible by a foreign subsidiary under this section shall be deductible for its year with or within which the income year of such domestic corporation ends.

SEC. 4. Section 24614 is added to said code, to read:

24614. For purposes of applying Sections 24601 to 24611, inclusive, with respect to contributions made to or under a pension, profit-sharing, stock bonus, or annuity, plan by a domestic parent corporation (i.e., a corporation created or organized within the United States), or by another corporation which is entitled to deduct its contributions under Section 24603(b), on behalf of an individual who is treated as an employee of such domestic corporation under Section 17528(a) of the Personal Income Tax Law—

(1) Except as provided in paragraph (2), no deduction shall be allowed to such domestic parent corporation or to any other corporation which is entitled to deduct its contributions under such sections,

(2) There shall be allowed as a deduction to the domestic subsidiary of which such individual is an employee an amount equal to the amount which (but for paragraph (1)) would be deductible under Sections 24601 to 24611, inclusive, by the domestic parent corporation if he were an employee of the domestic parent corporation, and

(3) Any reference to compensation shall be considered to be a reference to the total compensation of such individual (determined with the application of subsection (b)(2) of Section 17528 of the Personal Income Tax Law).

Any amount deductible by a domestic subsidiary under this section shall be deductible for its income year with or within which the income year of such domestic parent corporation ends.

SEC. 5. Section 24684 is added to said code, to read:

24684. If—

(a) The taxpayer contests an asserted liability,

(b) The taxpayer transfers money or other property to provide for the satisfaction of the asserted liability,

(c) The contest with respect to the asserted liability exists after the time of the transfer, and

(d) But for the fact that the asserted liability is contested, a deduction would be allowed for the income year of the transfer (or for an earlier income year), then the deduction shall be allowed for the income year of the transfer.

CHAPTER 64

An act to add Section 19594.6 to the Education Code, relating to school district capital outlay, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 19594.6 is added to the Education Code, to read:

19594.6. If the board made a conditional apportionment to a school district for a project between January 1, 1964, and February 1, 1964, which apportionment would have automatically become final if the district had sold all of its previously authorized bonds prior to the making of the apportionment and thus have met the qualification referred to in Section 19590 of being within twenty-five thousand dollars ($25,000) of its total bond limit permitted by law, and if the district subsequently, because of the redemption of less than three thousand dollars ($3,000) of previously outstanding bonds, became unable to meet this qualification without holding an additional election for the issuance of additional bonds, the district may, in the discretion of the board, and notwithstanding the provisions of Section 19590 which require an applicant district to have outstanding bonds in the amounts prescribed in that section, be deemed to be qualified for an apportionment, which shall become final if the district, prior to September 14, 1964, sells previously authorized district bonds in the amount of at least twelve thousand dollars ($12,000) and contributes the proceeds thereof for the purposes prescribed in the apportionment, and if the district meets all other requirements of this chapter for an apportionment except the requirement for

the holding of an additional election for the authorization of the issuance of additional bonds. This section shall not be in effect after December 31, 1964.

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 the granting of state school building aid to school districts, which have established eligibility therefor but because of the inadvertent failure to sell the district bonds necessary to obtain the aid prior to the redemption of small amount of district bonds become ineligible for state aid, without requiring the district to hold a costly and time-consuming election to issue a small amount of district bonds, and to prevent a delay in the building program of the districts which will be detrimental to the education of the pupils of the district, it is necessary that this act take effect immediately.

CHAPTER 65

An act to add Section 225 to the Elections Code, relating to the right to vote.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 225 is added to the Elections Code, to read:

225. If a sample ballot or other notice of election sent to voters is returned by the post office to the county clerk or other officer charged with the duty of conducting an election because of the removal of the voter from the address to which it was sent, and the county clerk or other officer determines that the voter has moved to a new address in the county, the county clerk or other officer, following the election for which the sample ballot or other notice was sent out, may send a notice to the voter by means of a double postcard. One of the postcards shall inform the voter of the return of the sample ballot or election notice, and shall state that the records on file in the office of the county clerk indicate that the voter is still registered from his old address and that his affidavit of registration has been placed in a suspension file.

The other postcard, which shall be prepared and preaddressed by the clerk, shall contain blanks wherein the voter may notify the clerk whether his change of address is temporary or permanent and wherein he may sign the postcard. Upon receipt of the postcard, indicating that the change of address is permanent, if the signature on the postcard is the

same as appears on the affidavit of registration the clerk shall write on front or the back of the voter's affidavit the new address and transfer the affidavit to the proper precinct register. If the postcard is not returned to the clerk within 30 days after the date of mailing, the voter's registration shall be removed from the suspension file and canceled.

CHAPTER 66

An act to amend Section 987.15 of the Military and Veterans Code, relating to the Veterans Farm and Home Purchase Act of 1943.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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.

(d) Where the application is to pay the balance due on an existing loan not insured or guaranteed by the federal government, and which bears an interest rate of more than 5¾ percent per annum. For this purpose, amounts, not to exceed five million dollars ($5,000,000) each year, may be used out of surplus funds available in the Farm and Home Building Fund of 1943. The department shall allocate available funds by county according to the number of applications for refinancing filed by California veterans within each county. The department shall establish a priority for processing applications

within each county under this subdivision based on the following criteria:

(1) Applications from veterans with the lowest net effective incomes.

(2) Applications from veterans with homes of the lowest value.

(3) Applications from veterans with loans bearing the highest interest rates.

(4) Applications from veterans with loans having the lowest balances.

CHAPTER 67

An act to amend Section 28123 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 28123 of the Government Code is amended to read:

28123. In a county of the 23d class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand dollars ($9,000) a year.

(b) The district attorney, twelve thousand dollars ($12,000) a year. On and after January 3, 1967, he shall be prohibited from engaging in private law practice.

(c) Each supervisor, nine thousand six hundred dollars ($9,600) a year, necessary traveling expenses incurred in the performance of his official duties, and mileage at ten cents ($0.10) a mile for all distances traveled by him as supervisor, mileage not to exceed in any one year one thousand five hundred dollars ($1,500) for each supervisor.

(d) The fees of grand jurors are five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of trial jurors in the superior courts are five dollars ($5) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of jurors in justice courts are three dollars ($3) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending the court, in going only.

In criminal cases the fees and mileage of all trial jurors shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the jury was in attendance.

The fees of jurors on coroner's juries are two dollars ($2) for each day's attendance, to be paid out of the general fund of the county upon the presentation and filing with the board of supervisors of a duly verified claim, proper allowance of the claim by the board, and the approval of the coroner.

CHAPTER 68

An act to add Section 30368 to the Revenue and Taxation Code, relating to cigarette tax relief in cases of disaster, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 30368 is added to the Revenue and Taxation Code, to read:

30368. (a) When as a result of the tidal waves or flooding which occurred along parts of the California coastline immediately following the Alaskan earthquake about March 28, 1964, stocks of tax-paid cigarettes held for sale by any distributor or dealer were destroyed or damaged so that they could not be sold, the board shall refund to the distributor or dealer the amount of the tax imposed under this part with respect to the cigarettes and which has been paid by the distributor or dealer as part of his purchase price of the cigarettes.

(b) The board may approve claims for refunds under this section upon proof satisfactory to it that the cigarettes were destroyed or damaged so that they could not be sold and that the distributor or dealer has not otherwise been compensated for the loss in the amount of the tax included in the purchase price paid for the cigarettes. A claim for refund under this section shall be in such form and accompanied by such proof as the board may require.

(c) No refund under this section shall be allowed or approved after one year from the effective date of this section unless a claim therefor is filed with the board within such period.

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

The recent tidal waves caused by an earthquake in Alaska about March 28, 1964, have damaged or destroyed stocks of tax-paid cigarettes held for sale in the northern part of the State. The taxes paid with respect to such cigarettes represent a substantial part of their inventory value. Unless refunds of the taxes are made in those cases where the cigarettes were

destroyed or damaged so that they would not be consumed, undue hardship will result to businessmen which may endanger their ability to continue in business.

CHAPTER 69

An act to repeal Part 1 5 (commencing with Section 34000) of Division 24 of, and to add Part 1.5 (commencing with Section 34000) to Division 24 of, the Health and Safety Code, relating to redevelopment and urban renewal projects in disaster areas, and making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Part 1 5 (commencing with Section 34000) of Division 24 of the Health and Safety Code is repealed.

SEC. 2. Part 1 5 (commencing with Section 34000) is added to Division 24 of said code, to read:

PART 1.5. COMMUNITY REDEVELOPMENT FINANCIAL ASSISTANCE AND DISASTER PROJECT LAW

34000. This part is known and may be cited as the Community Redevelopment Financial Assistance and Disaster Project Law

34001. "Board" means the State Allocation Board.

34002. "Redevelopment agency" or "renewal agency" means any such agency provided for and authorized to function pursuant to the Community Redevelopment Law or this part.

34003. "Disaster" means any flood, fire, hurricane, earthquake, storm, tidal wave, or other catastrophe occurring on or after March 1, 1964, respecting which the Governor of the State has certified the need for assistance and which the President of the United States has determined to be a major disaster pursuant to Public Law 875, 81st Congress, or other federal law

34004. "Disaster area" means a redevelopment area designated by the legislative body of the community as provided in the Community Redevelopment Law which redevelopment area the legislative body has determined to be in need of redevelopment, rehabilitation or renewal as the result of a disaster.

34005 "Project area" means all or any part of a disaster area as described in the redevelopment or urban renewal plan as adopted by the legislative body and with respect to which a project is to be undertaken and carried out.

34006. Except as otherwise in this part provided, all words, terms and phrases in this part shall have the same meanings as prescribed therefor by the Community Redevelopment Law.

34007. From any available state money, and subject to the conditions specified in this part, the board may loan or grant money to any redevelopment or urban renewal agency for the purposes of this part. The board shall administer the loan and grant provisions of this part and make such rules and regulations as may be necessary to carry out such provisions.

34008. The board may make loans to a redevelopment or renewal agency in respect to any redevelopment or urban renewal project in a disaster area undertaken pursuant to the Community Redevelopment Law in an amount not to exceed that portion of the aggregate of the net costs of the project necessary to meet the local grants-in-aid required for the project pursuant to federal law. No such loan shall be made unless the agency has entered into a contract with the United States for a capital grant from the United States for the purpose of the project if the authorization of the United States for such contract was not prior to March 1, 1964.

34009. The board may also make loans to any redevelopment agency to plan a redevelopment or urban renewal project in a disaster area and to acquire property within such area if the board has first determined that it is reasonably certain that federal funds will eventually become available to be applied towards the early acquisition of property involved and that it is necessary that such property be acquired in the meantime in order to carry out the project or provide for its early completion at the lowest possible cost. No such loan shall be made until the United States has authorized a contract for an advance or loan of funds for a project.

34010. The board may make grants of money to a redevelopment or renewal agency in respect to any redevelopment or urban renewal project in a disaster area in an amount determined pursuant to this section, which shall not exceed that portion of the aggregate of the net costs of the project necessary to meet the cash local grants-in-aid required for the project pursuant to federal law. Any such grant shall be conditioned upon the agency entering into a contract with the United States for a capital grant from the United States for the purpose of the project.

The amount of any such grant shall be determined by the board, using the following criteria as a guide:

(a) The State shall make no grant as to that portion of the damage equal to 10 percent or less of the revenue, exclusive of funds received from any federal or state agency or from the Highway Users Tax Fund, of the community during the previous fiscal year as determined by the board.

(b) As to damage exceeding 10 percent but not exceeding 50 percent of such revenue, the grant shall be for 60 percent of the local requirement.

(c) As to damage exceeding 50 percent but not exceeding 150 percent of such revenue, the grant shall be for 80 percent of the local requirement.

(d) As to damage over 150 percent of such revenue, the grant shall be for 95 percent of the local requirement.

34011. Any loan made by the board to a redevelopment agency pursuant to this part shall be repaid to the General Fund within 25 years, together with interest thereon as determined by the board. The repayment may be made from any federal funds made available for the carrying out of the project, or from any available funds of the agency including tax increments or allocations accruing to the agency pursuant to Section 33670. If there are no available federal funds or if agency funds are insufficient, the loan shall be repaid from funds to which the community may be entitled under the Alcoholic Beverage Control Law or out of motor vehicle license fee revenues, which funds shall be withheld from the community by the State Controller upon order of the director.

34012. Any community wherein a disaster is occasioned, which prior to March 1, 1964, had not authorized a redevelopment agency to transact business or exercise any powers may, by ordinance, declare the need for an agency to function in the community, which ordinance shall be effective immediately upon passage and shall not be subject to the referendum requirement of Section 33101.

34013. Notwithstanding any other provision of the Community Redevelopment Law, any redevelopment agency within its area of operation may plan, undertake and carry out a redevelopment or urban renewal project, and the redevelopment agency and the legislative body of the community may approve a redevelopment or urban renewal plan for such project, in a disaster area pursuant to the Community Redevelopment Law, without regard to the following:

(a) The requirements of Sections 33301 and 33302 that there be a planning commission and a general plan.

(b) The requirements of Sections 33320.1 and 33322 that the project area be a blighted area or that the project area be selected by a planning commission.

(c) The requirement of Section 33322 that a preliminary plan be prepared.

(d) The requirements of Sections 33331 and 33332 that the redevelopment or urban renewal plan shall conform to a master or general plan and shall be based on a preliminary plan.

(e) The requirement of Section 33346 that the redevelopment or urban renewal plan be submitted to the planning commission.

(f) The notice of the hearing requirements of Sections 33349 and 33361, provided notice of such hearings shall be published once at least 10 days prior to the hearing in question and the notice of the hearing by the agency on the redevelopment plan may be published at the same time as the notice

of the hearing by the legislative body on the redevelopment plan, and both hearings may be held on the same day.

(g) The requirements of Section 33367 that the ordinance of the legislative body adopting the redevelopment or urban renewal plan shall contain findings (1) that the project area is a blighted area and (2) that the redevelopment or urban renewal plan conforms to the master or general plan of the community.

(h) The "relocation findings and statement" required by Section 33367 and the "relocation requirements" of Sections 33410 and 33411; provided, that the legislative body at the time of adopting the redevelopment or urban renewal plan for the disaster project area finds that the redevelopment agency has presented a plan for the encouragement, to the maximum extent feasible, of the provision of dwellings suitable for the needs of families displaced by the disaster or by redevelopment, rehabilitation or renewal activities.

Any ordinance of a legislative body adopting a redevelopment plan for a disaster area may be adopted as an emergency ordinance and shall not be subject to referendum.

34014. Property in a disaster area may be acquired by a redevelopment agency under this part and the agency may demolish and remove any structures on the property, pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses and assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this part without the necessity of meeting any condition precedent to such activities prescribed by the Community Redevelopment Law. Property acquired under this part may be acquired in any manner permitted by the Community Redevelopment Law.

SEC. 3 From any state money made available to the State Allocation Board for this purpose, the board may loan or grant money to the City of Crescent City to enable it to meet any payment or commitment necessary to carry out its responsibilities under any project carried out pursuant to the Community Redevelopment Financial Assistance and Disaster Project Law Any loan shall be repaid in the manner and shall be subject to the terms and conditions provided for redevelopment agency loans by Section 34011 of the Health and Safety Code.

SEC. 4. There is hereby appropriated from the General Fund one million dollars ($1,000,000) to the State Allocation Board for the purpose of loans or grants pursuant to the Community Redevelopment Financial Assistance and Disaster Project Law and Section 3 of this act for the 1965-1966 fiscal year.

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and

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

There is urgent need for relief in the Crescent City area from the disaster caused by the tidal wave following the Alaskan earthquake and this act will aid in rebuilding this area and therefore must be in effect immediately.

CHAPTER 70

An act to add Section 32407 to the Revenue and Taxation Code, relating to alcoholic beverage tax relief in cases of disaster, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 32407 is added to the Revenue and Taxation Code, to read:

32407. (a) When as a result of the tidal waves or flooding which occurred along parts of the California coastline immediately following the Alaskan earthquake about March 28, 1964, stocks of state tax-paid alcoholic beverages held for sale by any licensee were destroyed or damaged so that they could not be sold, the board shall refund to the licensee the amount of the tax imposed under this part with respect to the alcoholic beverages and which has been paid by the licensee as part of his purchase price of the alcoholic beverages.

(b) The board may approve claims for refunds under this section upon proof satisfactory to it that the alcoholic beverages were destroyed or damage so that they could not be sold and that the licensee has not otherwise been compensated for the loss in the amount of the tax included in the purchase price paid for the alcoholic beverages. A claim for refund under this section shall be in such form and accompanied by such proof as the board may require.

(c) No refund under this section shall be allowed or approved after one year from the effective date of this section unless a claim therefor is filed with the board within such period.

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

The recent tidal waves caused by an earthquake in Alaska about March 28, 1964, have damaged or destroyed stocks of state tax-paid alcoholic beverages held for sale in the northern part of the State. The taxes paid with respect to such alcoholic

beverages represent a substantial part of their inventory value. Unless refunds of the taxes are made in those cases where the alcoholic beverages were destroyed or damaged so that they would not be consumed, undue hardship will result to businessmen which may endanger their ability to continue in business.

CHAPTER 71

An act to amend Section 7600 of the Welfare and Institutions Code and Section 2 of Chapter 935 of the Statutes of 1963, relating to the Study Commission on Mental Retardation, making an appropriation, to take effect immediately.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 7600 of the Welfare and Institutions Code is amended to read:

7600. There is created in the state government the Study Commission on Mental Retardation. The commission shall be composed of 16 members to be appointed by the Governor and to serve at his pleasure.

Members shall be selected from the fields of medicine, education, law, public health and welfare. The commission shall be composed of the directors of the following state departments: Education, Mental Hygiene, Employment, Public Health, Rehabilitation, and Social Welfare, two county supervisors, two local mental health directors, and six persons representing the general public.

The Governor shall designate the chairman of the commission.

SEC. 2. Section 2 of Chapter 935 of the Statutes of 1963 is amended to read:

Sec. 2. There is hereby appropriated from the General Fund the sum of eighty thousand dollars ($80,000) for the purpose provided for in Part 6 (commencing with Section 7600) of Division 6 of the Welfare and Institutions Code in accordance with the following schedule:

Schedule:	
(a) Services	110,000
Total of schedule	110,000
Less estimated amounts available from other sources:	
(b) Estimated grants from the federal government or agencies thereof	30,000
Net appropriation	80,000

The appropriation made by this section shall remain available for expenditure until June 30, 1965. And in addition, any amounts received from other sources shall be available for expenditure in accordance with the provisions of this section.

SEC. 3. This act makes an appropriation for the current expenses of the State within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 72

An act to amend Section 1645 of the Elections Code, relating to precinct boards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 1645 of the Elections Code is amended to read:

1645. Each member of a precinct board shall receive as compensation for his services a sum fixed by the board of supervisors of the county, which sum shall be paid out of the treasury of the county in which he acts. The inspector may receive up to three dollars ($3) more compensation than the other members of the precinct board. The inspector shall receive not more than twenty-seven dollars ($27) and the other members shall receive not more than twenty-four dollars ($24). In those precincts in which the precinct board consists of not less than four clerks in addition to the other four members of the board, the compensation received by the clerks shall not be more than twelve dollars ($12).

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 increases the compensation payable to precinct board members, and will enable counties to recruit sufficient precinct board members to service statewide elections. In order that it may operate with respect to the 1964 direct primary election, it is essential that the act go into effect immediately.

CHAPTER 73

An act to amend Section 1402 of the Education Code relating to school district elections.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 1402 of the Education Code is amended to read:

1402. All absentee ballots cast under the provisions of this article shall, in order that they may be counted, be received by the county superintendent or designated deputy from whom they were received not later than 5 o'clock p.m. on the day before the date of the election in which they are to be counted.

CHAPTER 74

An act to amend Section 1415 of the Education Code, relating to school district elections.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 1415 of the Education Code is amended to read:

1415. Immediately after the closing of the polls the county superintendent conducting the canvass of returns shall proceed to canvass the absent voter ballots cast for the election. The canvass of absent votes shall be made in accordance with the provisions of Article 2, Chapter 7, Division 10 of the Elections Code. The count of the absentee votes for each person voted for, or for and against each measure or proposition voted upon shall be tabulated under the heading "Absentee Votes" and added to and included with the canvass of returns from the combined precincts in each district.

CHAPTER 75

An act to add Section 14904 to the Elections Code, relating to the State Commission on Voting Machines and Vote Tabulating Devices.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 14904 is added to the Elections Code, to read:

14904. Whenever a power is granted to, or a duty is imposed upon, the Governor as a member of the State Commission on Voting Machines and Vote Tabulating Devices, the power may be exercised or the duty may be performed by an alternate appointed by the Governor

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CHAPTER 76

An act to add Sections 15412 and 15416 to the Elections Code, relating to vote-tabulating devices.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 15412 is added to the Elections Code, to read:

15412. The vote-tabulating device may be located at any place within the State approved by the election board of the county or other political subdivision using the device. The same device may be jointly owned, borrowed, leased or used by two or more counties, cities or other political subdivisions to tabulate ballots cast in any election.

SEC. 2. Section 15416 is added to said code, to read:

15416. In the event absent voter ballots are to be tabulated by an electronic or electromechanical tabulating device, the clerk may also deliver to the applicant a marking device which would make a mark suitable for use with the electronic or electromechanical device or a supply of stickers which would be suitable for use with the electronic or electromechanical tabulating device.

CHAPTER 77

An act to add Section 36057.5 to the Health and Safety Code, relating to housing for farm laborers.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 36057.5 is added to the Health and Safety Code, to read:

36057.5. The Department of Finance may furnish counseling and guidance services to aid any public body or any private or nonprofit organization or persons in securing the financial aid or cooperation of the federal government in the undertaking, construction, maintenance, operation, or financing of any housing designed for farm laborers and their families.

The Department of Finance may contract for or sponsor, subject to the availability of federal funds, experimental or demonstration projects for permanently fixed or mobile housing designed to meet the special needs of agricultural workers. Such contracts or sponsorship agreements may be between the department and cities, counties, housing authorities, or private and nonprofit organizations.

CHAPTER 78

An act to amend Section 21 of Chapter 2017 of the Statutes of 1963, relating to proceedings of political parties, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 21 of Chapter 2017 of the Statutes of 1963 is amended to read:

Sec. 21. Members and officers of state central committees formed in the year 1964 for political parties with which are affiliated less than 3,200,000 registered voters shall continue as such until the first meetings of the committees in January of 1967. Members and officers of county central committees formed in the year 1962 for political parties with which are affiliated less than 3,200,000 registered voters shall continue as such until the first meetings of the committees in January of 1965.

Notwithstanding anything contained in Chapter 2 (commencing with Section 8200) of Division 6 of the Elections Code, the meetings of the state central committees of a political

party with which are affiliated less than 3,200,000 registered voters shall be held on the day following the state convention of the party in 1964, instead of on the third Saturday of January following the general election, and shall be organized in accordance with the procedure prescribed for the conduct of meetings of state central committees of political parties with which are affiliated more than 3,200,000 voters. The terms of members and officers of such state central committees shall be as provided in this section.

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

Unless the act takes effect immediately, it may well fail completely of its purpose, and it is, therefore, necessary and proper that the act be an urgency measure and take immediate effect.

CHAPTER 79

An act to amend Sections 17262 and 17263.1 of the Education Code, and to amend Section 1819 of the Revenue and Taxation Code, relating to financial support of the public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 17262 of the Education Code is amended to read:

17262. Any state department, board, or agency which allocates funds to any school district on the basis of the assessed valuation of property within the district, or which makes any computation on this basis for school building fund repayment purposes, shall average the factor certified for the current year under Section 17261 for the local roll of the county in which the district is located with the factors so certified for the two immediately preceding years. The department, board, or agency shall then modify that part of the valuation of the district shown on the local roll by application of this three-year average factor. If a district is located in more than one county, this modification shall be made by applying the average factor appropriate for the assessed value of the property upon the local roll of each county within which the district is located.

SEC. 2. Section 17263.1 of said code is amended to read:

17263.1. Whenever it appears that a district's state equalization aid and supplementary support will be less than they

would be if no modification of the district's assessed valuation were required under Section 17262, the governing board of the district shall estimate the amount of the difference and shall certify the amount to the county superintendent of schools. The estimate shall be made by averaging the factors certified for the two immediately preceding years under Section 17261 and a factor for the current year derived by dividing the ratio for the county published pursuant to Section 1819 of the Revenue and Taxation Code into the statewide average ratio for the current year. The county superintendent of schools shall certify to the county auditor of the county in which the districts are included the amounts required to offset such decrease of equalization aid, or supplemental support, or both, in all the districts under his jurisdiction. The county auditor shall certify such amounts to the county board of supervisors who shall, at the time other taxes are levied, levy a tax upon all the assessed valuation of the county sufficient to provide the total of the amounts certified Upon the collection of such taxes the county auditor shall pay to each school district the amount certified as required to offset the decrease in equalization aid or supplemental support

SEC. 3. Section 1819 of the Revenue and Taxation Code is amended to read:

1819. As soon as tabulations have been made pursuant to Section 1818, but not later than August 1st, the board shall give the assessor of each county a reasonable opportunity to examine and discuss with it that portion of the tabulations affecting property in his county. After making any adjustment it deems appropriate as the result of such discussion, but not later than August 23d, the board shall make available for public inspection all such tabulations and shall publish the ratio of assessed to full cash value of locally assessable tangible property for each county and for the State.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect The facts constituting such necessity are: In order to meet the urgent needs of the public school system of this State for financial support, and to assure that the children of this State will receive the adequate education necessary to becoming good citizens, it is necessary that this act take effect immediately

CHAPTER 80

An act to amend Section 16645 19 of the Education Code, relating to child care center employees' retirement.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 16645.19 of the Education Code is amended to read:

16645.19. Each person employed by a school district or a county superintendent of schools in a child care center under the provisions of this article (commencing at Section 16645.1) shall be deemed for all purposes, including retirement, to be a person employed by the school district in a position not requiring certification qualifications; provided, however, that any person who is a member of the State Teachers' Retirement System because of employment to perform duties which are requisite for membership and who subsequently is employed by a school district or a county superintendent of schools in a child care center under the provisions of this article (commencing with Section 16645.1) shall continue to be a member of the State Teachers' Retirement System with respect to his duties as such employee in such a child care center upon assuming such duties, unless he elects by a writing filed in the office of the State Teachers' Retirement System within 90 days after such entry, not to continue as a member with respect to his new duties. The provisions of this section shall apply with equal effect to any member who shall have been employed by a school district or county superintendent of schools in a child care center under the provisions of this article prior to the effective date of this section. Continuance of his membership in the State Teachers' Retirement System of any person so employed prior to the effective date of this section, is hereby ratified, validated and confirmed, and for all purposes he shall be considered as having been a member without interruption as far as such employment is concerned, unless such person elects within 90 days after the date upon which notice of such right to elect, is mailed by the State Teachers' Retirement System to the member's latest address on file in the office of said system, not to be a member of the system with respect to the duties which, but for the provisions of this section, otherwise would not be so requisite for membership therein.

CHAPTER 81

An act to amend Section 1414 of the Education Code, relating to the conduct of elections.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 1414 of the Education Code is amended to read:

1414. The county superintendent of schools having jurisdiction of the district or districts in which the election was held shall publicly canvass the election returns on the seventh day following the election at the time and place fixed in the notice of the election as provided in this section.

He shall open the envelope containing the tally sheet, roster of voters, and index of registration used as the voting record in each election precinct. He shall verify the accuracy of the precinct returns by comparing the total votes shown on the tally list of each precinct with the total number of ballots cast in the precinct as shown on the roster of voters.

If the returns from any precinct are incomplete, or ambiguous, or not properly authenticated, or are otherwise defective, the county superintendent may require the attendance before him of the members of the precinct election board for the purpose of correcting or completing the returns so that they shall show correctly the votes cast in the precinct for each candidate, and for or against each measure voted upon.

The envelopes containing the voted ballots shall not be opened except as permitted by Section 18410 or Article 4 of Chapter 8 of Division 10 of the Elections Code.

After verifying the accuracy of the precinct returns the county superintendent shall determine the total votes for all precincts in the district or districts for each person voted for, and for or against each measure voted upon at the election.

If a school district election is consolidated with a statewide election, the returns of the election shall be canvassed at the same time and place, and by the same authority, as are provided in the Elections Code for the statewide election.

CHAPTER 82

An act to add Section 43009 to the Government Code and Section 155.9 to the Revenue and Taxation Code, relating to property taxation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 43009 is added to the Government Code, to read:

43009. Notwithstanding any other contrary provisions of law, the city legislative body may by ordinance provide that every person of the city who at 12 o'clock meridian of the first Monday in March of 1964 was the owner of, or had in his possession, or under his control, any taxable property which was thereafter damaged or destroyed by a tidal wave caused by an earthquake between March 28, 1964 and March 30, 1964, and the property was located in an area which was subsequently proclaimed by the Governor to be in a state of disaster, may, on or before September 30, 1964, make application for the reassessment of such property and deliver to the assessing official of the city a written statement under oath, accompanied by a certificate of a disinterested competent person or authority showing the condition and value, if any, of the property immediately after the damage or destruction, and that the assessor shall, within 10 days from the receipt of a timely application, assess the property or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and upon such notice as it may find to be proper the board of equalization for the city may, on or before October 31, 1964, equalize any such assessment or reassessment. The ordinance may provide that an application for reassessment of damaged or destroyed property pursuant to the ordinance shall be notice to the board of equalization that such property may have to be equalized. It may also be provided in such ordinance that the tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of equalized assessment or reassessment determined in accordance with this section. In the event that the resulting figure is less than the tax theretofore computed, the ordinance may provide that the taxpayer shall be liable for tax only for the lesser amount and that the difference shall be canceled. If the taxpayer has already paid the tax previously computed, the ordinance may provide that such difference shall be refunded to the taxpayer. This section shall be applicable to all cities to which the Constitution does not prevent it from being applied.

SEC. 2. Section 155 9 is added to the Revenue and Taxation Code, to read:

155.9 Notwithstanding anything in this code to the contrary, every person who at 12 o'clock meridian of the first Monday in March of 1964 was the owner of, or had in his possession, or under his control, any taxable property which was thereafter damaged or destroyed by a tidal wave caused by an earthquake between March 28, 1964 and March 30, 1964, and the property was located in an area which was subsequently proclaimed by the Governor to be in a state of disaster, may, on or before September 30, 1964, make application for reassessment of such property and deliver to the assessor a written statement under oath, accompanied by a certificate of a disinterested competent person or authority, showing the condition and value, if any, of the property immediately after the damage or destruction. The assessor shall, within 10 days of the receipt of a timely application, assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the board a description of the property so reassessed, the name of the person making the application in connection with the property, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization may, on or before October 30, 1964, equalize any such assessment or reassessment. An application for reassessment of damaged or destroyed property pursuant to this section shall be notice to the board of equalization that such property may have to be equalized.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the last paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The recent tidal waves caused by an earthquake between March 28, 1964 and March 30, 1964 have destroyed and damaged property in the northern part of the State to such an extent that unless partial relief from taxation is given to the owners thereof, there is grave danger that they may be unable to pay the 1964-1965 tax thereon, and that as a consequence

the revenues of the counties and cities involved may diminish to a point where the ordinary needs of those communities cannot be served. This act, if it becomes effective immediately, would do much toward eliminating the possibility of the occurrence of that situation.

CHAPTER 83

An act to add Section 23753 1 to the Education Code, relating to state colleges.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964]

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

SECTION 1. Section 23753 1 is added to the Education Code, to read:

23753 1. Other sections to the contrary notwithstanding, tuition fees adequate to meet the cost of maintaining limited residence programs which are established by the trustees in the area of military installations and which are designed primarily for the benefit of military and nonmilitary personnel at such installations, shall be required of, and collected from resident and nonresident students enrolled in such programs, under and pursuant to rules and regulations prescribed by the trustees Students whose enrollment is entirely in such programs shall not be required to pay nonresident tuition established pursuant to Section 23754

The trustees shall not establish a limited residence program in the area of a military installation which is designed primarily for the benefit of military and nonmilitary personnel at such installation without the prior approval of the Coordinating Council for Higher Education.

The enactment of this section is intended to prohibit, and the provisions of this section shall be construed as prohibiting, the State from providing capital outlay expenditures for any limited residence program in the area of a military installation which is designed primarily for the benefit of military and nonmilitary personnel at such installation.

The effect of this section is limited to the classes provided by California State Polytechnic College at Vandenberg Air Force Base.

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 84

An act to amend Sections 18302 18303, and 18305 of the Education Code, relating to financial support of the public schools, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 18, 1964. Filed with Secretary of State May 18, 1964.]

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

SECTION 1. Section 18302 of the Education Code is amended to read:

18302. A project-connected pupil, as used in this article (commencing at Section 18301), means a child of a parent, guardian, or other person standing in loco parentis who has enrolled in the regular full-time day schools of the district subsequent to the commencement of a project, whose parent or guardian is employed by a contractor or subcontractor in connection with the project, or by the State of California whose work is in connection with the project, and which child is in addition to the number of children who would otherwise normally be expected to be in the district.

For purposes of computing allowances for the 1963-1964 fiscal year only, a project-connected pupil shall include, in addition to a child described in the preceding paragraph, one enrolled in the regular full-time day schools subsequent to the commencement of the project and whose parent or guardian is employed in the school district or in a contiguous school district, and which child is in addition to the number of children who would otherwise normally be expected to be in the district.

The identification of project-connected pupils shall be subject to the approval of the Superintendent of Public Instruction in accordance with regulations that he is herewith authorized to adopt. The records identifying, and accounting for the attendance of project-connected children shall be prescribed by the Superintendent of Public Instruction.

SEC. 2. Section 18303 of said code is amended to read:

18303. For the 1964-1965 fiscal year and each fiscal year thereafter, the Superintendent of Public Instruction shall allow to each eligible district, for each unit of average daily attendance in the regular full-time day schools of the district during the preceding fiscal year of project-connected pupils, as project-connected pupils are defined in Section 18302, an amount equal to the foundation program of the district, less basic state aid, state equalization aid and supplemental support for the preceding fiscal year, divided by the average daily attendance of the district.

For the 1963-1964 fiscal year only, the Superintendent of Public Instruction shall allow to each eligible district for each unit of average daily attendance in the regular full-time day schools of the district during the preceding fiscal year of project-connected pupils, as project-connected pupils are de-

fined in this article, an amount equal to the product of the assessed valuation multiplied by the general fund tax rate of the district during the preceding fiscal year, exclusive of taxes levied pursuant to Sections 1615, 19443, and 19619, divided by the average daily attendance of the district, exclusive of the average daily attendance of project-connected pupils, reduced by the difference between the amount of basic state aid and equalization aid per unit of average daily attendance apportioned to the district pursuant to Section 17402 during the current fiscal year and the amount per unit of average daily attendance that would have been apportioned had the computations been made after the exclusion of average daily attendance of project-connected pupils from the average daily attendance of the district.

SEC. 3. Section 18305 of said code is amended to read:

18305. A district shall be eligible for an allowance under Section 18303 if the average daily attendance of project-connected pupils is at least 10 in the district during the preceding fiscal year.

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

The Legislature has determined that a number of school districts in the State have incurred serious financial hardship during both the current and preceding fiscal years because of the sudden influx of pupils as a result of progress in water project development. In order that additional funds may be made immediately available for the current, 1963-1964, fiscal year as reimbursement to ease this financial burden, it is necessary that this act take effect immediately.

CHAPTER 85

An act to amend Section 10506 of the Education Code, relating to interdistrict agreements for reimbursement of cost of educating out-of-state residents, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 18, 1964. Filed with Secretary of State May 18, 1964.]

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

SECTION 1. Section 10506 of the Education Code is amended to read:

10506. The governing board of any school district may, with the approval of the county superintendent of schools, admit to the elementary and high schools of the district pupils living in an adjoining state which is contiguous to the school

district. An agreement shall be entered into between the governing board and the governing board or authority of the school district in which the pupils reside providing for the payment by the latter of an amount sufficient to reimburse the district of attendance for the total cost of educating the pupil, including the total of the amounts expended per pupil for the current expenses of education, the use of buildings and equipment, the repayment of local bonds and interest payments and state building loan funds, capital outlay, and transportation to and from school. The amount of the tuition for the current expenses of education per unit of average daily attendance of pupils from the adjoining state shall equal the average current expenditure, exclusive of all transportation expenditures, per unit of average daily attendance in the district of attendance. The per pupil cost attributable to capital outlay shall be on the basis of an average expenditure for the preceding five years. The cost of transportation shall not exceed ten dollars ($10) per month. Tuition payments shall be made during the school year with final payment at the end of the school year after all costs have been determined. If the amount paid is more or less than the total cost of education and transportation, adjustment shall be made for the following semester or school year. The attendance of the pupils shall not be included in computing the average daily attendance of the class or school for the purpose of obtaining apportionment of state funds. In lieu of entering an agreement with the governing board or authority of the school district in which the pupil from the adjoining state resides, the governing board of the school district in this State may enter an agreement with the parent or guardian of the pupil on the same terms as is provided in this section.

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

In order to prevent a serious disruption in the educational program and financial support of school districts which educate children living in an adjacent state, to the detriment of the schools of the districts, it is necessary that this act take effect immediately.

CHAPTER 86

An act to add Section 25511 to the Business and Professions Code, relating to assistance to retailers of alcoholic beverages in disaster areas, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 18, 1964. Filed with Secretary of State May 18, 1964.]

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

SECTION 1. Section 25511 is added to the Business and Professions Code, to read:

25511 Notwithstanding any other provision of this division, a brand owner, or any officer, director or agent of any such person, may replace without cost, beer or distilled spirits offered for sale by a retailer which was destroyed or damaged by the tidal waves from the earthquake which occurred between March 28, 1964, and March 30, 1964, and which was located in an area which was subsequently proclaimed by the Governor to be in a state of disaster.

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 recent tidal waves caused by an earthquake between March 28, 1964, and March 30, 1964, have destroyed and damaged property in the northern part of the State to such an extent that unless immediate relief is given to the people in the destroyed communities there is danger that such people will never be able to recover from the economic blows which they have suffered.

Brand owners of alcoholic beverages are willing to assist retailers suffering this disaster by replacing without charge the stocks of beer and distilled spirits lost by such retailers in those areas. However, they are prohibited from so doing by the provisions of the Alcoholic Beverage Control Act contained in the Business and Professions Code. This act will permit these brand owners to render aid to retailers of beer and distilled spirits and by taking effect immediately will enable those suffering the loss of their businesses to become economically independent as soon as possible.

CHAPTER 87

An act to add Section 54919 to the Government Code, relating to the South San Luis Obispo County Sanitation District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 18, 1964. Filed with Secretary of State May 18, 1964.]

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

SECTION 1. Section 54919 is added to the Government Code, to read:

54919. Notwithstanding Sections 54902 and 54903, the South San Luis Obispo County Sanitation District, formed under Chapter 3 (commencing with Section 4700) of Part 3 of Division 5 of the Health and Safety Code during the fiscal year 1963-64, may file the statement and map or plat required by Section 54900 on or before May 25, 1964.

SEC. 2. This special act, applicable only to the South San Luis Obispo County Sanitation District, is necessary to meet the unique problem created by formation of this district and its need to levy taxes at the earliest possible time to provide funds for the district to operate, and a general law cannot be made 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:

Unless this act is passed, the South San Luis Obispo County Sanitation District formed during the 1963-64 fiscal year will not be able to levy taxes for the 1964-1965 fiscal year. In order for such districts to properly function and provide services necessary for the public health and safety it is necessary that this act take effect immediately.

CHAPTER 88

An act to add Section 6366.1 to the Revenue and Taxation Code, relating to state taxation.

[Approved by Governor May 18, 1964. Filed with Secretary of State May 18, 1964.]

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

SECTION 1. Section 6366.1 is added to the Revenue and Taxation Code, to read:

6366.1. (a) There are exempted from the taxes imposed by this part, the gross receipts from the sale of and the storage, use, or other consumption in this State of aircraft which

are leased, or are sold to persons for the purpose of leasing, to lessees using such aircraft as certificated or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government, or to any foreign government as lessees for use by such government outside the State, or to persons as lessees who are not residents of this State and who will not use such aircraft in this State otherwise than in the removal of such aircraft from this State.

(b) There are exempted from the taxes imposed by this part, the gross receipts from the sale of and the storage, use, or other consumption in this State of tangible personal property sold to an aircraft manufacturer and incorporated into aircraft to be leased by the manufacturer under conditions set forth in subdivision (a) of this section.

CHAPTER 89

An act to add Section 25411.6 to the Education Code, relating to junior college district elections.

[Approved by Governor May 18, 1964. Filed with Secretary of State May 18, 1964.]

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

SECTION 1. Section 25411.6 is added to the Education Code, to read:

25411.6. Notwithstanding any provision of law to the contrary, if the governing board of a junior college district finds that the boundaries of trustee areas do not conform to the district's geography or population distribution due to annexation of territory to the district after the trustee boundaries were formed, the board may, in its discretion, order a special election seeking voter approval for rearrangement of such areas in the manner provided in this section.

Upon adoption of a resolution by a majority of the members, the board shall call and conduct at least one (1) public hearing on the proposed rearrangement of trustee area boundaries by publishing notice thereof in accordance with Section 6061 of the Government Code. The notice shall be published at least 10 days prior to each hearing to be held and shall state the time and place of the hearing and the general nature of the proposed boundary rearrangement.

At the conclusion of such public hearing or hearings, the board may adopt a resolution by majority vote of the members thereof ordering a special election on the proposed rearrangement of trustee areas within the district. The election shall be consolidated with the next scheduled primary or general statewide election and shall be called and conducted by the county superintendent of schools having jurisdiction in the manner otherwise prescribed for elections in Division 4 of this code.

The ballot shall contain the following words properly located thereon: "For the rearrangement of trustee areas in _____ District—Yes" and "For the rearrangement of trustee areas in _____ District—No."
(insert name) (insert name)

If the proposal for the rearrangement of trustee areas within the district pursuant to this section is approved by a majority of the electors voting at the election and it appears that one or more trustee areas in the district will not be represented in the membership of the governing board or that one or more trustee areas will have more than its allotted number of representatives in the membership of the governing board, the county superintendent of schools having jurisdiction shall call and conduct an election to determine who shall represent such trustee area or areas at the next regular election for junior college trustees as otherwise provided by law. The term of office of a newly elected and qualified member shall expire on the date the term of the former member would have expired if the former member had remained in office. If the offices of two or more members become vacant due to the operation of this paragraph, the superintendent shall determine by lot which term of office of former members shall be assumed by which of the newly elected and qualified members

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CHAPTER 90

An act to amend Sections 35470, 35471, 35500, and 35504 of, and to add Sections 35506, 35507, and 35508 to, the Water Code, relating to powers of California water districts in connection with sewer facilities, and declaring the urgency thereof, to take effect immediately

[Approved by Governor May 18, 1964. Filed with Secretary of State May 18, 1964.]

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

SECTION 1. Section 35470 of the Water Code is amended to read:

35470. Any district formed on or after July 30, 1917, may, in lieu in whole or in part of raising money for district purposes by assessment, make water available to the holders of title to land or the occupants thereon, and may fix and collect charges therefor. The charges may include standby charges to holders of title to land to which water may be made available, whether the water is actually used or not. The charges may vary in different months and in different localities of the district to correspond to the cost and value of the service, and the district may use so much of the proceeds of the charges as may

be necessary to defray the ordinary operation or maintenance expenses of the district.

SEC. 1.3. Section 35471 of said code is amended to read:

35471. Any funds derived pursuant to Section 35470 in excess of the amount necessary for operating or maintenance expenses shall be applied by the treasurer upon the payment of interest on general obligation bonds or to create a sinking fund.

SEC. 1.5. Section 35500 of said code is amended to read:

35500. A district may acquire, construct, operate, and furnish facilities and services, within or without the district, for the collection, treatment, and disposal of sewage, waste, and storm water and may contract with any persons, firms, public or private corporations or public agencies or other users concerning facilities and services for said purposes. The district may only furnish such services outside the district by means of facilities designed primarily to serve inside the district. Before a district may so furnish such services without the district and within the boundaries of another district or a municipality which has the same or similar powers, including a California water district, with respect to such facilities and services, it shall secure the consent of the governing body of such other district or municipality to do so. This section, to the extent it relates to service outside the district, shall only apply in the case of California water districts where two California water districts are contiguous to each other.

SEC. 2. Section 35504 of said code is amended to read:

35504. A district may not exercise any of the powers granted a district by this article unless the board first submits to the voters of the district at an election a proposition as to whether or not the powers may be exercised by the district and a majority of the votes cast on the proposition are in favor of the proposition. Such proposition may be submitted at, or at an election consolidated with, the election at which a proposition to issue bonds of the district, or for an improvement district therein, for the purposes specified in this article is submitted. A proposition to issue bonds of the district, or for an improvement district therein, for the purposes specified in this article which has been submitted at, or at an election consolidated with, an election under this section before the effective date of the amendment of this section enacted at the 1964 First Extraordinary Session of the Legislature is hereby ratified and confirmed and any bonds authorized at said election may be issued as legal obligations of the district or improvement district. Only one election need be held to authorize a district to exercise any of the powers granted by this article or any later amendments thereof.

SEC 3. Section 35506 is added to said code, to read:

35506. In order to carry out the powers and purposes granted under this article a district may exercise or use any of the powers or procedures otherwise granted to a district

under this division to the extent such powers or procedures may be made applicable.

SEC. 4. Section 35507 is added to said code, to read:

35507. The powers or procedures referred to in Section 35506 shall include, but shall not be limited to, the following: bonds pursuant to Chapter 2 (commencing with Section 35950) of Part 6, Chapter 3 (commencing with Section 36150) of Part 6 and Chapter 4 (commencing with Section 36300) of Part 6; warrants pursuant to Chapter 4.5 (commencing with Section 36400) of Part 6; formation of improvement districts and bonds therefor pursuant to Chapter 4.9 (commencing with Section 36410) of Part 6 and Chapter 5 (commencing with Section 36450) of Part 6; eminent domain pursuant to Article 2 of Chapter 3 (commencing with Section 35625) of Part 5; and contracts with other agencies pursuant to Chapter 5 (commencing with Section 35850) of Part 5.

SEC. 5. Section 35508 is added to said code, to read:

35508. The powers or procedures referred to in Section 35506 shall include all powers or procedures either necessary, useful or desirable to carry out the powers and purposes of this article.

SEC. 6. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

In order to properly provide the sewer facilities which California water districts were authorized to provide at the 1963 General Session of the Legislature it is desirable that it be made clear that California water districts may issue bonds and do other acts for sewer purposes. This bill will clarify and supplement the previous sewer powers granted to the districts so that the sewer problems of the districts can be resolved and the public health and safety problems of the State will be reduced.

CHAPTER 91

An act to add Section 6.5 to the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953), relating to powers of the district.

[Approved by Governor May 18, 1964 Filed with Secretary of State May 18, 1964.]

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

SECTION 1. Section 6 5 is added to the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953), to read:

Sec. 6.5. The district may also prescribe, revise and collect fees and charges for facilities furnished or to be furnished to

any new building, structure, improvement or construction by the use of any flood control or storm drainage system constructed or to be constructed in a zone of the district and to require the installation of drainage or flood control improvements necessary or convenient for the needs of the zone, including, but not limited to, residential, subdivision, commercial and industrial drainage and flood control needs.

Revenues derived under this section shall be used for the acquisition, construction, reconstruction, maintenance and operation of the flood control or storm drainage facilities of the zone or to reduce the principal or interest of any bonded indebtedness thereof.

CHAPTER 92

An act to add Part 7 (commencing with Section 70000) to Division 10 of the Public Utilities Code, to provide for the creation of the Marin County Transit District, prescribing the powers and duties thereof.

[Approved by Governor May 18, 1964. Filed with Secretary of State May 18, 1964.]

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

SECTION 1. Part 7 (commencing with Section 70000) is added to Division 10 of the Public Utilities Code, to read:

PART 7. MARIN COUNTY TRANSIT DISTRICT

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definitions

70000. This part shall be known and cited as the "Marin County Transit District Act of 1964."

70001. Unless the context otherwise requires, the provisions of this article govern the construction of this part.

70002. "District" means the Marin County Transit District formed under this part.

70003. "Board" means the board of directors of this district.

70004. "Voter" means any elector who is registered under the Elections Code.

70005. "Transit" means the transportation of passengers only and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual passenger fare-paying basis. Nothing in this section shall be construed to prohibit the district from leasing its buses to private certified public carriers or to prohibit the district from providing school bus service for the transportation of pupils between their homes and schools.

70006. "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.

Article 2. General Provisions

70010. It is necessary that a transit district be established in Marin County in order to provide an interim solution to the transit problem of this area pending inclusion of Marin County into the Bay Area Rapid Transit District. The problem is unique in that presently there are several existing transportation facilities serving various parts of the area but independently operated, without interchange of transportation services, and without possibility of merger. The geographic location of the area requiring transportation services makes it necessary to develop a single transit system to protect the public interest.

It shall be the ultimate purpose of the Marin County Transit District to establish, when financing therefor becomes feasible, a permanent rapid transit system designed to be part of a unified San Francisco Bay areawide regional system. When such permanent system is planned it shall incorporate physical characteristics necessary for full compatibility with the system of the San Francisco Bay Area Rapid Transit District, and unified management of the operations of such a bay areawide system shall be provided. Such unified management may be provided by management or operating contract with, or by annexation of the Marin County Transit District to, the San Francisco Bay Area Rapid Transit District or by any other lawful means; and shall take into full account the financial burdens already assumed by the citizens of the counties comprising the San Francisco Bay Area Rapid Transit District to establish its system, which should be recognized in the operation of the unified system. The share of such financial burdens to be assumed by the Marin County Transit District, determined by its board by agreement with the board of the San Francisco Bay Area Rapid Transit District to be in the best mutual interest of the citizens of the two districts, may be made payable out of bond proceeds (subject to authorization of the bonds at an election), tax levies or any other available funds and may be made payable at such times and upon such rate of interest and other terms as shall be agreed between the boards of the two districts.

70011. The Marin County Transit District may be created as provided in this part and when so created may exercise the powers herein granted.

70012. Except as otherwise provided in this part 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.

70013. Except as otherwise provided in this part all ordinances and notices which are required to be published shall

be published within the district pursuant to Section 6066 of the Government Code.

70014. 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 70243, the signature may be made by the use of a plate bearing facsimilies of such signatures.

CHAPTER 2. FORMATION OF DISTRICT

Article 1. General Provisions

70020. The County of Marin may organize and incorporate as the Marin County Transit District.

70021. The request for the formation of the Marin County Transit District may be made by resolution or by petition as set out in this chapter.

70022. The district may include incorporated or unincorporated territory within the County of Marin.

Article 2. Request by Resolution

70025. The Board of Supervisors of the County of Marin may pass a resolution declaring that in its opinion public interest or necessity demands the creation and maintenance of the Marin County Transit District.

70026. 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.

Article 3 Request by Petition

70030. Instead of a resolution, a petition may be presented to the board of supervisors signed by voters within Marin County equal in number to at least 25 percent of the total vote cast at the last general election.

70031. The petition shall contain substantially the same declarations and statements required to be contained in the resolution adopted by the board of supervisors under this chapter and declare that, in the opinion of the petitioners, public interest or necessity demands the creation and maintenance of the transit district.

70032. 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.

70033. The County Clerk of the County of Marin shall compare the signatures to the petition with the affidavits of registration and certify to their sufficiency or insufficiency.

Article 4. Election

70035. Upon adoption of the resolution or of a sufficient petition, the board of supervisors shall hold a hearing on the question of forming a Marin County Transit District. All interested persons shall be given an opportunity to express their views at the hearing.

70036. 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. Incorporated areas shall not be divided but shall be as a whole either included or excluded from the district.

70037. After the conclusion of the hearing, the board of supervisors shall in case of initiation by petition and may in case of initiation by resolution call an election within the proposed district for the purpose of determining whether the proposed district will be created and established.

70038. The board of supervisors shall publish notice of the election within the proposed district.

70039. The notice shall state the name of the proposed district, and describe the boundaries thereof.

70040. 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 "Marin County Transit District" be created and established?	YES	
	NO	

70041. No person shall be entitled to vote at the election unless he is a voter of the territory included in the proposed district.

70042. The election may be held on the same day as any other state, county, or city election, and be consolidated therewith.

70043. The board of supervisors shall meet on the Tuesday next succeeding the day of the election and canvass the returns.

70044. The board of supervisors shall make all provisions for the holding of the election throughout the district as proposed, and the cost of said election shall be a charge against the general funds of the county.

Article 5. Establishment of the District

70050. If a majority of the electors voting on the proposition vote in favor of the creation and establishment of the district, 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

70055. 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

70060. The board of supervisors shall be ex officio the governing body of the district. The chairman of the board of supervisors shall be the chairman of the board of directors of the district. The county auditor shall be ex officio auditor of the district, the county tax collector-treasurer shall be ex officio tax collector-treasurer of the district and the county clerk shall be the ex officio clerk of the district.

Article 2. Powers and Duties of Directors

70070. The chairman is the presiding officer of the board and he shall vote on the propositions passed upon by the board.

70071. The first meeting of the board shall be held within 10 days after the board of supervisors certifies the results of the election to the Secretary of State pursuant to Section 70050. The board may make its own rules of procedure and determine the place and time of its meeting.

70072. The board shall select one of its members vice chairman, who shall preside in the absence of its chairman. The board shall provide for and select such officers as it deems necessary to conduct the affairs of the district.

70073. All matters and things necessary for the proper administration of the affairs of the district which are not provided for in this part shall be provided for by the board.

70074. 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.

70075. The board may either operate the transit system itself or a part thereof or it may contract with any other public or private agency or corporation to operate all or part of the transit system for the district or it may contract with any other public or private agency or corporation for the improvement in transit services, facilities, equipment or opera-

tions being operated and conducted by said agency or corporation in, and, or, out of, the district

70076. Marin County Ordinance 617 (Merit System Ordinance) as amended or hereafter amended shall be applicable to all personnel of the district, except to the extent the provisions of such ordinance are in conflict with the provisions of Chapter 4 (commencing with Section 70120) of this part.

70077. 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

70078. The auditor shall provide the board with an annual audit of all books and accounts of the district.

70079. Payment of demands against the district and disbursement of district funds shall be in the manner provided for demands against a county and disbursements of funds of a county.

Article 3. Meetings and Legislation

70085. All meetings of the board shall be conducted in a manner prescribed by the Ralph M Brown Act, Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code.

70086. A majority of the board constitutes a quorum for the transaction of business.

70087. The board shall establish rules for its proceedings and board members shall be allowed necessary traveling and personal expenses incurred in performance of duties authorized by the board.

70088. The acts of the board shall be expressed by motion, resolution or ordinance. No ordinance, resolution or motion shall have any validity or effect unless passed by the affirmative votes of a majority of the directors. District ordinances shall be adopted in the same manner as provided for adoption of ordinances by a county.

70089. The enacting clause of all ordinances shall be as follows: "Be it ordained by the board of directors of the Marin County Transit District." All ordinances shall be signed by the chairman or vice chairman of the board and attested by the clerk.

Article 4 Other Officers

70095. The board may 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.

CHAPTER 4. LABOR PROVISIONS

70120. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. It is declared to be in the public interest that the district shall not express any preference for one union over another. Notwithstanding any other provision of this part, whenever a majority of the employees employed by the district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the district, upon determining as provided in Section 70122 that such labor organization represents the employees in the appropriate unit, shall enter into a written contract with the accredited representative of such employees governing wages, salaries, hours and working conditions. In case of a dispute over wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the district and the labor organization, upon the request of either, the district 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 district, 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 district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated as the arbitrator. The labor organization and the district 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.

In the event the board and the representatives of the employees do not agree to submit said dispute to an arbitration board as herein provided, the State Conciliation Service may be notified by either party that a dispute exists and that there is no agreement to arbitrate. Said service shall determine whether or not the dispute may be resolved by the parties and, if not, the issues concerning which the dispute exists; upon such determination the service shall certify its findings to the Governor of the State of California who shall, within 10 days of receipt of certification appoint a fact finding commission consisting of three persons which shall immediately convene and inquire into and investigate the issues involved in the

dispute. Said commission shall report to the Governor within 30 days of the date of its creation.

After the creation of such commission and for 30 days after such commission has made its report to the Governor, no change, except by mutual agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose and service to the public shall be provided.

70121. 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 district shall not discriminate in regard to employment against any person because of his race, creed, or color.

70122. 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 appropriate for the purposes of collective bargaining. In making such determination and in establishing rules and regulations governing petitions, the conduct of hearings and elections, the State Conciliation Service shall be guided by relevant federal law and administrative practice, 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 or the expiration of any collective bargaining agreement, whichever is later; provided, that no collective bargaining agreement shall be construed to be a bar to representation proceedings for a period of more than two years.

70123. Whenever the district acquires existing facilities from a publicly or privately owned public utility, either in proceedings by eminent domain or otherwise, the district 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 district without examination, subject to all the rights and benefits of this part, 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 employee of any acquired public utility shall suffer any worsening of his wages, seniority, pension, vacation or other benefits by reason of the acquisition.

The district may extend the benefits of this section to officers or supervisory employees of the acquired utility.

70124. The district shall not acquire any existing system or part thereof whether by purchase, lease, condemnation, or otherwise, nor shall the district dispose of or lease any transit system or part thereof, nor merge, consolidate or coordinate any transit system or part thereof, or reduce or limit the lines or service of any existing system or of its system, or terminate any lease arrangement or management contract, unless it shall first have made adequate provision for any employees who are or may be displaced. The terms and conditions of such provision shall be a proper subject of collective bargaining.

70125. Notwithstanding the provisions of the Government Code, employees of this district may authorize and, upon such authorization, the district 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.

70126. The obligation of the district 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 district to bargain collectively shall extend to all subjects of collective bargaining which are or may be proper subjects of collective bargaining with a private employer, including retroactive provisions. Notwithstanding the provisions of the Government Code or other laws or statutes, the district 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.

70127. The district may provide for a retirement system; provided, that the adoption, terms and conditions of any retirement system covering employees of the district represented by a labor organization in accordance with this section shall be pursuant to a collective bargaining agreement between such labor organization and the district.

70128. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under Title II of the Federal Social Security Act, as amended, and the related provisions of the Federal Insurance Contributions Act, as amended.

70129. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under the Workmen's Compensation, Unemployment Compensation Disability and Unemployment Insurance Laws of the State of California.

CHAPTER 5. RETIREMENT SYSTEM

70130. The Marin County Employees Retirement System and the laws relating thereto or as hereafter amended shall be applicable to the officers and employees of the district, except as otherwise provided in Chapter 4 (commencing with Section 70120) of this part.

CHAPTER 6. POWERS AND FUNCTIONS OF DISTRICT

Article 1. Corporate Power

70160. The district has perpetual succession and may adopt a seal and alter it at pleasure.

70161. 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.

70162. The district shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property within the boundaries of the district for public use. The district may take any property necessary or convenient to the exercise of the powers granted in this part whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right, the district has all the rights, powers and privileges of a county and all rights, powers and privileges conferred in this part. The district shall proceed in the name of the district in condemnation proceedings. The district in exercising such power shall, in addition to the damage for the taking, injury or destruction of property, also pay the cost of removal, reconstruction or relocation of any structure, railway, mains, pipes, conduits, cables or poles of

any public utility which is required to be moved to a new location. Notwithstanding any other provision of this part or any other law, no property in public use shall be taken by the district except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

Article 2. Contracts

70165. The district may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers granted in this part.

70166. No officer or employee 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 contrary to the provisions of Article 4 (commencing with Section 1090), Chapter 1, Division 4, Title 1 of the Government Code.

Article 3. Purchases

70170. The purchase of all supplies, equipment and materials, and construction of facilities and works, shall be done in the same manner, procedure and subject to the same limitations applicable to the County of Marin by state law and by county ordinance, and as the same may hereafter be amended.

Article 4. Property

70175. 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.

70176. Exercise of the powers provided under Section 70175 shall be undertaken in the same manner and pursuant to the same procedures as in the exercise of like powers by the County of Marin, except as may otherwise be expressly provided in this part.

Article 5. Transit Facilities and Service

70180. The district may acquire, construct, own, operate, control or use rights-of-way, rail lines, buslines, stations, plat-

forms, 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 or vehicles thereto and may acquire any interest in or rights to the joint use of any or all of the foregoing; provided that·

(a) Installations in state freeways shall be subject to the approval of the State Department of Public Works and installations in other state highways shall be subject to Article 2 (commencing with Section 670), Chapter 3, Division 1 of the Streets and Highways Code.

(b) Installations in city streets, parks, or other property devoted to municipal use, shall be subject to the approval of the city council having jurisdiction thereof.

The district may acquire, contract and negotiate for the services of any and all employees of any public or private agency or corporation operating transit facilities within the district.

70181. 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 cooperation with and accept cooperation 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.

70183. 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.

70184. 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, and to install adequate bus stops, including the painting of curbs, subject to the governing body in charge of such streets, highways, stream, watercourse or lands.

70185. 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.

70186. The rates and charges for service furnished pursuant to this part shall be fixed by the board and shall be reasonable.

70187. The district shall be subject to the provisions of Division 14.8 (commencing with Section 34500) of the Vehicle Code with respect to the operation of buses and to the rules and regulations prescribed by the Department of the California Highway Patrol pursuant to that chapter regulating the safe operation of buses.

Article 6. Indebtedness

70200. The district shall have the power to obtain temporary transfers of funds in accordance with the last paragraph of Section 31, Article IV of the State Constitution.

70201. The district may accept, without limitation by any other provisions of this part requiring approval of indebtedness, contributions or loans from the United States, this State, or any department, instrumentality, or agency of either thereof, for the purpose of financing the acquisition, construction, maintenance, and operation of transit facilities, and may enter into contracts and cooperate with, and accept cooperation from, the United States, this State, or any department, instrumentality, or agency of either thereof, in the acquisition, construction, maintenance, and operation, and in financing the acquisition, construction, maintenance, and operation of any such transit facilities in accordance with any legislation which Congress or the Legislature of the State of California may have heretofore adopted or may hereafter adopt, under which aid, assistance, and cooperation may be furnished by the United States or this State in the acquisition, construction, maintenance, and operation or in financing the acquisition, construction, maintenance and operation of any such transit facilities. The district may do any and all things necessary in order to avail itself of such aid, assistance, and cooperation under any federal or state legislation now or hereafter enacted. Any evidence of indebtedness issued under this section shall constitute a negotiable instrument.

Article 7. Taxation

70210. The district may levy, and collect or cause to be collected, taxes for any lawful purpose subject to a maximum limit of five cents ($0.05) per one hundred dollars ($100) of assessed valuation within the district.

70211. If, in the opinion of the board, the transit operation 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.

70212 The board shall, as part of the general tax levy as set forth in Section 70210, 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.

70213 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.

70214. 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.

70215. 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 70214 as equalized.

70216. The board shall on or before the first day of September fix the rate of taxes, designating the number of cents upon each one hundred dollars ($100) using as a basis the value of property transmitted to the board by the county auditor, 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.

70217. 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.

70218. 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.

70219. 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.

70220. All taxes levied under this part 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 part so far as applicable.

CHAPTER 7. BONDS

Article 1. Issuance

70225. 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. The total amount of bonds issued and outstanding shall not exceed twenty percent (20%) of the assessed value of the taxable property of the district as shown by the last equalized assessment roll of the County of Marin.

70226. 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.

70231. 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.

70232. Propositions for incurring indebtedness for more than one object or purpose may be submitted at the same election.

70233. 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.

70234. The ordinance shall be published, and no other notice of election need be given.

70235. The board shall comply with the provisions of Article 3 (commencing with Section 3780) 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.

70236. The votes of sixty percent (60%) of all voters voting on the proposition at the election are required to authorize the issuance of bonds under this chapter.

70237. 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 at the last general statewide election 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

70240. 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.

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.

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.

70241. The bonds shall be issued in such denominations as the board determines, except that no bonds shall be issued of a denomination less than one thousand dollars ($1,000) and shall be payable on the day and at the place or places fixed in the bond, and with interest at the rate specified therein, payable semiannually.

70242. 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.

70243. The bonds shall be signed by the chairman 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 auditor. The coupons of the bonds shall be numbered consecutively and be signed by the treasurer. All signatures and countersignatures, except one of the 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

70245. 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.

70246. 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 such 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.

Article 4. Status as Investments

70260. 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.

70261. 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 5. Validation

70263. 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.

Article 6. Revenue Bonds

70265. As an alternative procedure for the raising of funds, the district may 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 (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 the district.

70266. The district 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" 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 the district 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 the 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

70270. Territory within Marin County may be annexed to the district in the manner provided in this chapter.

70271. Whenever the board finds and determines that additional territory will be benefited by annexation to the district, it shall pass a resolution to that effect

70272. The resolution shall be passed by a vote of two-thirds of the members of the board.

70273. The resolution shall:

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

(b) Designate the proposed annexation by an appropriate name.

(c) Declare that the area to be annexed to the district will be benefited by such annexation.

(d) Name the time and place for the hearing of objections by any person interested in the proposed annexation.

70274. The resolution, together with the names of the members of the board, voting for and against it shall be published pursuant to Section 6066 of the Government Code in a newspaper published in the territory proposed to be annexed, or if there is no such paper, then in some newspaper of general circulation, circulated in such territory.

70275. On the day fixed for hearing or any day to which the hearing is adjourned, the board shall hear and consider any objections presented to the annexation of the territory. After the hearing of objections, if it shall be determined by a

vote of two-thirds of all the members of the board that the territory proposed to be annexed will be benefited by such annexation, the board shall proceed to fix and determine the boundaries of the territory to be annexed to the district, provided, however, that if there is filed with the clerk of the board prior to the close of said hearing, written protests against said annexation signed by fifty percent (50%) or more of the registered voters within the area proposed to be annexed, then said annexation proceedings shall be terminated by board action and the board shall not within six months after said termination adopt a resolution pursuant to Section 70271 applicable to the same or substantially the same area involved in the prior terminated proceeding.

70276. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of the members, the board shall order the annexation of the territory so described. The resolution, together with the names of the members of the board voting for and against the same shall be spread upon the minutes of the board.

70277. Whenever any territory is annexed to the district it shall thereupon become a part of the district subject to all the liabilities and entitled to all the benefits of the district.

CHAPTER 9. DISSOLUTION

80000. The board may call an election 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 clerk of the district of a petition signed by voters within the district equal in number to at least twenty-five percent (25%) of the total vote cast within the district at the last general statewide election asking that the question of dissolution of the district be submitted to the voters of the district, the board shall call such an election.

80001. 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.

80002. 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.

80003. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition the following:

Shall the Marin County Transit District be dissolved?	YES	
	NO	

80004. The board shall canvass the vote. If a majority of the votes favor dissolution, the board shall by resolution dissolve the district.

80005. The board shall file a certified copy of the resolution with the Secretary of State and for record in the office of the county recorder.

80006. Upon dissolution the right, title, and interest to property owned or controlled by the district situated within the limits of any city vests absolutely in the city. If such property is situated outside the limits of a city, it vests in the county in which it is situated.

80007. The board of supervisors is, ex officio, the governing body of the dissolved district. It may levy taxes and assessments and perform other acts necessary to wind up the district affairs and to raise money for the payment of outstanding indebtedness.

CHAPTER 10. CONSOLIDATION WITH OTHER DISTRICTS

80010. The district may be consolidated with any other transit district organized and operating pursuant to Part 2 (commencing with Section 28500) of this division, in the manner provided in this chapter.

80011. Whenever the board finds and determines that:

(a) Another transit district is willing to annex the territory comprising the district;

(b) The annexing district has adequate facilities for and is able to supply transit service to the district in a manner equal to or superior to that presently rendered by the district;

(c) Annexation will not result in assumption of financial obligations by the taxpayers of district disproportionate to the services which they will receive; the board shall thereafter negotiate an agreement with the annexing district specifying the terms and conditions of annexation and such other matters as are necessary and incidental thereto.

80012. The board shall thereafter, by resolution setting forth the terms and conditions of the proposed contract at length, declare its intention to cause the agreement to be approved and effect consolidation of district with such other transit district.

80013. The resolution, together with a notice fixing the time and place for hearing thereon, shall be published once in a newspaper of general circulation published in the district. The time fixed for hearing shall not be less than 30 nor more than 60 days from the date of publication of such notice.

80014. At the hearing any interested person may file with the board written objections to the approval of the terms and conditions of the proposed contract or the consolidation, or both the proposed contract and the consolidation.

80015. Upon the hearing, the board shall determine whether or not the terms and conditions of the contract will

be approved and the consolidation effected, and shall hear and determine all objections thereto.

80016. Any hearing on the agreement and consolidation 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.

80017. If no protests are filed, or if the protests filed are overruled and denied by the board, the board shall thereupon by resolution finally approve the terms and conditions of the agreement and proceed with the consolidation.

80018. Thereafter such consolidation shall be effected by such other district in the manner provided for annexation of counties in Chapter 9 (commencing with Section 29500), Part 2 of this division.

80019. Upon the completion of such consolidation procedure, the Marin County Transit District shall be deemed to be dissolved. Thereafter, all property and assets of district which are not subject to the negotiated contract pertaining to consolidation shall be distributed to the County of Marin.

CHAPTER 93

An act to amend Sections 17048, 17171, 18401, 18402, 18405, and 18410 6 of the Revenue and Taxation Code, relating to the payment of personal income taxes.

[Approved by Governor May 19, 1964 Filed with Secretary of State May 19, 1964]

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

SECTION 1. Section 17048 of the Revenue and Taxation Code is amended to read:

17048. (a) In lieu of the tax imposed under Section 17041 of this part, there shall be levied, collected and paid for each taxable year upon the taxable income of each individual whose adjusted gross income is less than ten thousand dollars ($10,000), and who has elected to pay the tax imposed by this section for such year, the tax shown in the following table:

If the adjusted gross income is at least—	But less than—	The tax shall be— (1) Single person (not head of household), and (2) married person making separate return	Head of household (unmarried person)	Joint return of married person
$0	$2,100	$0	$0	$0
2,100	2,200	1.50	0	0
2,200	2,300	2.50	0	0
2,300	2,400	3.50	0	0

If the adjusted gross income is at least—	But less than—	The tax shall be— (1) Single person (not head of household), and (2) married person making separate return	Head of household (unmarried person)	Joint return of married person
2,400	2,500	4.50	0	0
2,500	2,600	5 50	0	0
2,600	2,700	6.50	0	0
2,700	2,800	7.50	0	0
2,800	2,900	8.50	0	0
2,900	3,000	9.50	0	0
3,000	3,100	10.50	0	0
3,100	3,200	11.50	0	0
3,200	3,300	12.50	0	0
3,300	3,400	13 50	0	0
3,400	3,500	14.50	0	0
3,500	3,600	15 50	0	0
3,600	3,700	16 50	0	0
3,700	3,800	17 50	0	0
3,800	3,900	18 50	0	0
3,900	4,000	19.50	0	0
4,000	4,100	20.50	0	0
4,100	4,200	21.50	1.50	1.50
4,200	4,300	22.50	2.50	2.50
4,300	4,400	23.50	3.50	3.50
4,400	4,500	24.50	4.50	4.50
4,500	4,600	26.00	5.50	5.50
4,600	4,700	28.00	6.50	6.50
4,700	4,800	30.00	7.50	7.50
4,800	4,900	32.00	8.50	8.50
4,900	5,000	34.00	9.50	9.50
5,000	5,100	36.00	10.50	10.50
5,100	5,200	38.00	11.50	11.50
5,200	5,300	40 00	12.50	12.50
5,300	5,400	42 00	13.50	13 50
5,400	5,500	44.00	14.50	14.50
5,500	5,600	46.00	15.50	15.50
5,600	5,700	48.00	16.50	16.50
5,700	5,800	50 00	17.50	17.50
5,800	5,900	52.00	18 50	18.50
5,900	6,000	54 00	19 50	19.50
6,000	6,100	56.00	20.50	20 50
6,100	6,200	58.00	21.50	21.50
6,200	6,300	60.00	22.50	22.50
6,300	6,400	62.00	23 50	23.50
6,400	6,500	64 00	24.50	24 50
6,500	6,600	66.00	26.00	25.50
6,600	6,700	68.00	28.00	26.50
6,700	6,800	70.00	30.00	27.50
6,800	6,900	72 00	32.00	28.50

If the adjusted gross income is at least—	But less than—	The tax shall be— (1) Single person (not head of household), and (2) married person making separate return	Head of household (unmarried person)	Joint return of married person
6,900	7,000	74 00	34.00	29.50
7,000	7,100	76.50	36.00	30.50
7,100	7,200	79.50	38.00	31.50
7,200	7,300	82.50	40.00	32.50
7,300	7,400	85.50	42.00	33.50
7,400	7,500	88.50	44.00	34.50
7,500	7,600	91.50	46.00	35.50
7,600	7,700	94.50	48.00	36.50
7,700	7,800	97.50	50 00	37.50
7,800	7,900	100.50	52.00	38.50
7,900	8,000	103 50	54.00	39.50
8,000	8,100	106.50	56.00	40.50
8,100	8,200	109.50	58.00	41.50
8,200	8,300	112.50	60.00	42.50
8,300	8,400	115.50	62.00	43.50
8,400	8,500	118.50	64.00	44.50
8,500	8,600	121.50	66.00	45.50
8,600	8,700	124.50	68.00	46 50
8,700	8,800	127.50	70.00	47.50
8,800	8,900	130.50	72.00	48.50
8,900	9,000	133.50	74.00	49.50
9,000	9,100	136.50	76.50	51.00
9,100	9,200	139.50	79.50	53 00
9,200	9,300	142.50	82.50	55.00
9,300	9,400	145.50	85.50	57.00
9,400	9,500	148.50	88.50	59.00
9,500	9,600	152.00	91.50	61.00
9,600	9,700	156.00	94.50	63.00
9,700	9,800	160.00	97 50	65.00
9,800	9,900	164.00	100.50	67.00
9,900	10,000	168.00	103.50	69.00

In applying the above schedule to determine the tax of a taxpayer with one or more dependents, there shall be subtracted from his adjusted gross income six hundred dollars ($600) for each such dependent.

(b) For the purpose of this section—

(1) "Married person" means a married person on the last day of the taxable year unless his spouse dies during the taxable year, in which case such determination shall be made as of the date of the spouse's death.

(2) "Dependent" means a person who is a dependent under Section 17182.

(3) An individual not a head of a household or a married person shall be treated as a single person.

SEC. 2. Section 17171 of said code is amended to read:

17171. (a) A taxpayer, at his election, may take a standard deduction as follows:

(1) In the case of a taxpayer, other than a head of a household or a married couple filing a joint return, the standard deduction shall be five hundred dollars ($500);

(2) In the case of a head of household or a married couple filing a joint return, the standard deduction shall be one thousand dollars ($1,000);

(3) If the adjusted gross income (for purposes of Section 17048) of a taxpayer is not more than ten thousand dollars ($10,000), the standard deduction shall be determined under the tax table provided in Section 17048.

(b) The standard deduction provided for in subsection (a) shall be in lieu of all deductions other than those which under Section 17072 are to be subtracted from gross income in computing adjusted gross income.

SEC. 3. Section 18401 of said code is amended to read:

18401. Every individual taxable under this part shall make a return to the Franchise Tax Board, stating specifically the items of his gross income and the deductions and credits allowed by this part, if he has for the taxable year—

(a) An adjusted gross income of over two thousand dollars ($2,000), if single;

(b) An adjusted gross income of over four thousand dollars ($4,000), if married; or

(c) A gross income of over five thousand dollars ($5,000), regardless of the amount of adjusted gross income.

SEC. 4. Section 18402 of said code is amended to read:

18402. If a husband and wife have for the taxable year an aggregate adjusted gross income of over four thousand dollars ($4,000), or an aggregate gross income of over five thousand dollars ($5,000)—

(a) Each shall make such a return, or

(b) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income, as provided in Section 17045. No joint return shall be made if husband and wife have different taxable years; except that if such taxable years begin on the same day and end on different days because of the death of either or of both, then the joint return may be made with respect to the taxable year of each. The above exception shall not apply if the surviving spouse remarries before the close of his taxable year, nor if the taxable year of either spouse is a fractional part of a year under Section 17553.

(c) In the case of the death of one spouse or both spouses the joint return with respect to the decedent may be made only by his executor or administrator; except that in the case of the death of one spouse the joint return may be made by the surviving spouse with respect to both himself and the decedent if (1) no return for the taxable year has been made by the decedent, (2) no executor or administrator has been appointed,

and (3) no executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse. If an executor or administrator of the decedent is appointed after the making of the joint return by the surviving spouse, the executor or administrator may disaffirm such joint return by making, within one year after the last day prescribed by law for filing the return of the surviving spouse, a separate return for the taxable year of the decedent with respect to which the joint return was made, in which case the return made by the survivor shall constitute his separate return.

SEC. 5. Section 18405 of said code is amended to read:

18405. Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make a return, which shall contain or be verified by a written declaration that it is made under the penalties of perjury, for any of the following taxpayers for whom he acts, stating specifically the items of gross income of the taxpayer and the deductions and credits allowed under this part:

(a) Every individual having an adjusted gross income for the taxable year of over two thousand dollars ($2,000), if single.

(b) Every individual having an adjusted gross income for the taxable year of over four thousand dollars ($4.000), if married

(c) Every individual having a gross income for the taxable year of over five thousand dollars ($5,000), regardless of the amount of his net income.

(d) Every estate the net income of which for the taxable year is over one thousand dollars ($1,000).

(e) Every trust the net income of which for the taxable year is over one hundred dollars ($100).

(f) Every estate or trust the gross income of which for the taxable year is over five thousand dollars ($5,000), regardless of the amount of the net income.

(g) Every decedent, for the year in which death occurred, and for prior years, if returns for such years should have been filed but have not been filed by the decedent, under such rules and regulations as the Franchise Tax Board may prescribe.

SEC. 6 Section 18410 6 of said code is amended to read:

18410.6. For the purposes of Sections 18586 to 18589, inclusive (relating to period of limitations upon assessment and collection), and for the purposes of Section 18681 (relating to delinquent returns), a joint return made under Section 18410 shall be deemed to have been filed:

(a) Where both spouses filed separate returns prior to making the joint return, on the date the last separate return was filed (but not earlier that the last date prescribed by this part for filing the return of either spouse).

(b) Where one spouse filed a separate return prior to the making of the joint return, and the other spouse had two thou-

sand dollars ($2,000) or less of adjusted gross income and five thousand dollars ($5,000) or less of gross income for such taxable year, on the date of the filing of such separate return (but not earlier than the last date prescribed by law for the filing of such separate return).

(c) Where only one spouse filed a separate return prior to the making of a joint return and the other spouse had an adjusted gross income of more than two thousand dollars ($2,000) or a gross income of more than five thousand dollars ($5,000) for such taxable year, on the date of the filing of such joint return.

CHAPTER 94

An act to add Chapter 6 (commencing with Section 22750) to Division 16.5 of the Education Code, relating to federal aid for higher education.

[Approved by Governor May 19, 1964. Filed with Secretary of State May 19, 1964.]

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

SECTION 1. Chapter 6 (commencing with Section 22750) is added to Division 16.5 of the Education Code, to read:

CHAPTER 6. FEDERAL ASSISTANCE FOR HIGHER EDUCATION

22750. The people of the State of California accept the provisions of, and each of the funds provided by, the act of Congress entitled "An act to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities in undergraduate and graduate institutions," approved December 16, 1963.

22751. In accepting the benefits of the act of Congress, the people of the State agree to comply with all of the provisions and to observe all of its requirements.

22752. The Coordinating Council for Higher Education is designated as the state educational agency to carry out the purposes and the provisions of the act of Congress. The Coordinating Council for Higher Education is hereby vested with authority to prepare and submit to the United States Commissioner of Education any state plan required by said act of Congress, to prepare and submit amendments to such state plans, and to administer such state plans or amendments thereto, in accordance with said act of Congress and any rules and regulations adopted thereunder. Any such state plan or amendment thereto prepared by the Coordinating Council for Higher Education shall be subject to the approval of the Department of Finance. The Coordinating Council for Higher Education is hereby vested with all necessary power and authority to coop-

erate with the government of the United States, or any agency or agencies thereof in the administration of the act of Congress and the rules and regulations adopted thereunder.

22753. The Trustees of the California State Colleges on behalf of any state college, the Regents of the University of California on behalf of the university, the Board of Governors of the State Nautical School on behalf of the State Nautical School, and the State Department of Education on behalf of any junior college maintained by a school district is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to expend, or in the case of the State Department of Education, to allocate, the funds provided by said act of Congress and with all necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof, and with the Coordinating Council for Higher Education for the purpose of receiving the benefits and expending the funds provided by said act of Congress, in accordance with said act, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the Coordinating Council for Higher Education adopted in accordance with said act of Congress. Whenever necessary to secure the full benefits of said act of Congress for loans or grants for academic facilities, such trustees, board of governors, or governing board may give such security as may be required and may comply with such conditions as may be imposed by the federal government.

22754. 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 the federal act and he is authorized to receive and provide for the custody of all moneys so received.

22755. The funds received by the State under the provisions of the federal act shall be paid out by the State Treasurer on warrants drawn by the Controller and requisitioned by the Coordinating Council for Higher Education in carrying out the purposes of the federal act.

CHAPTER 95

An act to amend Section 1704 of the Education Code and to amend Section 54902 of the Government Code, relating to financial support of reorganized school districts.

[Approved by Governor May 19, 1964 Filed with Secretary of State May 19, 1964.]

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

SECTION 1. Section 1704 of the Education Code is amended to read:

1704. Except as provided in Section 1705 any action to organize or reorganize a district shall be effective for all purposes on the date set forth below, whichever is applicable:

(a) Any such action completed on or before January 1 of any school year shall be effective on the next succeeding July 1.

(b) Any such action completed after January 1 of any school year shall become effective on the second succeeding July 1.

SEC. 2. Section 54902 of the Government Code is amended to read:

54902. On or before January 1st of the year in which the assessments or taxes are to be levied, the statement and map or plat shall be filed with each assessor whose roll is used for the levy and with the State Board of Equalization.

CHAPTER 96

An act to amend Section 69582 of the Government Code, relating to superior courts.

[Approved by Governor May 19, 1964 Filed with Secretary of State May 19, 1964.]

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

SECTION 1. Section 69582 of the Government Code is amended to read:

69582. In the County of Contra Costa there shall be eight judges of the superior court.

CHAPTER 97

An act relating to the change of boundaries of municipal water districts, and in this connection repealing Sections 72152 and 72190.1 of the Water Code, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1964. Filed with Secretary of State May 19, 1964.]

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

SECTION 1. Section 72152 of the Water Code is repealed.

SEC. 2. Section 72190.1 of said code is repealed.

SEC. 3. No election shall be called by the Board of Directors of the San Bernardino Valley Municipal Water District pursuant to a petition filed heretofore under Section 72190.1 of the Water Code seeking the exclusion of the territory within the City of San Bernardino from the San Bernardino Valley Municipal Water District, and no further proceedings shall be taken by the board pursuant to such petition.

The Legislature finds and declares that the provisions of this section constitute a special act in a case where a general law cannot be made applicable. The voters of the City of San Bernardino petitioned to have the area of the city excluded from the San Bernardino Valley Municipal Water District in contemplation of becoming annexed to The Metropolitan Water District of Southern California as a means of securing an additional water supply at the earliest possible date. However, on April 28, 1964, the voters of the City of San Bernardino voted not to become a part of The Metropolitan Water District of Southern California. The need to be excluded from the San Bernardino Valley Municipal Water District thus no longer exists and it is necessary to call off the election otherwise required under Section 72190.1 of the Water Code in order to save the people of the City of San Bernardino the expense of a second election which would serve no purpose.

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

In order to save the people of the City of San Bernardino the expense of conducting a needless election, it is necessary that this act take effect immediately to call off the election which would otherwise be required by law.

CHAPTER 98

An act creating the San Francisco Bay Conservation Study Commission, prescribing the membership and the powers and duties of the commission, and making an appropriation therefor.

[Approved by Governor May 19, 1964. Filed with Secretary of State May 20, 1964.]

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

Article 1. Declaration of Policy

SECTION 1. The Legislature hereby finds and declares that it is imperative to define the public interest in San Francisco Bay and that it be determined what effects the further filling of San Francisco Bay will have upon navigation, fish and wildlife, air and water pollution, and all of the regional needs of the future population of the Bay region. The Legislature, therefore, declares that it is in the best interests of the people of the State, and particularly the people of the San Francisco Bay area, that a San Francisco Bay Conservation Study Commission be created to study these matters and report thereon to the Legislature.

The Legislature further declares, however, that the functions of the San Francisco Bay Conservation Study Commission are of an advisory nature and shall not be construed so as to abrogate or supersede the functions of the Legislature or of the duly constituted planning agencies of local government.

Article 2. Definition of San Francisco Bay

SEC. 11. For the purposes of this act, the San Francisco Bay includes the water areas from the south end of the bay to the Sacramento River line (Simmons Point-Stake Point in Suisun Bay) and, specifically, the marshlands (land lying between mean high tide and five feet above mean sea level); tidelands (land lying between mean high tide and mean low tide); and submerged lands (land lying below mean low tide), but excluding from the marshlands, tidelands and submerged lands those lands which are not subject to tidal action.

The definition of San Francisco Bay which is made by this section is merely for the purpose of prescribing the authority of the commission which is created by this act. This definition shall not be construed to affect title to any land or to prescribe the boundaries of the San Francisco Bay for any purpose except the authority of the commission created by this act.

Article 3. San Francisco Bay Conservation Study Commission

SEC. 21. The San Francisco Bay Conservation Study Commission is hereby created. The commission shall consist of nine members appointed as follows:

(a) Two members of the public appointed by the Senate Rules Committee.

(b) Two members of the public appointed by the Speaker of the Assembly.

(c) Three members of the public appointed by the Governor. The Governor shall appoint members who reside in the Bay area and who will be objective in their approach to the task assigned to the commission.

(d) One Member of the Assembly appointed by the Speaker of the Assembly and one Member of the Senate appointed by the Senate Rules Committee.

The Members of the Legislature appointed to the commission shall participate in the activities of the commission to the extent that such participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this act, such Members of the Legislature shall constitute a joint interim investigating committee on the subject of this act and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

SEC. 22. The members of the commission shall serve without compensation but each of the members shall be reimbursed for his necessary expenses incurred in the performance of his duties.

SEC. 23. The Governor shall select from among the members of the commission a chairman and a vice chairman.

SEC. 24. The time and place of the first meeting of the commission shall be prescribed by the Governor, but, in no event, shall it be scheduled for a date later than 10 days after the effective date of this act.

Article 4. Powers and Duties of the Commission

SEC. 31. The commission shall undertake a study designed to ascertain the public interest in San Francisco Bay, and shall report thereon to the Legislature not later than the fifth legislative day of the 1965 Regular Session, together with recommended legislation defining the public interest in San Francisco Bay and recommended legislation for protecting such public interest.

SEC. 32. The commission shall also undertake a study of the effects which the further filling of San Francisco Bay will have upon navigation, fish and wildlife, air and water pollution, and all of the regional needs of the future population of the bay region, and shall report thereon to the Legislature

not later than the fifth legislative day of the 1965 Regular Session of the Legislature.

It is the express intention of the Legislature that this commission and every aspect of it shall expire as of the date on which the last report, as required in Sections 31 and 32, is submitted to the Legislature.

SEC. 33. 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 administer oaths.

(d) To employ, pursuant to laws and regulations governing state civil service, a secretary and such clerical, legal, and technical assistants as may appear necessary.

(e) To employ an executive secretary.

(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 cooperate with and to secure the cooperation of county, city, city and county, and other local agencies in investigating any matter within the scope of its duties and responsibilities.

(h) To cooperate with every department, agency, or instrumentality in the state government, including but not limited to, the Department of Fish and Game, the Division of Beaches and Parks, the Division of Small Craft Harbors, the State Water Pollution Control Board, the San Francisco Bay Regional Water Pollution Control Board, the State Lands Commission, and the Division of Highways; and to secure directly from every department, agency, or instrumentality full cooperation, access to its records, and access to any information, suggestions, estimates, data, and statistics it may have available.

(i) To cooperate with any other state or local agency which is engaged in making developmental studies in the bay and delta regions.

(j) To cooperate with the United States Army Corps of Engineers and the Department of the Interior.

(k) To authorize its agents and employees to absent themselves from the State where necessary for the performance of their duties.

(*l*) The commission may accept grants from the federal government or from other public or private agencies and use such funds for the purposes set forth in this chapter.

(m) 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.

SEC. 34. The Legislature recognizes the current efforts of the Association of Bay Area Governments in the field of re-

gional planning in the San Francisco Bay area, and the commission is requested to cooperate with the Association of Bay Area Governments in making its studies under this act so as to avoid duplication of efforts.

Article 5. Appropriation

SEC. 41. The sum of seventy-five thousand dollars ($75,000) is hereby appropriated from the General Fund to the San Francisco Bay Conservation Study Commission for expenditure by the commission in carrying out the duties which are imposed upon it by this act.

CHAPTER 99

An act relating to salary increases for state employees, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1964. Filed with Secretary of State May 20, 1964.]

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

SECTION 1. It is the intent of the Legislature in enacting this act to make it possible, subject to the availability of funds, for state salary-fixing authorities to make pay rate adjustments without excessive delay on or after July 1, 1964, in accordance with the provisions of Government Code Section 18850.

SEC. 2. Notwithstanding any provision in Item 35 of Section 2A of the Budget Act of 1963 as added by Chapter 8 of the 1963 First Extraordinary Session to the contrary, a salary-fixing authority need not certify that any classification proposed for salary increase is at least 5 percent below comparable salaries being paid in private business and public employment before an allocation by the Department of Finance may be made to such salary-fixing authority out of moneys appropriated by said Item 35 or any augmentation thereof.

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 maintain and attract people in state employment it is necessary that salaries be substantially the same as prevailing salaries for comparable positions in private business and public employment. Thus, it is necessary that this act take effect immediately.

CHAPTER 100

An act to amend Section 20751 of the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1964. Filed with Secretary of State May 20, 1964.]

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

SECTION 1. Section 20751 of the Education Code is amended to read:

20751. (1) Except as otherwise provided in this code, the maximum rate of school district tax which may be levied for all school purposes, exclusive of bond interest and redemption, for any school district in any school year on each one hundred dollars ($100) of assessed valuation within the district shall be as follows:

(a) Except as provided in subdivision (b) of this section, in any separate elementary school district the boundaries of which are not coterminous with those of a high school district, eighty cents ($0.80) for elementary school purposes, or ninety cents ($0.90) for combined kindergarten and elementary school purposes.

(b) In any separate elementary school district the boundaries of which are not coterminous with those of a high school district and whose current expenses of education for the 1963-64 fiscal year were less than twice the amount of the foundation program applicable to the district, one dollar and twenty-five cents ($1.25) for elementary school purposes, or one dollar and thirty-five cents ($1.35) for combined kindergarten and elementary school purposes.

(c) Except as provided in subdivision (d) of this section, in any separate high school district, the boundaries of which are not coterminous with those of an elementary school district or with those of a junior college district, seventy-five cents ($0.75) for high school purposes, or one dollar and twenty cents ($1.20) for combined high school and junior college purposes.

(d) In any separate high school district, the boundaries of which are not coterminous with those of an elementary school district or with those of a junior college district, and whose current expenses of education for the high school purposes for the 1963-64 fiscal year were less than twice the amount of the foundation program computed for high school purposes, eighty-five cents ($0.85) for high school purposes, or one dollar and twenty cents ($1.20) for combined high school and junior college purposes.

(e) In any separate junior college district, the boundaries of which are not coterminous with those of a high school district, thirty-five cents ($0.35) for junior college purposes.

(f) In any unified school district one dollar and fifty-five cents ($1.55) for combined elementary school and high school

purposes; or one dollar and sixty-five cents ($1.65) for combined kindergarten, elementary school, and high school purposes; or one dollar and ninety cents ($1.90) for combined elementary school, high school, and junior college purposes; or two dollars ($2) for combined kindergarten, elementary school, high school, and junior college purposes.

(g) Any unified school district whose current expenses of education per unit of average daily attendance for the 1963-64 fiscal year were less than six hundred dollars ($600), two dollars and ten cents ($2.10) for combined elementary school and high school purposes; two dollars and twenty cents ($2.20) for combined kindergarten, elementary school, and high school purposes; or two dollars and fifty-five cents ($2.55) for combined kindergarten, elementary school, high school, and junior college purposes.

(h) In any high school and junior college district the boundaries of which are coterminous and which are governed by the same governing board, one dollar and twenty cents ($1.20) for combined high school and junior college purposes.

(2) If the maximum tax rate of a school district in effect on the effective date of the amendment to this section adopted at the 1964 First Extraordinary Session of the Legislature is, because of an increase adopted by the district electors pursuant to Section 20803, more than the applicable rate prescribed in subdivision (1) of this section, the maximum tax rate of such district shall continue to be the maximum rate prescribed by this section prior to such 1964 amendment plus the amount of the increase over such rate adopted by the district electors pursuant to Section 20803 prior to the 1964 amendment to this section, for the period for which such increase was adopted by the voters If any such voted increase in effect on such effective date results in a maximum rate which is less than that prescribed in subdivision (1) of this section as so amended in 1964, the maximum rate of such district shall be that prescribed in subdivision (1) of this section as so amended. Nothing in this section shall be construed to prevent a change in the maximum tax rate of a school district subject to and in the manner prescribed by Section 20803.

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

In order to provide more adequate local tax support for school districts in the ensuing fiscal year, it is necessary that this act take effect immediately.

CHAPTER 101

An act to add Part 3.5 (commencing with Section 13890) to Division 3 of Title 2 of the Government Code, relating to the Office of Tourism and Visitor Services.

[Approved by Governor May 20, 1964. Filed with Secretary of State May 20, 1964.]

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

SECTION 1. Part 3.5 (commencing with Section 13890) is added to Division 3 of Title 2 of the Government Code, to read:

PART 3.5. OFFICE OF TOURISM AND VISITOR SERVICES

CHAPTER 1. GENERAL PROVISIONS

13890. As used in this part:

(a) "Office" means the Office of Tourism and Visitor Services.

(b) "Director" means the Director of the Office of Tourism and Visitor Services.

(c) "Commission" means the Tourism and Visitor Services Commission.

CHAPTER 2. ADMINISTRATION

13891. There is in the office of the Governor an Office of Tourism and Visitor Services. The office shall be administered by the director of the office, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and who shall hold office at the pleasure of the Governor.

13891.1. The director shall receive a salary as provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of this code.

13891.2. There is in the Office of Tourism and Visitor Services, a Tourism and Visitor Services Commission. The commission shall be composed of 15 members appointed by the Governor, by and with the advice and consent of the Senate, and who shall serve at the pleasure of the Governor. In appointing the members of the commission, the Governor shall endeavor to provide for representation of regional promotion organizations, hotel and motel owners and operators, recreation facilities operators and owners, carriers, and the general public. 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. The commission shall advise the director in carrying out his functions and duties under this chapter.

13891.3. All state departments and agencies shall cooperate with and assist the office in carrying out its functions and responsibilities under this chapter.

CHAPTER 3. POWERS AND DUTIES

13892. The office shall perform the following functions and activities:

(a) Conduct a research program to develop data on the numbers of visitors, expenditures by visitors, points of origin and destination, and other relevant matters pertaining to tourism and visitors.

(b) Consult with and assist regional promotion organizations in their development of material suitable for distribution to visitors and in their activities designed to encourage visitors to this State.

(c) Cooperate with the Division of Highways of the Department of Public Works in the development of a system of highway orientation signs designed to direct visitor attention to major public points of interest, recreational and other attractions in this State.

13892.1. The office is authorized to perform the following functions and responsibilities:

(a) Cooperate with private industry in supplying information concerning the State.

(b) Provide advice to regional organizations in the development of programs to attract visitors.

(c) Encourage the private development of facilities for tourists and other visitors in areas where research has established a need for the expansion of such facilities.

13892.2. The office shall prepare, develop, or coordinate the preparation of, literature, pamphlets, maps, or other material designed to encourage and promote the tourist industry of this State, including:

(a) The development of a map of California designed to meet the needs of the pleasure visitor.

(b) A basic piece of literature suitable for mass distribution by the office and by regional promotion organizations requesting such literature. Such literature shall provide information which will enable visitors to contact regional organizations in areas which they plan to visit. The literature shall not give any special advantage to any region of the State nor shall any advertising or promotional literature use photographs of, or statements by, any elective state officer.

(c) Material for distribution in other countries through the United States Travel Service.

13892.3. The office may use existing border stations at major ports of entry into California to serve as information centers and material distribution points. The stations shall be situated in such a manner that their use will be voluntary and will not obstruct the free flow of highway or other traffic. The

office shall endeavor to operate such stations in cooperation with regional promotion organizations

13892.4. The office shall assist and submit recommendations to other state departments and agencies in providing facilities and services which will promote and facilitate the travel of visitors throughout the State.

13892.5. The office shall submit annual reports of its activities to the Governor and the Legislature

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CHAPTER 102

An act to amend Sections 10222 and 10315 of the Elections Code, relating to the conduct of elections.

[Approved by Governor May 21, 1964. Filed with Secretary of State May 21, 1964.]

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

SECTION 1. Section 10222 of the Elections Code is amended to read:

10222. On each ballot a perforated line shall extend across the top of the ballot not less than one inch from the top of it. The same number as appears on the stub shall be printed above the perforated line within two inches of the perforated line on the left hand side of the ballot, and above this number shall be printed in parentheses, in small type, as follows: (This number shall be torn off by inspector and handed to the voter) One-half inch to the right of the ballot number there shall be a short perforated line extended from the perforated line along the top of the ballot to the top edge of the ballot. The words "I HAVE VOTED—HAVE YOU?" may also be printed immediately above or below the number.

SEC. 2. Section 10315 of said code is amended to read:

10315. On each ballot a perforated line shall extend across the top of the ballot one inch from its top. The same number as appears on the stub shall be printed above the perforated line within two inches of the perforated line on the left side of the ballot, and above this number shall be printed in parentheses in small type as follows: "(This number shall be torn off by inspector and handed to the voter)." The words "I HAVE VOTED—HAVE YOU?" may also be printed immediately above or below the number. One-half inch to the right of the ballot number there shall be a short perforated line extending from the perforated line along the top of the ballot to the top edge of the ballot Immediately above this perforated line shall be printed in blackface lower-case type, at least 12-point in size, and enclosed in parentheses, the following: "Fold ballot to this perforated line, leaving top margin exposed." Above this printed direction and midway between it and the top edge of the ballot shall be printed

in blackface capital type, at least 12-point in size, if possible, and with the four middle words underlined or otherwise made prominent, the following: "Mark crosses (+) on ballot only with rubber stamp; never with pen or pencil."

Below this direction and midway between it and the next line shall be printed in blackface capital type at least 12-point in size, enclosed in parentheses, and with the first two and the last five words underlined or otherwise made prominent, the following:

(ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL)

CHAPTER 103

An act to amend Section 5258 of, to repeal Sections 5253 and 5254 of, to add Section 5253 to, and to add Part 4 (commencing with Section 11500) to Division 2 of, the Financial Code, relating to regulation of savings and loan associations.

[Approved by Governor May 25, 1964. Filed with Secretary of State May 25, 1964.]

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

SECTION 1. Section 5253 of the Financial Code is repealed.

SEC. 2. Section 5253 is added to said code, to read:

5253. For the purposes of Article 2 (commencing with Section 11180) of Chapter 2, Part 1, Division 3, Title 2 of the Government Code, the commissioner shall be deemed to be a head of department and the Division of Savings and Loan shall be deemed to be a department.

SEC. 3. Section 5254 of said code is repealed.

SEC. 4. Section 5258 of said code is amended to read:

5258. Every order, decision, approval, certificate, license, permit, or the denial of any approval, certificate, license or permit, or other official act of the commissioner provided for in Articles 1 (commencing with Section 5500), 2 (commencing with Section 5550), and 4 (commencing with Section 5650) of Chapter 3, Chapter 5 (commencing with Section 6000), Sections 6450 to 6455, inclusive, Article 1 (commencing with Section 9200) of Chapter 18, and Part 4 (commencing with Section 11500) of this division is subject to judicial review in accordance with law. Except for review of proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code, an action or proceeding for judicical review pursuant to this section must be commenced within 60 days

after the issuance of such order, decision, approval, certificate, license or permit, or within 60 days after such denial, or other official act.

SEC. 5. Part 4 (commencing with Section 11500) is added to Division 2 of said code, to read:

PART 4. SAVINGS AND LOAN HOLDING COMPANIES

CHAPTER 1. DEFINITIONS

11500. "Savings and loan holding company" means (a) Any person or company which: (1) directly or indirectly owns, controls, or holds with power to vote, 10 percent or more of the outstanding guarantee stock of any domestic association, or 10 percent or more of the shares or proxies of shares of any domestic borrowers' mutual savings and loan association or federal savings and loan association located in California; (2) controls in any manner whether by the holding of proxies, or otherwise, the election of a majority of the directors of any domestic association, any borrowers' mutual savings and loan association or any federal savings association located in California; or (3) the commissioner determines, after reasonable notice and opportunity for hearing, directly or indirectly exercises, or has power to exercise, a controlling influence over the management and policies of any domestic association, any borrowers' mutual savings and loan association or any federal savings and loan association located in California; (b) Any company which controls in any manner any company which is or becomes a savings and loan holding company by virtue of this chapter.

11501. "Company" means any domestic or foreign corporation, voting trust, business trust, limited partnership, partnership fund, joint stock company, association, syndicate, organized group of persons, or similar organization or group, whether incorporated or not.

11502. "Subsidiary," with respect to a specified savings and loan holding company, means, (1) any company 10 percent or more of whose voting securities is directly or indirectly owned or controlled by such holding company, (2) any company the election of a majority of whose directors is controlled in any manner by such holding company, (3) any company 10 percent or more of whose voting securities are held by trustees or nominees for the benefit of the stockholders, shareholders or members of such holding company, or (4) any company 10 percent or more of the legal or beneficial ownership of which is directly or indirectly owned or controlled by such holding company.

11503. "Person" includes an individual.

Chapter 2. Registration

Article 1. Requirements

11550. Within 90 days after the effective date of this section or within 90 days after becoming a savings and loan holding company, whichever is later, each savings and loan holding company shall register with the commissioner on forms prescribed by him, under oath or otherwise, as he may require. These forms shall include information with respect to the financial condition, ownership, operations, management and intercompany relationships of the savings and loan holding company and its subsidiaries, and related matters, as the commissioner may deem necessary or appropriate to carry out the purposes of this part and this division. Upon application, the commissioner may, in his discretion, extend the time within which a savings and loan holding company shall register and file the requisite information.

11551. Accompanying the registration, each savings and loan holding company shall file with the commissioner on a form prescribed by him an irrevocable appointment of the Secretary of State of California as an agent for service of process upon such savings and loan holding company.

11552. An annual registration fee shall be paid to the commissioner by each holding company as follows:

(a) Two hundred fifty dollars ($250) as to any holding company which controls associations having total assets of up to fifty million dollars ($50,000,000)

(b) Five hundred dollars ($500) as to any holding company which controls associations having total assets of up to one hundred million dollars ($100,000,000).

(c) Seven hundred fifty dollars ($750) as to any holding company which controls associations having total assets of up to one hundred fifty million dollars ($150,000,000).

(d) One thousand dollars ($1,000) as to any holding company which controls associations having total assets of one hundred fifty million dollars ($150,000,000) or over.

Article 2. Registration Certificates

11575. When a savings and loan holding company has satisfied the requirements of Article 1 of this chapter, the commissioner shall issue such holding company a certificate of registration.

11576. A copy of each certificate of registration of a savings and loan holding company issued under this chapter shall be sent by the commissioner to each domestic association with respect to which such holding company has registered.

11577. No domestic association which is a subsidiary of any savings and loan holding company which does not have in effect a certificate of registration as required by this part or which holding company has failed to comply with an order

of a court made in respect to the provisions of this part, shall knowingly, without consent of the commissioner; (a) transfer or register stock on its books for or issue stock certificates to such holding company; (b) pay dividends with respect to stock of which such holding company is the record or beneficial owner; (c) make any other payments of any nature to such holding company; or (d) enter into any agreement, contract or transaction with such holding company.

CHAPTER 3 REPORTS AND EXAMINATIONS

11600. The commissioner may from time to time require, under oath or otherwise, reports from any savings and loan holding company and its subsidiaries in such form and as to such matters as the commissioner may deem necessary or appropriate, and which are relevant to the jurisdiction and responsibilities of the commissioner under this division.

11601. Each savings and loan holding company and its subsidiaries shall be subject to examination by the commissioner. The commissioner may use, for this purpose, his own examiners or independent public accountants who are disinterested persons. In lieu of making an examination, the commissioner may accept the examination of any holding company made by the Federal Home Loan Bank Board or the Federal Savings and Loan Insurance Corporation or any other agency of the federal government or of this State and may examine any such holding company in conjunction with these agencies.

CHAPTER 4. PENALTIES

11650 Any company which willfully violates any provision of this part, or any regulation or order thereunder issued by the commissioner, shall pay as a penalty a sum not to exceed one thousand dollars ($1,000) for each day during which the violation continues. The foregoing shall be in addition to any other applicable penalties or remedies. Said penalty is to be collected in a civil action to be instituted by the commissioner in the Superior Court of the State of California of appropriate jurisdiction.

SEC 6. 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 104

An act to provide for the creation of the West Bay Rapid Transit Authority and prescribing the powers and duties thereof; authorizing the authority to construct and operate an interurban rapid transit system; providing for the issuance and sale of bonds, and providing for the use of the proceeds thereof for the purposes of this act; providing for the expenditure of such proceeds and all revenues received from the operation of the system to the uses and purposes set forth herein; and providing for the levy and collection of taxes.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 27, 1964.]

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

CHAPTER 1. POLICY: TITLE OF ACT

SECTION 1.1. It is hereby declared to be the policy of the State of California to develop interurban rapid transit systems in the various metropolitan areas within the State for the benefit of the people. A necessity exists within the County of San Mateo for such a system. Because of the numerous separate municipal corporations and unincorporated populated areas in said county, only a specially created authority can operate freely in said county. Because of the unique problem presented by said county and the facts and circumstances relative to the establishment of an interurban rapid transit system therein, the adoption of a special act and the creation of a special authority is required.

SEC. 1.2. This act shall be known and may be cited as the West Bay Rapid Transit Authority Act.

CHAPTER 2. DEFINITIONS

SEC. 2.1. When the terms defined in this chapter are used in this act, they have the meanings ascribed to them in this chapter unless the context of this act expressly provides to the contrary.

SEC. 2.2. "Authority" means the West Bay Rapid Transit Authority created by this act.

SEC. 2.3. "Bonds" means the written evidence of any obligation incurred by the authority in order to secure funds with which to carry out the purposes of this act irrespective of the form of such obligations, whether in the form of bonds, notes, debentures, interest-bearing certificates or other forms prescribed by the authority.

SEC. 2.4. "Indenture" means an agreement entered into by the authority pursuant to which revenue bonds are issued, regardless of whether such agreement is expressed in the form of a resolution of the authority or by other instrument.

SEC. 2.5. The term "bondholder" or "holder of bonds" or any similar term means any person who shall be the bearer of any outstanding bond or bonds, registered to bearer, or not registered, or the registered owner of any such outstanding bond or bonds which shall at the time be registered other than to bearer.

SEC. 2.6. "West Bay counties" means the County of San Mateo, and, if any other county annexes to the authority in the manner prescribed by Chapter 13.5 (commencing with Section 13.51) of this act, that county shall also be included within the term "West Bay counties."

SEC. 2.7. "Rapid transit" means the transportation of passengers only and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual passenger fare-paying basis. Nothing in this section shall be construed to prohibit the authority from leasing its buses to private certified public carriers or to prohibit the authority from providing schoolbus service for the transportation of pupils between their homes and schools.

SEC. 2.8. "System" means all real and personal property, licenses, franchises, patents, rights and interests owned or held or to be owned or held by the authority for rapid transit.

SEC. 2.9. "Revenues" means all rates, fares, tolls, rentals or other income and revenue actually received or receivable by or for the account of the authority from the operation of the system, including, without limiting the generality of the foregoing, interest allowed on any moneys or securities and any profits derived from the sale of any securities and any consideration in any way derived from any properties owned, operated or at any time maintained by the authority.

SEC. 2.11. The term "person" as used in this act includes any individual, firm, copartnership, association, corporation, trust, business trust or receiver or trustee or conservator for any thereof, but does not include this State or any public corporation, as defined in this act.

SEC. 2.12. The term "public corporation" as used in this act means any county, city and county, city, municipal corporation, district of any kind or class, or political subdivision of this State, and also any agency or authority of this State.

SEC. 2.13. As used in this act:

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

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

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

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

CHAPTER 3. CITY SELECTION COMMITTEES

SEC. 3.1. There shall be a separate and distinct city selection committee for each county in which the authority is authorized to operate The membership of such committees shall consist of the mayor, of each city within such county, or, where there is no mayor, the chairman or the president of the city council of each such city; or the designated representative of such mayor, chairman, or president selected from the membership of the governing body of the city concerned.

SEC. 3.2. A majority of the members of each city selection committee shall constitute a quorum.

SEC. 3.4. The city selection committee of each county in which the authority is authorized to operate shall meet on the date prescribed by the Secretary of State pursuant to Section 4.2 in the chamber of the board of supervisors of each county for the purpose of making the first appointments to the authority The city selection committee of each county shall thereafter meet on the second Monday in May of each even-numbered year, at 10 a m. in the chambers of the board of supervisors of each county, for the purpose of making succeeding appointments to the authority. At least two weeks prior to the date of each meeting the county clerk of each county shall give notice of the meeting to each member of the city selection committee of the county. The meeting of the city selection committee of each county shall be conducted in the presence of the county clerk of the county, or his deputy, who shall act as the recording officer for the meeting. It shall be the duty of the county clerk to notify the board of supervisors of the county and the secretary of the authority of the appointment made by the city selection committee within 10 days after the appointment has been made

SEC. 3.5. Each committee shall appoint a chairman from among its members and such other officers as may be necessary.

SEC. 3.6. Members of the committees shall serve without compensation, but may be allowed actual expenses incurred in the discharge of their duties.

CHAPTER 4 ORGANIZATION OF AUTHORITY

SEC. 4.1. There is hereby created the West Bay Rapid Transit Authority which includes all of the territory in the West Bay counties The authority shall not, however, transact any business or exercise any of its powers in any county which is included within the authority until and unless the board of supervisors of the county adopts a resolution which declares that there is a need for the authority to operate within the county. The board of supervisors of a county adopting such a resolution shall file a copy of the resolution with the Secretary of State.

SEC. 4.2. Not less than 60, nor more than 90, days after the first resolution is filed with the Secretary of State pursuant

to Section 4.1, the Secretary of State shall order the board of supervisors of each county which has adopted such a resolution to select, within 30 days after the date of the order, the number of members of the authority which it is authorized to select by Section 4 3. Within the same time, the Secretary of State shall order the city selection committee of each county which has adopted such a resolution to meet on a date, within 30 days after the date of the order, designated by the Secretary of State and select the number of members which the city selection committee is authorized to select by Section 4.3.

SEC. 4.3. If the board of supervisors of only one county adopts a resolution pursuant to Section 4.1, the authority shall be composed of three of the members of the board of supervisors of the county and one member of the public appointed by the board of supervisors and three members of legislative bodies of cities within the county and one member of the public appointed by the city selection committee. If other counties annex to the authority in the manner prescribed by Chapter 13.5 (commencing with Section 13.51) of this act, the authority shall be composed of the following members:

(a) One member of the board of supervisors and one member of the public appointed by the board of supervisors of each of the other counties which has adopted such a resolution.

(b) One member of the legislative body of a city within each county which has adopted such a resolution and one member of the public selected by the city selection committee of such county.

SEC. 4.4. Within 30 days after the first members of the authority are appointed, the members of the authority shall meet in the chambers of the board of supervisors of the county which first adopted a resolution which declared that there was a need for the authority to operate in such county and shall organize as the authority. The date of the first meeting shall be prescribed by the Secretary of State.

SEC 4.5. The authority is a public corporation of the State of California.

SEC. 4 6. The authority shall not be subject to the jurisdiction of the Public Utilities Commission except 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.

SEC. 4 7. Each member of the first authority shall hold office until June 1st of the first even-numbered year following the date of his appointment. Thereafter each member appointed by the boards of supervisors shall hold office for a term of four years and until the appointment and qualification of his successor, and each member appointed by the city selection committee shall hold office for two years and until the appointment and qualification of his successor. Any vacancy on the board shall be filled by appointment in the same manner as the vacating member was appointed. Any member of the

authority may be removed in the same manner as he was appointed; provided, however, that if four-fifths of the members of the board of supervisors of a county request the removal of a member appointed by the city selection committee of such county, the city selection committee of such county shall meet within 20 days to consider the removal of such member.

SEC. 4.8. If any member of the authority is recalled from his office as a supervisor, mayor, or member of the governing body of a city pursuant to Division 14 (commencing with Section 27000) of the Elections Code, his office as member of the authority shall be vacant.

SEC. 4.9. Each member of the authority shall be paid the sum of twenty dollars ($20) for each meeting attended, but not to exceed one hundred dollars ($100) in any calendar month, and shall be reimbursed for actual necessary traveling and other expenses incurred by him in the performance of his duties, payable exclusively out of the funds of the authority available therefor. No member of the authority shall be allowed any other fees, perquisites or emoluments, reward or compensation for his services as a member of the authority.

SEC. 4.10. The treasury of the authority shall be in the custody of the county treasurer of a county designated by the authority, and such county treasurer shall be the treasurer of the authority.

SEC. 4.11. The authority shall appoint a chairman, who shall be a member of the authority, and shall also appoint a secretary. The secretary may be a member of the authority. The authority may appoint a general manager, who shall not 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. The general manager shall have management of the properties and business of the authority and the employees thereof, subject to the general control of the authority and subject to provisions made by the authority for unified management of the operations with those of the San Francisco Bay Area Rapid Transit District, 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 provide for the appointment of other officers, attorneys, engineers, consultants, agents and employees as may be necessary for the construction, extension, operation, maintenance, and policing of the system. It shall define their duties and require bonds of such of them as the authority may designate. The compensation of the general manager, 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.

SEC. 4.12. A majority of the members of the authority constitute a quorum for the transaction of business and may act for the authority.

SEC. 4.13. The authority may act at any regular meeting or special meeting called pursuant to such rules and regulations as the authority may adopt. The authority may adopt such rules and regulations as it deems advisable with respect to the conduct of its own affairs.

SEC. 4.15 The authority may adopt a seal to be impressed upon its instruments, and may provide for the impression of such seal by printed or lithographed facsimile thereof. Any executed instrument bearing the seal of the authority shall be prima facie evidence of its execution by the authority and that its execution was duly, regularly and legally authorized by the authority.

CHAPTER 5. PREPARATION OF MASTER PLAN FOR RAPID TRANSIT

SEC. 5.1. The authority shall comply with the provisions of this chapter before exercising any powers provided for elsewhere in this act which are not necessary to, or are inconsistent with, the purposes of this chapter.

SEC. 5.2. The authority shall make a detailed study of existing means of transportation and the needs of a rapid transit system in the counties in which the authority is authorized to operate for the purpose of preparing a master plan for development of a rapid transit system. If the master plan as initially prepared, or as it may at any time be modified or supplemented, includes the construction of one or more lines operating upon separate fixed right of way facilities, then the design of such lines and the rolling stock and other facilities therefor shall be compatible with the San Francisco Bay Area Rapid Transit District system.

SEC. 5 3 For the purpose of making such a study and the preparation of a master plan, the authority may employ transportation experts, engineers, consultants, agents, and employees as may be necessary.

SEC. 5.4. In making a detailed study of the needs of a rapid transit system, the authority shall consider existing means of transportation, whether private or publicly owned, available at the time of the study, or which may thereafter be established, and the possible integration of such means of transportation with the master plan of the rapid transit system, and with the system of the San Francisco Bay Area Rapid Transit District.

SEC. 5 5. Upon the completion of the study provided for in this chapter the authority shall prepare and adopt by resolution a master plan for a rapid transit system, including means for financing such a system. If the master plan or any

modification or supplement thereto includes a new line or lines of the nature referred to in Section 5.2, the authority before constructing such lines shall enter into an agreement with the San Francisco Bay Area Rapid Transit District concerning the matters referred to in Section 8.2.

SEC. 5.6. Upon adoption of the master plan, a copy shall be filed with the secretary of the authority for inspection by the public at such place as may be designated by the authority. A copy shall also be filed at the office of the county clerk of each county within the authority.

SEC. 5.7. Within three months after the adoption of the master plan, the authority shall by resolution call an election in the counties in which the authority is authorized to operate on the proposition of whether the master plan shall be put into effect.

SEC. 5.8. The resolution calling for the election shall state the time and place of the election and the purpose thereof. The resolution shall also establish election precincts, designate polling places, and appoint election officers, and in all respects not provided in this section shall be held and conducted, as nearly as practicable, in the same manner as elections for county officers. In the event such election shall be consolidated with any other election, the resolution calling the election hereunder need not describe the precincts, polling places, or appoint officers of election, but may refer to the ordinance, order, resolution or notice calling or providing for such other election.

SEC. 5.9. The resolution calling the election shall state the proposition to be submitted at the election, together with a brief summary of the master plan, including costs of such plan and the estimated revenues and method of financing. The resolution shall also state that a copy of the master plan is available for inspection by the public at the office of the authority, the office of the county clerk of each county in which the authority is authorized to operate, and at such other places as may be designated by the authority.

SEC. 5.10. The resolution calling the election shall be published once a week for three weeks prior to the election in a newspaper of general circulation in each county in which the authority is authorized to operate.

SEC. 5.11. At least 60 days before the date of the election, the authority shall furnish the county clerk or registrar of voters of each county in which the authority is authorized to operate 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 proposition to be submitted at the election.

SEC. 5.12. The costs incurred by each county in which the authority is authorized to operate in connection with the election shall be paid out of the funds of the authority.

SEC. 5.13. If a majority of the registered voters voting in each county in which the authority is authorized to operate vote in favor of the master plan, the authority shall then

proceed to create and establish the rapid transit system as provided for in the master plan.

SEC. 5.14. If in none of the counties in which the authority is authorized to operate do a majority of the registered voters voting vote in favor of the master plan, then the authority may make additional studies and changes in the master plan. Not less than six months after an election which failed to win a favorable majority in any of the counties in which the authority is authorized to operate, the authority may call for another election on the master plan as originally proposed or as revised.

SEC. 5.15. If a majority of the registered voters voting in one or more of the counties in which the authority is authorized to operate vote in favor of the master plan, but it fails to win a favorable vote in each of such counties, any county in which it fails to win a favorable vote shall be automatically excluded from the counties in which the authority is authorized to operate. The authority may, thereafter, make additional studies and changes in the master plan and in not less than six months after the previous election call for another election in each of the remaining counties in which the authority is authorized to operate on the revised master plan. Any county which is excluded from the counties in which the authority is authorized to operate pursuant to this section may, thereafter, again become such a county in the manner prescribed by Chapter 13.5 (commencing with Section 13.51) of this act.

SEC. 5.16. If a master plan has not been approved by the voters of the counties in which the authority is authorized to operate by January 1, 1969, the authority is abolished and this act is repealed. The State of California shall succeed to all of the property and funds of the authority and the Director of Finance shall have such power as may be necessary to wind up the affairs of the authority and pay off out of any of the assets of the authority any obligations of the authority outstanding when it is abolished.

CHAPTER 6. GENERAL POWERS

SEC. 6.1. The authority has perpetual succession.

SEC. 6.2. The authority may sue and be sued in all courts of competent jurisdiction.

SEC. 6.3. The authority may acquire by grant, purchase, gift, devise or lease, and may hold, use, sell, lease or dispose of, any real and personal property, licenses, franchises, patents, rights and interests necessary for the full exercise, or convenient or useful for the carrying on of, any of its powers pursuant to the provisions of this act.

SEC. 6.4. The authority shall have power to acquire, construct, complete, develop, own, operate and maintain the system in the West Bay counties in which the authority is authorized to operate; including power to acquire by purchase, lease, gift or otherwise all or any part of any patents, licenses, rights,

interests, engineering studies, data or reports owned or held by any person and determined by the authority to be necessary, convenient or useful to the authority in connection with the acquisition, construction, completion, development, ownership, operation or maintenance of the system.

SEC. 6.5. The authority shall have power to enter into agreements for the joint use of any property and rights by the authority and any public utility or district operating any transportation facilities; to enter into agreements with any public utility or district operating any transportation facilities either within or without the West Bay counties in which the authority is authorized to operate for the joint use of any property of the authority or public utility or district, or the establishment of through routes, joint fares, services, and transfer of passengers.

SEC. 6.6. The authority 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 authority may take any property necessary or convenient to the exercise of the powers granted in this part, whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right, the authority has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this part. The authority shall proceed in the name of the authority in condemnation proceedings. The authority, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost, exclusive of betterment and with credit for salvage value, of removal, reconstruction, or relocation of any substitute facilities, including structures, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be moved to a new location. Notwithstanding any other provision of this act or any other law, no property in public use shall be taken by the authority except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

SEC. 6.8. The authority shall have power to construct, operate and maintain the system within the West Bay counties in which the authority is authorized to operate in, under, upon, over, across or along any public street, highway, or waterway under agreement with or franchises from the United States of America or the State of California, or the county, district, or the governing body of the municipal corporation which has jurisdiction over such street, highway or waterway, and in, under, upon, over or across any vacant public lands which are or may become the property of the United States of America, the State of California, any one of the West Bay counties, or any public corporation in such counties by agreement with the United States of America, the State, the

county, or such public corporation; provided, that installations in state freeways shall be subject to the approval of the State Department of Public Works and installations in other state highways shall be subject to Article 2 (commencing with Section 670), Chapter 3, Division 1 of the Streets and Highways Code. In the event the use by the authority of any existing public street or highway or crossings thereof or removal of public utilities necessitates changes therein or expenditures, the cost thereof shall be borne by the authority, except as contributions may be provided by railroads or the Department of Public Works.

The authority may enter into an agreement with any city or county having jurisdiction over the street or highway involved, as may be provided in such an agreement, may close any such city street or county highway at or near the point of its interception with any authority facility or may make provision for carrying such city street or county highway over or under to a connection with such authority facility and may do any and all work on such city street or county highway as is necessary therefor. No city street or county highway shall be closed, either directly or indirectly, by the construction of authority facilities except: (1) pursuant to such an agreement or (2) while temporarily necessary during the construction of authority facilities.

SEC. 6 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 in accordance with any contractual obligation which may be entered into by the authority with respect to the fixing of such rates, fares, tolls, charges and rents or the unified management of operations with those of the San Francisco Bay Area Rapid Transit District.

SEC. 6.10. The authority may enter into covenants to maintain minimum rates, fares or charges, or rates, fares or charges sufficient to serve the outstanding obligations of the authority, if any; and it may also enter into covenants to increase rates, fares or charges from time to time as may be necessary pursuant to any such contract or agreement with the holders of any obligations of the authority.

SEC. 6.11. The authority may contract with any department or agency of the United States of America or of the State of California or with any public corporation upon such terms and conditions as the authority finds is for the authority's best interests.

SEC. 6.12. The authority may make contracts, leases and agreements with any person or public corporation and may generally perform all acts necessary for the full exercise of the powers vested in it.

SEC. 6.13. The authority may sell, lease, convey or otherwise dispose of any of its rights, interests or properties after

the purposes for which they were acquired have been fully satisfied. It may sell, lease or otherwise dispose of, at any time, any surplus materials or other property not needed for its requirements or for the purpose of carrying out this act.

SEC. 6.14. The authority shall have power to apply for and accept grants and loans from the federal government or the State or any agency or instrumentality thereof to be used for any of the purposes of the authority and to enter into any agreement with the federal government or the State in relation to such grants or loans; provided, that such agreement does not conflict with any of the provisions of any resolution securing the payment of bonds of the authority.

SEC. 6.15. The authority shall by resolution make all rules and regulations governing the use, operation and maintenance of the system and shall determine all routings and change the same whenever it is deemed advisable by the authority; subject, however, to provisions made by the authority for unified management of its operations with those of the San Francisco Bay Area Rapid Transit District

SEC. 6.16. The authority shall have power to lease the system or any part thereof to, or contract for the use of the system or any part thereof by, any operator.

SEC. 6.17. The authority shall have power to deposit any moneys of the authority, in accordance with the provisions of the general laws of the State of California governing the deposit of public moneys of counties, in such bank or banks in the State of California as may be authorized to receive deposits of public funds, in the same manner and upon the same security as public moneys of counties are deposited in such banks and with like force and effect, and to invest any moneys in any sinking fund or reserve fund created by any indenture or any surplus in the treasury of the authority not required for its immediate needs, in accordance with the general laws of the State of California relating to investments of county funds.

SEC. 6.18. The authority may adopt such rules and regulations as may be necessary to enable it to exercise the powers and perform the duties conferred or imposed upon it by this act.

SEC. 6.19. One of the purposes of this act is to coordinate any operations of the authority with the operations of any existing transit facilities and those of the San Francisco Bay Area Rapid Transit District.

SEC. 6 20. The authority may levy and collect, or cause to be collected, upon all taxable property within each county in which it is authorized to operate, taxes for any purpose specified in Chapter 6.5 (commencing with Section 6 51) of this act.

SEC. 6.21. The authority shall be subject to the provisions of Division 14 8 (commencing with Section 34500) of the Vehicle Code with respect to the operation of buses and to the

rules and regulations prescribed by the Department of the California Highway Patrol pursuant to that chapter regulating the safe operation of buses.

SEC. 6 22 It shall be the ultimate purpose of the West Bay Rapid Transit Authority to establish, when financing therefor is authorized, a permanent rapid transit system designed to be part of a unified San Francisco Bay areawide regional system. When such permanent system is constructed any lines operating upon separate fixed right of way facilities and the rolling stock and other facilities therefor shall incorporate physical characteristics necessary for full compatibility with the system of the San Francisco Bay Area Rapid Transit District, and unified management of the operations of such lines with those of said district shall be provided. Such unified management may be provided by management or operating contract with, or by annexation of the West Bay Rapid Transit Authority to, the San Francisco Bay Area Rapid Transit District or by any other lawful means.

Until such ultimate purpose is achieved unified management of operations, in whole or in part, may be provided by a management or operating contract with the San Francisco Bay Area Rapid Transit District.

Any management or operating contracts shall provide for equitable sharing of the costs of construction and operation of the San Francisco Bay Area Rapid Transit District System as determined by negotiation The share of such costs to be assumed by the authority may be made payable out of bond proceeds (subject to authorization of the bonds at an election), or any other available funds and may be made payable at such times and upon such rate of interest and other terms as shall be agreed upon.

CHAPTER 6.1. EXISTING SYSTEMS

SEC 6 31. As used in this chapter:

(a) "Establish" includes establish, construct, complete, acquire, extend, or reroute. It does not, however, include the maintenance and operation of any existing system acquired by the authority.

(b) "Existing system" means any rapid transit service or system of a publicly or privately owned public utility situated entirely within the West Bay counties, or 75 percent of whose revenue vehicle miles for the preceding calendar year were operated within the West Bay counties.

SEC. 6.32. Notwithstanding any other provision of this act, before the authority may establish any rapid transit service or system which may at any time divert, lessen, or compete for the patronage or revenues of any existing system, the authority shall give a written notice to the public utility which is operating the existing system. The written notice shall describe the rapid transit service or system which the authority

proposes to establish and shall state the time within which the authority proposes to establish such service or system.

SEC. 6.33. The authority shall not establish the proposed service or system, or maintain and operate the service or system until it has completed the purchase of the existing system or any part thereof.

SEC. 6.34. The purchase price to be paid for the existing system, or any portion thereof to be purchased, shall be the reproduction cost new, including going concern value, at the date upon which the authority commences negotiations for the purchase of the existing system, or the portion of the existing system, less depreciation, including wear, tear and obsolescence, if any. The purchase price shall not, however, in any event be less than the average annual gross revenue for the preceding three calendar years of the existing system, or the portion thereof, less charter and contract revenue. Should the authority determine that it is necessary to enter the area of transporting school pupils, then that portion of the contract revenues shall be included.

SEC. 6.35. The authority and the public utility operating the existing system may agree upon the purchase price or they may agree that the purchase price is to be established by arbitration and upon the method of naming arbitrators and the method of conducting such arbitration. If they do not, the purchase price may be fixed and judgment entered thereon in a suit brought either by the public utility or the authority in the superior court in and for the county in which is located that portion of the existing system to be acquired by the authority which has the highest value.

SEC. 6.36. Section 851 of the Public Utilities Code does not apply to any contract for sale or sale of an existing system, or any portion thereof, pursuant to this chapter, and the Public Utilities Commission shall have no jurisdiction with respect thereto.

CHAPTER 6 5. TAXATION

SEC. 6.51. The authority may provide for the assessment, levy, and collection of taxes upon all taxable property in each county in which the authority is authorized to operate, for any purpose specified in this chapter, including the sale of property to the authority for delinquent taxes, with penalties, interest, and cost.

SEC. 6.52. If the authority incurs any general obligation bonded indebtedness, or refunding bond general obligation indebtedness, the authority shall levy and collect annually until such bonds are paid, or until there is a sum in the treasury of the authority 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 authority's agreements with its bondholders, as becomes due before the proceeds of a tax levied at the time of the next county tax levy for such purpose will be available.

SEC. 6.53. In addition to any taxes which the authority is authorized to levy pursuant to Section 6.52, at the time of the first county tax levy following the first meeting of the authority, the authority shall levy and collect a tax at a rate of one cent ($0 01) on each one hundred dollars ($100) of assessed valuation upon all taxable property within each county in which the authority is authorized to operate to pay the preliminary expenses of the authority, including, but not limited to the preparation of the master plan pursuant to Chapter 5 (commencing with Section 5.1) of this act and the calling and conducting of the election thereon.

SEC. 6.54. All assessments shall be made for the authority by the State Board of Equalization and the county assessors, and all taxes shall be collected for the authority by the tax collectors of the counties in which the authority is authorized to operate.

SEC. 6.55. Each county auditor of a county in which the authority is authorized to operate shall, on or before the third Monday in August of each year in which the authority has notified the county auditor that it intends to levy and collect any tax, transmit to the authority a statement in writing showing the total value of all property within the county as equalized.

SEC. 6.56. The authority 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 authority by the county auditors, which rate of taxation shall be sufficient to raise the amount previously fixed by the authority. These acts by the authority shall constitute a valid assessment of the property and a valid levy of the taxes so fixed.

SEC. 6.57. If in the determination of any tax rate a fraction of a cent occurs, the authority may adopt a rate ending in the next higher tenth of one cent ($0.001).

SEC. 6.58. The authority shall immediately after fixing the rate of taxes as above provided transmit to the county auditors of the counties in which the district is authorized to operate a statement of the rate of taxes fixed by the authority.

SEC. 6.59. The authority'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 chapter, shall be paid to the treasurer of the authority, under the general requirements and penalties provided by law for the settlement of other taxes.

SEC. 6.60. Whenever any real property situate in any county in which the authority is authorized to operate has been

sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the authority by the county treasurer receiving it in the proportion which the tax due to the authority bears to the total tax for which the property was sold.

SEC. 6.61. The compensation to be charged by and paid to any county for the performance of services under this chapter shall be fixed by agreement between the board of supervisors of the county and the authority. The compensation shall in no event exceed one-half of 1 percent of all money collected for the authority. The compensation collected by the county shall be placed to the credit of the county salary fund.

SEC. 6.62. All taxes levied under this chapter are a lien on the property on which they are levied. Unless the authority has otherwise provided, the enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made applicable to this part, so far as consistent therewith.

CHAPTER 7. REVENUE BONDS

SEC. 7.1. The authority may issue revenue bonds for the acquisition, construction or completion of the system or any part thereof. The total amount of revenue bonds that may be issued by the authority shall not be limited as to aggregate principal amount, except as the authority may provide in any resolutions relating to the issue of any revenue bonds hereunder.

SEC. 7.2. The purpose, nature and extent of each separate improvement comprising a part of the system shall be described in general terms prior to the issuance of any bonds.

SEC. 7.3. The validity of the authorization and issuance of any revenue bonds by the authority is not dependent on nor affected in any way by:

(a) Proceedings taken by the authority for the acquisition, construction or completion of the system or any part thereof.

(b) Any contracts made by the authority in connection with the acquisition, construction or completion of the system or any part thereof.

(c) The failure to complete any part of the system for which bonds are authorized to be issued.

SEC. 7.4. 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, 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, city, or the State of California.

SEC. 7 5. The authority may enter into indentures providing for the aggregate principal amount, date, or dates, maturities, interest rate, denominations, form, registration transfer and interchange of such bonds and coupons, and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date on the face thereof, is sufficient to incorporate all of the provisions thereof and of this act into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this act, and is bound thereby.

SEC. 7 6. An indenture pursuant to which bonds are issued may include such covenants and agreements on the part of the authority as the authority deems necessary or advisable for the better security of the bonds issued thereunder.

SEC. 7.7. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to pay or cause to be paid punctually the principal of all such bonds and the interest thereon on the date or dates, at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto in accordance with such indenture.

SEC. 7 8. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to continuously operate the system acquired, constructed, or completed, in whole or in part, from the proceeds of the bonds in an efficient and economical manner.

SEC. 7.9. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to make all needful and necessary repairs, renewals and replacements to the system and to keep it at all times in good repair, working order and condition.

SEC 7.10 An indenture may include a clause relating to the bonds issued thereunder requiring the authority to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights.

SEC. 7.11. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part thereof, of any improvements acquired, constructed or completed from the proceeds of the sale of the bonds, or upon any physical properties, or which might impair the security of the bonds.

SEC. 7.12 An indenture may include a clause relating to the bonds issued thereunder which limits, restricts, or prohibits any right, power or privilege of the authority to mortgage or otherwise encumber, sell, lease or dispose of any part of the

system constructed from the proceeds of the bonds, or to enter into any lease or agreement which impairs or impedes the operation of the system, or any part thereof, necessary to secure adequate revenues or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

SEC. 7.13. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to fix, prescribe and collect rates, fares, tolls, rentals or other charges in connection with the services and facilities furnished from the system or any part thereof acquired, constructed or purchased from part or all of the proceeds of the bonds, sufficient to pay the principal of and interest on the bonds as they become due and payable, together with all expenses of operation, maintenance and repair of the system, and with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the further security of such bonds or as a depreciation charge or other charge in connection with such improvement.

SEC. 7.14. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to hold in trust the revenues pledged to the payment of such bonds and the interest thereon, or to any reserve or other fund created for the further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the indenture.

SEC. 7.15. An indenture may include a clause limiting the power of the authority to apply the proceeds of the sale of any issue of bonds for the acquiring, constructing or completing of the system or any part thereof.

SEC. 7.16. An indenture may include a clause limiting the power of the authority to issue additional bonds for the purpose of acquiring, constructing or completing the system or any part thereof.

SEC. 7.17. An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the authority on the system, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected.

SEC. 7.18. An indenture may include a clause providing the events of default and the terms and conditions upon which any or all of the bonds of the authority then or thereafter issued may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

SEC. 7.19. An indenture may include a clause designating the rights, limitations, power and duties arising upon breach by the authority of any of the covenants, conditions or obligations contained in any indenture.

SEC. 7.20. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the

consent of the authority and the vote or written assent of the holders of a specified principal amount of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. The clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

With respect to any clause providing for the modification or amendment of an indenture, the authority may agree that bonds held by the authority, by any department, political subdivision or agency of the State of California, or by any public corporation, municipality, district or political subdivision shall not be counted as outstanding bonds, or be entitled to vote or assent, but shall, nevertheless, be subject to any such modification or amendment.

SEC. 7.21. An indenture may include a clause providing for such other acts and matters as may be necessary or convenient or desirable in order to secure the bonds or to make the bonds more marketable.

SEC. 7.22. The authority may designate a bank or trust company, qualified to do business in this State, as a trustee for the authority and the holders of bonds issued hereunder, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

SEC. 7.23. The authority shall fix and determine the conditions upon which any trustee shall receive, hold or disburse any or all revenues collected for or on account of the authority. The authority shall prescribe the duties and powers of such trustee with respect to the issuance, authentication, sale and delivery of the bonds and the payment of principal and interest thereof, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.

SEC. 7.24. The authority may issue bonds in series or may divide any issue into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the authority, at or prior to the issue thereof. The authority may provide for successive issues or may provide for one maximum issue.

SEC. 7.25. Bonds may be issued as coupon bonds or as registered bonds. The authority may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the authority may determine.

SEC. 7.26. Bonds shall bear interest at a rate of not to exceed six (6) percent per annum, payable annually or semiannually or in part annually and in part semiannually. Prior to the issuance of bonds the authority may fix limitations or restrictions on the payment of interest.

SEC. 7.27. Bonds may be callable upon such terms, conditions, and upon such notice as the authority may determine, and upon the payment of the premium fixed by the authority in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond

SEC. 7.28. The authority may provide for the payment of the principal and interest of bonds at any place within or without the State of California, and in specified coin or currency of the United States of America

SEC. 7.29 The authority may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of officers of the authority, and by additional authentication by a trustee or fiscal agent appointed by the authority. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons cease to be officers before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons

SEC. 7 30 Bonds shall bear dates prescribed by the authority. Bonds may be serial bonds or sinking fund bonds with such maturities as the authority may determine No bond by its terms shall mature in more than 50 years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

SEC. 7.31. The authority may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The authority may sell bonds at less than their par or face value but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than six (6) percent per annum, payable semiannually, according to standard tables of bond values. All bonds issued and sold pursuant to this act shall be sold on sealed proposals to the highest bidder after advertising for bids by publication of notice of sale once, not less than 10 days prior to the date of sale, in a newspaper of general circulation printed and published in any county in which the authority is authorized to operate. The authority may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale 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, agencies, or instrumentalities, upon such terms and conditions as may be agreed to and such bonds shall be subject to all other provisions of this act, except the requirement that bonds be sold on sealed proposals to the highest bidder after advertising for bids.

SEC. 7.32. The authority may provide for the security of bonds. The authority may also provide for the payment of bonds out of any appropriations or other funds contributed to the authority by the State of California, the United States of America, or by any department or agency of either thereof. However, nothing in this act shall obligate the State of California to make any appropriation for that purpose.

SEC. 7.33. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the period prescribed by Section 12.6.

SEC. 7.34. The authority may provide in the proceedings for the issuance of bonds that the bonds and the interest thereon constitute such lien upon the revenues of the system or any part thereof acquired, constructed or completed from the proceeds of such bonds as may be provided for in the indenture.

SEC. 7.35. Pending the actual issuance or delivery of revenue bonds, the authority may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery

SEC. 7.36 All bonds issued under this chapter, and the interest or income therefrom, are exempt from all taxation in this State other than gift, inheritance and estate taxes.

SEC. 7 37. The authority may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming or retiring any revenue bonds issued by the authority. All provisions of this act applicable to the issuance of revenue bonds are applicable to the funding or refunding revenue bonds and to the issuance, sale or exchange thereof.

SEC. 7 38. Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such funding or refunding bonds. These expenses include the difference in amount between the par value of the funding or refunding bonds and any amount less than par for which the funding or refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refunding bonds from the date of sale thereof to the date of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will be paid pursuant to the call thereof or agreement with the

holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

SEC. 7.39. All bonds issued under the provisions of this act are negotiable instruments, except when registered in the name of a registered owner.

SEC. 7.40. The bonds issued under this act are subject to investigation and certification by the California Districts Securities Commission under the California Districts Securities Commission Law, as such law reads or is hereafter amended to read. If the commission determines that the bonds are adequately secured and the revenues of the authority applicable to the payment thereof are or will be sufficient to pay the principal and interest of the bonds, and if the commission certifies to that effect, the bonds shall be eligible as legal investments for both public and private funds in the same manner as is provided in the California Districts Securities Commission Law.

SEC. 7.41. Prior to the issuance of any bonds, the authority may commence in the superior court of any county in which the authority is authorized to operate, a special proceeding to determine the right to issue the bonds and their validity. Such proceeding shall be instituted and prosecuted in the same manner as provided by Chapter 9 (commencing with Section 860), Title 10, Part 2 of the Code of Civil Procedure, as these sections now read or may hereafter be amended to read, and these sections apply to and govern all such proceedings instituted under this act. Such proceeding is a proceeding in rem and the judgment rendered therein is conclusive against all persons whomsoever and against the State of California.

CHAPTER 7.5. GENERAL OBLIGATION BONDS

SEC. 7.51. The authority may issue bonds as provided in this chapter for any of the purposes of the authority, including, but not limited to, payments to any private utility or public district pursuant to any contract under which the private utility or public district provides any transit facility or service to the authority.

SEC. 7.52. By resolution, whenever in its judgment it is advisable, the authority may call an election and submit to the voters in each county in which the authority is authorized to operate, the question of whether bonds shall be issued.

SEC. 7.53. The resolution calling the election shall contain:

(a) A statement of the general object and purpose of incurring the indebtedness.

(b) Statement of the estimated cost of the proposed work and improvements.

(c) The amount of the principal of the indebtedness to be incurred therefor.

(d) The maximum term, which shall not exceed fifty (50) years, that the bonds proposed to be issued shall run before maturity.

(e) The maximum rate of interest to be paid on said indebtedness, which shall not exceed six (6) percent per annum.

(f) A statement declaring whether interest, to be paid upon such bonds during the estimated period of construction of the works of the authority 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 authority 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 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 authority shall have no power or authority, within six (6) months after an election at which a proposition submitted to the qualified electors of the authority failed to receive the requisite number of votes as provided in Section 7.61, to call or order another election for incurring any indebtedness for purposes substantially the same as voted upon at such prior election. If the 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 act is consolidated and reference to that effect in the resolution shall be sufficient without specifying the particular hours.

SEC. 7.54. Any election submitting the proposition of incurring indebtedness and the issuance of bonds called pursuant to the provisions of this chapter, may be held separately, or may be consolidated with any other election authorized by law, at which the qualified voters of any county, city and county, or city are entitled to vote. However, in the event any such election called pursuant to this chapter is consolidated with any other election, as provided by Chapter 4 (commencing with Section 23300), Part 2, Division 12 of the Elections Code, the provisions of this chapter setting forth the procedure for the calling of the election called pursuant to this chapter shall be complied with, except that the resolution calling such election need not set forth the election precincts or polling places, or the officers of election which shall be the same as those set forth in the ordinance, order, resolution, notice, or other proceeding calling or providing for, or listing or designating the precincts, polling places, and election officers for the election with which the election called pursuant to this chapter is consolidated, and shall refer to such election or to the ordinance, order, resolution, notice, or other proceeding calling, providing for or giving notice of such election and which sets forth such

precincts, polling places, and election officers. Such reference may be made by giving the number or title or date of adoption of such ordinance, resolution or order or to the date or proposed date of any publication of such notice and the name of the newspaper or proposed newspaper in which the notice has been or will be published or by any other definite description. Whenever a bond election called pursuant to this chapter is consolidated with a statewide general election held in any county in which the authority is authorized to operate, references to such general election shall be sufficient for all purposes of this chapter.

SEC. 7.55. Whenever a bond election is called pursuant to this chapter and is not consolidated with any other election the authority shall in its resolution calling such bond election, in addition to all other matters required to be set forth therein;

(a) Specify the precincts or consolidated precincts in each county or portion of a county which are adopted for the purposes of the election and designate the location of the polling places, provided that one or more polling places may be established within the same precinct and separate ballot boxes and separate officers of election provided for each group of electors, which group shall be determined by alphabetical designations and divided into groups as nearly equal in number as practicable.

(b) Specify the names of the officers selected to conduct the election, who shall consist of at least one inspector and two judges in each precinct, but not in excess of six election officers for each polling place.

Whenever the bond election called pursuant to this chapter is consolidated in whole or in part with any other election, the precincts, polling places and election officers need not be set forth in the resolution calling the bond election except only to the extent that any precinct, polling place and election officers established for the bond election differ or are in addition to those established for the election with which the bond election called pursuant to this chapter is consolidated.

SEC. 7.56. Notice of a bond election shall be given by publication of the text of the resolution calling the election and except as provided below the text thereof shall be published once a week in each calendar week for two successive calendar weeks at any time prior to the election (the first publication of which shall be not less than twenty (20) days nor more than ninety (90) days prior to the date fixed for the election) in at least one newspaper of general circulation and in not more than three newspapers, designated by the authority, which are printed and published in each county in which the authority is authorized to operate. That portion of the resolution constituting notice of election as published in each county shall contain only the reference to the precincts, polling places, and election officers in the county or portion of the county in which

it is published, and it shall not be necessary to publish any portion of the resolution setting forth the precincts, polling places or election officers in any other county. Except for the omission in any county of the reference to the precinct, polling place and election officers in any other county, the text of the resolution as published in each county to constitute notice of said election shall be the resolution in form as adopted by the board. To each resolution published in each county there shall be set forth a notice substantially as follows:

"Notice of Election

Notice is hereby given to the qualified electors of the West Bay Rapid Transit Authority that the authority has duly adopted a resolution calling a bond election within all of the counties in which the authority is authorized to operate which is set forth in full below, except only for the omission of the designation of the precinct, polling place and officers of election in any county or portion of a county in which such election is to be held except only the designation of such election details as the same pertain to the county or portion of a county in which the attached resolution is published, which election details are set forth in the following text of the resolution."

If there is no newspaper published in any county in which the authority is authorized to operate, the notice shall be posted in three public places in such county.

SEC. 7.57. All the expenses of holding the election shall be borne by the authority, except when the election is consolidated with another election pursuant to Chapter 4 (commencing with Section 23300), Part 2, Division 12 of the Elections Code in which case the expense borne by the authority shall be that agreed upon by the authority and the other governing body or bodies calling the election.

SEC. 7.58. No error, irregularity or omission in the calling, holding or conducting of any bond election which does not affect the substantial rights of the taxpayers within the authority or the electors voting at any election at which bonds of the authority are authorized to be issued shall invalidate the election or any bonds authorized thereat.

SEC. 7.59. The returns of the election shall be made and the votes shall be canvassed by the county clerk in each county in which the authority is authorized to operate, within thirty (30) days after holding of the election, and the county clerks, respectively, shall certify the result of the election in each county, respectively, to the authority.

SEC. 7.60. At any bond election called pursuant to this chapter, all residents of the counties in which the authority is authorized to operate who are qualified electors possessing the qualifications prescribed by the general election laws of the State of California shall be entitled to vote thereat. All bond elections shall be held and conducted as nearly as prac-

ticable in accordance with the general laws of the State of California, including provisions with respect to voting by absent voters, but the requirements as to the form of ballots need not apply except to the extent adopted by the authority. Whether a resident of any county in which the authority is authorized to operate is a qualified elector within the authority shall be conclusively determined by the last great register of voters of the county or portion of the county in which the election is held. Except when the bond election is consolidated with any other election, the authority shall designate the hours during which the polls shall be kept open. The polls shall not be opened before 7 a.m. nor kept open later than 8 p.m. and shall be kept open for not less than four hours.

SEC. 7.61. At any bond election two or more propositions for incurring indebtedness may be submitted at the same election in which event the votes cast for and against each proposition shall be counted separately, and whenever two-thirds of the qualified electors within all of the counties in which the authority is authorized to operate voting on any one of such propositions vote in favor thereof such proposition shall be deemed adopted.

SEC. 7.62. Whenever two-thirds of all of the votes cast within all of the counties in which the authority is authorized to operate at any bond election or on any proposition submitted thereat are in favor of incurring the indebtedness set forth in such proposition, the authority 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.

SEC. 7.63. Bonds may be issued in form payable to bearer, with coupons attached for payment of interest and, if so issued, may be made subject to registration. Bonds issued in bearer form shall constitute negotiable instruments for all purposes under the laws of the State of California. The authority may appoint a registration agent which may be a bank or trust company and authorize such registration agent to maintain books of registry and to register, authenticate and exchange bonds on such terms and conditions and pursuant to such rules and regulations as the authority may provide. The authority may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise, as the authority may determine.

SEC. 7.64. Coupon bonds may be issued in denominations of one thousand dollars ($1,000), or multiples thereof, as the authority 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 authority may determine, including provisions for the authentication of any bonds issued upon such exchange

by the registration agent or other agents appointed by the authority for that purpose.

SEC. 7.65. Registered bonds may be issued without limitation as to principal amount, as may be determined by the authority, 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 authority shall determine, including provisions for authentication of bonds issued upon such exchange by the registration agent or other agents appointed by the authority for that purpose, and upon the payment of such reasonable charges as may be prescribed by the authority.

SEC. 7.66. Bonds shall bear interest at a rate of not to exceed 6 percent per annum, payable semiannually, except that interest for the first year or any fraction thereof may be paid in one installment.

SEC. 7.67. The authority may provide for redemption of bonds prior to maturity, on such notice and at such time or times and with such redemption provisions, including premiums, as the district may determine, provided that no redemption premium shall be in excess of 6 percent of the principal amount of the bonds to be redeemed. No bond is subject to call or redemption prior to its fixed maturity date, unless the right to exercise such call and the redemption price are expressly stated on the face of the bond. When bonds have been validly called for redemption and payment of the principal thereof, and the interest thereon accrued to the date of redemption, together with the redemption premium, if any, shall have been made or provided for, interest thereon shall cease.

SEC. 7.68. The authority may provide for the payment of the principal and interest of bonds at any place within the State of California, or at any other place within the United States, which the authority may designate. The place of payment shall be specified in the bonds and payment shall be made in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts.

SEC. 7.69. Bonds shall bear dates prescribed by the authority.

SEC. 7.70. Bonds may be serial or sinking fund bonds, or in part serially and in part sinking fund bonds, with such maturities and in such amounts annually, semiannually or otherwise, as the authority may determine at the time of authorizing the issuance thereof.

SEC. 7.71. No bond by its terms shall mature in more than fifty (50) years from its own date, and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity herein authorized shall be calculated from the date on the face of each bond, separately, irrespective

of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

SEC. 7.72. The authority may divide any authorized issue into one or more series or division and fix different dates and different maturity dates for the bonds of each series or division.

SEC. 7.73. The authority may prescribe the form of such bonds, and of the interest coupons attached thereto. Bonds shall be signed by the chairman of the authority (or such other member of the authority as the authority shall by resolution designate) and countersigned by the secretary of the authority and the seal of the authority shall be affixed thereto. The interest coupons on said bonds shall be numbered consecutively and signed by the treasurer of said authority. The signature on all coupons and one signature on the bonds may be engraved, lithographed, or printed facsimile signature. The seal of the authority 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 authority appoints a registration agent, fiscal agent, or other agent to authenticate bonds, any bond of the authority, whether in coupon or registered form, may be signed by the facsimile signatures of the officers of the authority with a facsimile seal of the authority 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 authority for that purpose. Any agent appointed by the authority 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. 7.74. Pending the actual issuance or delivery of bonds, the authority 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 authority, to be exchanged for definitive bonds when ready for delivery.

SEC. 7.75. The authority may provide that interest on bonds may be paid out of the proceeds of the sale of the bonds during the period prescribed by Section 12.6.

SEC. 7.76. The authority shall provide for the payment of the principal of and interest on the bonds by the levy and collection of taxes upon all property in each county in which the authority is authorized to operate subject to taxation by the authority, except that such taxes need not be levied to the extent that the authority deposits in the treasury set apart for that purpose moneys derived from surplus revenues or any

appropriations which may be made to it for that purpose or from any other funds howsoever derived.

SEC. 7.77. Any general obligation bonds which shall be issued under the provisions of this chapter shall be legal investment for all trust funds; for the funds of insurance companies, banks—both commercial and savings—and trust companies; and for state school funds; and whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or irrigation districts within the State of California, such money or funds may be invested in the general obligation bonds issued under this chapter, 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 chapter may be so used. The provisions of this chapter 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. 7.78. The authority may by resolution at any time, or from time to time, provide for the authorization and issuance of any bonds authorized pursuant to this chapter and for the sale of the whole or any part thereof.

SEC. 7.79. Before making a sale of any of the bonds, notice shall be given by publication once a week, for two weeks, in a newspaper of general circulation in any county in which the authority is authorized to operate, if there is one, and no sale shall be held prior to the expiration of 15 days from the first publication of the notice. Copies of such advertisement may be published in any newspaper or financial publication in the United States and copies may be mailed to recognized investment dealers, banks, investing institutions and statistical organizations, together with any related material pertaining to the authority and its bonds, but no defect in any such additional publication or failure to mail or failure of any person to receive copies of any such materials so mailed shall affect the validity of the sale.

SEC. 7.80. 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 percent, but in no event exceed 6 percent 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 authority 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 authority. 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 authority treasurer, in an amount up to, but not exceeding, 2 percent of the par value of the bonds proposed to be sold, to partially secure the authority 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 authority 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 authority 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 authority 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 authority 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 authority 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 authority.

(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 authority, 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 litigation pending or threatened concerning the validity of the bonds to be sold, the corporate existence of said authority, or the title of the officers to their respective offices, and the authority 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 authority may determine.

SEC. 7.81. The authority may provide for the funding or refunding of outstanding general obligation indebtedness pursuant to this chapter, if any of the following conditions exist:

(a) The authority has indebtedness evidenced by bonds, notes, or other evidences of indebtedness, which according to their terms are subject to call or payment before maturity.

(b) The authority has filed a petition under any bankruptcy law of the United States and refunding of its indebtedness is authorized in the bankruptcy proceedings.

(c) The holder or holders of outstanding indebtedness has consented to exchange such outstanding bonds for refunding bonds bearing a lower rate of interest than such outstanding bonds.

SEC. 7.82. The authority by a two-thirds vote of its members may fund or refund its general obligation indebtedness at, after, or before maturity and issue refunding bonds of the authority to refund the indebtedness evidenced by such outstanding securities

SEC. 7.83 Refunding general obligations may be issued and may be sold in accordance with the provisions set forth in this chapter for other bonds, except that no election need be called or held for the purpose of authorizing the issuance of refunding bonds and such refunding bonds may be sold and the proceeds thereof applied to the redemption of bonds of indebtedness or may be exchanged at not less than their par value for the evidences of indebtedness to be refunded.

SEC. 7.84 Refunding bonds issued pursuant to this chapter will have the same weight and force and may be used in the same manner as the bonds to be refunded.

SEC. 7.85. The proceeds of any sale of refunding bonds for cash shall be deposited with the treasurer or depositary, as determined by the authority, to the credit of the funding fund, and applied only to refunding the indebtedness for which the bonds are issued.

SEC. 7.86. Any proceeds of the refunding bonds remaining after the indebtedness has been paid shall be deposited in the fund established for the payment of principal and interest on the refunding bonds and used only for the purpose of paying such principal or interest as it matures.

SEC. 7.87. Refunding bonds may be issued in a principal amount sufficient to provide funds for (a) the payment of the principal of and interest on the bonds, notes or other evidences of indebtedness to be refunded; (b) all expenses incidental to the calling, retirement or payment of the outstanding bonds, notes or other evidences of indebtedness and the issuance of refunding bonds including the difference in amount between the par value of the refunding bonds and any amount less than par; (c) any amount necessary to be made available for the payment of interest upon the refunding bonds from the date of their delivery to the date of maturity or payment of the bonds, notes or other evidences of indebtedness to be refunded out of the proceeds of sale or the date upon which the bonds, notes or evidences of indebtedness to be refunded will be paid pursuant to call and redemption thereof or pursuant to any agreement with the holders thereof for the refunding or exchanging of such bonds, notes or other evidences of indebtedness; and (d) the premium if any necessary to be paid in order to call and retire the outstanding bonds, notes or other evidences of indebtedness to be refunded. Refunding bonds may be exchanged at not less than their par value and accrued interest for outstanding bonds, notes or other evidences of indebtedness to be refunded thereby.

SEC. 7.88. When sufficient money is in the funding fund to redeem one or more outstanding past due bonds, notes or other evidences of indebtedness, or to redeem one or more

of the outstanding bonds, notes, or other evidences of indebtedness, which are subject to call or payment before maturity, and which are proposed to be funded or refunded, the treasurer shall publish a notice that he is prepared to pay the bond, note or other evidence of indebtedness (giving its number, if any) The notice shall be published once a week for two weeks in a newspaper of general circulation in any county in which the authority is authorized to operate, if there is one. Copies of such advertisement may be published in any newspaper or financial publication in the United States. If the bond, note or other evidence of indebtedness to be called for redemption or refunded is not presented for redemption on or before the date specified for redemption, as set forth on the face of such outstanding bond, note or other evidence of indebtedness, interest thereon shall cease.

SEC. 7.89. At the same time, the treasurer shall deposit in the post office a copy of the notice, enclosed in a sealed envelope, postage prepaid, addressed to the registered owner of any such bond, note, or other evidence of indebtedness, registered pursuant to this part, whose address appears upon the record in the treasurer's office. If the bond, note, or other evidence of indebtedness is not presented within the time specified in the notice, the interest upon it ceases and the amount due shall be set aside for the payment when presented.

SEC. 7.90 When any outstanding bonds, notes or other evidence of indebtedness are surrendered and paid, the treasurer shall cancel them by endorsing on their faces the amount for which they are received, "Canceled," and the date of cancellation.

SEC. 7.91. The treasurer shall keep a record of bonds, notes, or other evidences of indebtedness redeemed, and report the redemption to the authority The report shall be made at least once a month, and shall be accompanied by the bonds, notes, or other evidence of indebtedness which have been taken up and canceled.

SEC. 7.92. Any money remaining in the funding fund, after all outstanding bonds, warrants, judgments, notes, or other evidences of indebtedness proposed to be refunded have been taken up and canceled, shall be deposited in the fund established for the payment of principal and interest on the refunding bonds and used only for paying such principal or interest as they mature.

SEC. 7.93. All bonds issued under this chapter, and the interest or income therefrom, are exempt from all taxes in this State other than gift, inheritance and estate taxes.

CHAPTER 8. ACQUISITION, CONSTRUCTION AND COMPLETION OF SYSTEM

SEC. 8.1. The authority may construct the system or any part thereof and acquire all property necessary therefor on such terms and conditions as it deems advisable. The authority, without awarding a contract for the construction of the system or any part thereof, may do the work directly and may purchase materials, hire labor and do all other things necessary for the doing of the work. When any part of the work is to be done or performed by any public body or by the United States jointly or in conjunction with the authority, the portion of the cost thereof to be borne by the authority may be turned over to the government of the United States or to any other public body to be expended by it in the acquisition, construction or completion of the system or any part thereof. Construction contracts entered into by the authority shall not be subject to the provisions of the State Contract Act and shall be governed solely by the provisions of this act, except that the provisions of Chapter 3 (commencing at Section 4200), Division 5 of Title 1 of the Government Code are hereby expressly made applicable to the system or any part thereof under this act. Any such contracts may be entered into in such manner and upon such terms as the authority deems advisable.

SEC. 8.2. 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 and the operation and control of the system and of every part thereof, acquired, constructed or completed by the authority shall be vested in the authority; provided, that if and when the conditions stated in Section 5.2 occur, unified management of operations in whole or in part shall be provided by a management or operating contract with, or by annexation of the authority to, the San Francisco Bay Area Rapid Transit District or by any other lawful means.

SEC. 8.3. The authority may use for the payment of the acquisition and construction or completion of the system or any part thereof any funds made available to the authority to be expended for the accomplishing of the purposes set forth in this act or the proceeds of any bonds issued and sold by the authority.

SEC. 8.4. 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 bonds issued in connection therewith which may be outstand-

ing and unredeemed, as may be agreed upon by the authority in the resolution authorizing the issuance of the bonds.

SEC. 8.5. The authority may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used solely for the payment of bonds and the interest thereon.

SEC. 8.6. The authority may insure against public liability or property damage. It may provide in the proceedings authorizing the issuance of any bonds for the carrying of such or any other insurance, in such amount and of such character as may be specified, and for the payment of the premiums thereon.

CHAPTER 9. RATES, FARES, TOLLS, CHARGES AND FEES

SEC. 9.1. Pursuant to Sections 6.9 and 6.10, the authority shall fix the rates, fares, tolls and other charges for all transportation facilities comprising the system or any part thereof acquired, constructed or completed under the terms of this act, for the use thereof by any persons utilizing such facilities. Subject to such contractual obligations as may be entered into by the authority and the holders of the revenue bonds issued under this act or by the authority and the San Francisco Bay Area Rapid Transit District, the authority is authorized to change such rates, fares, tolls and charges from time to time as conditions warrant. If revenue bonds are issued, all rates, fares, tolls and charges shall be at all times fixed to yield annual revenue equal to annual operating and maintenance expenses, including insurance costs and all redemption payments and interest charges on the revenue bonds at any time issued and outstanding hereunder, as the same become due. The bond redemption and interest payments shall constitute a first, direct and exclusive charge and lien on all such rates, fares, tolls and charges, or the share thereof accruing to the authority under any agreement with the San Francisco Bay Area Rapid Transit District, and other revenues and interest thereon, and sinking funds created therefrom, received from the use and operation of the system; and all such rates, fares, tolls, charges and other revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds and, except as and to the extent provided in any indenture with respect to the payment therefrom of expenses for operation, maintenance, improvements or extensions of the system, shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid. The authority may provide that the rates, fares, tolls and charges established are minimum rates, fares, tolls and charges and subject to increase or decrease in accordance only with the terms of the indenture under which the revenue bonds are issued.

CHAPTER 10. RIGHTS OF BONDHOLDERS

SEC. 10.1. The holder of any bond issued pursuant to this act may for the equal benefit and protection of all holders of bonds similarly situated (a) by mandamus or other appropriate proceeding, require and compel the performance of any of the duties imposed upon the authority or assumed by it, its officers, agents or employees, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of the system, or the collection, deposit, investment, application and disbursement of rates, fares, tolls or charges and all other revenues derived from the operation and use of the system or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds under this act, (b) by action or suit in equity, require the authority to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds or apply for the appointment of a receiver of the system; or (c) by action or suit in equity, apply for the appointment of a receiver of the system and of the business and assets of the authority, if the authority is insolvent or in imminent danger of insolvency, or if in any other circumstances a receiver of the system may properly be appointed according to the usages of courts of equity. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this act.

CHAPTER 11. CONTRIBUTIONS AND COOPERATION

SEC. 11.1. 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 county, city and county, city, political subdivision, agency, district or other public corporation of this State.

SEC. 11.2. The authority may cooperate and contract with the United States under any act of Congress heretofore and hereafter enacted authorizing or permitting such co-operation. The authority may enter into any contract, arrangement or agreement with any other public agency and may co-operate with the State of California or any other public agency for the development of the system.

SEC. 11.3. The State of California or any public corporation of this State may cooperate and enter into contracts with the authority for the acquisition, construction, completion, maintenance, operation, repair, joint or otherwise, and in whole or in part, of the system. In connection with any such cooperation or contract, the State or any such public corporation may make public contributions to the authority as in the judgment of the Legislature, or the governing board of the public corporation, are necessary or proper for its undertaking,

and the authority may reimburse the State or such public corporation for any such advance or contribution or for any other obligation assumed or incurred by the authority from the proceeds of the sale of 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.

CHAPTER 12. FUNDS

SEC. 12.1. The proceeds from the sale of all revenue and general obligation bonds authorized under the provisions of this act may be paid upon the direction of the authority either to the treasurer of the authority as custodian of the special trust fund, which fund is created by Section 12.2 hereof, to be held for the account of the authority, or may be paid direct to any bank or trust company designated as the fiscal agent and depositary of the authority, as in this act provided.

SEC. 12.2. There is hereby created a fund to be known as the "West Bay Rapid Transit Authority Construction Fund," in the event the proceeds of the sale of bonds authorized under this act shall be paid to the treasurer of the authority. Such construction fund shall at all times be kept separate and apart from all other funds and shall be held by the treasurer as a special fund for the account of the authority. The moneys in the construction fund shall be paid out and disbursed solely for the construction of the system pursuant to the provisions of this act, including surveys, preparation or acquisition of plans and specifications, engineering reports and studies, patents, rights, licenses and interests, and for the payment of all other costs and expenses prior to and during construction, including the acquisition of necessary rights-of-way, easements, lands and other property of every kind and description and appurtenances thereto, and the payment of all expenses, engineering, legal and administrative costs as provided by the authority in the proceedings for the issuance of such bonds. The treasurer shall keep an accurate account of all money deposited in and withdrawn from the construction fund.

SEC. 12.3. In the event the proceeds of the sale of bonds are deposited in a special construction fund in the custody of the treasurer, such moneys may be deposited as demand deposits in such depositary or depositaries as may be authorized by law to receive deposits of county funds.

SEC. 12.4. If any surplus shall exist in the construction fund after the payment in full of all costs of acquisition, construction and completion of the system or part thereof for which the bonds were issued, the same may be paid out and

disbursed for any of the purposes of the authority in addition to those for which it may be paid out and disbursed pursuant to Section 12.2 hereof, but subject to any agreement which may be made by the authority in any indenture or other proceedings for the issuance of the bonds with respect to the application of such surplus.

SEC. 12.5. In lieu of depositing the proceeds of sale of said bonds with the treasurer, the authority may, in any indenture for the issuance of bonds, designate a trustee or fiscal agent, which shall be a bank or trust company, or banks or trust companies, duly qualified to do business in this State, to receive the proceeds of such bonds and to hold the same to the credit of a fund to be designated as the "West Bay Rapid Transit Authority Construction Fund," which fund shall be kept segregated and set apart from all other funds and shall be paid out and disbursed solely upon the application and demand of the authority.

SEC. 12.6. The authority may provide that the payment of interest becoming due and payable on the bonds prior to and during the period of actual construction of the system or part thereof for which the bonds are issued, and for the period specified in the indenture or other proceedings for the issuance of the bonds, which period shall not exceed three (3) years after the completion of construction, and that the payment of all costs and expenses of administration during a period of one year after the completion of construction of the system or part thereof, shall be made out of the construction fund as the need therefor shall arise, and any moneys in the construction fund are hereby made available for such purposes.

SEC. 12.7. Moneys in the construction fund, whether held by the treasurer or in any fiscal agency or depositary of the authority, not required to meet acquisition or construction costs or expenses payable from the construction fund, or interest on the bonds, may be invested in bonds and other obligations eligible for investment of surplus county moneys; subject to such limitations as may be provided in the proceedings authorizing the issuance of the bonds. Any income or interest thereon shall be added to and become a part of the construction fund for the benefit of the authority.

SEC. 12.8. All revenues received from the operation of the system acquired or constructed or completed by the authority may be paid over by the authority either to the treasurer as custodian thereof or to any fiscal agent or depositary appointed by the authority.

SEC. 12.9. If the revenues are paid over by the authority to the treasurer, the same shall be held by the treasurer in a special fund and applied exclusively for the account of the authority. Said special fund is hereby designated "West Bay Rapid Transit Authority Revenue Fund." The moneys in the revenue fund shall be deposited by the treasurer in time or demand deposits in such depositary or depositaries as may be authorized by law to receive deposit of county funds, to the

credit of the revenue fund, or may be invested in such bonds or obligations as are by law legal investments for county moneys, subject to such limitations and restrictions as may be provided in the resolution under which bonds of the authority are issued and outstanding. Any income or interest received upon such deposits or investments shall be added to the revenue fund and inure to the benefit of the authority. The moneys in the revenue fund shall be paid out and disbursed for the payment of the principal of and interest on all bonds issued by the authority under the provisions of this act, as and when such principal and interest shall become due, and for the creation of any reserve fund or other special fund provided by the authority in the proceedings for the issuance of said bonds, and also for the payment of all costs and expenses for the maintenance and operation of the system, engineering, legal and administrative costs and for all repairs and replacements and other costs and expenses of the authority. The treasurer shall keep an accurate account of all money deposited in and withdrawn from the revenue fund.

SEC. 12.10. In lieu of deposit of the revenues received from the system with the treasurer, the authority may deposit all such revenues at any bank or trust company appointed depositary or fiscal agent of the authority in the proceedings for the issuance of the bonds, and if such fiscal agent or depositary is so appointed the authority shall provide for the collection of all revenues and for the receipt and disbursement thereof by the fiscal agent. The authority may, in its absolute discretion, fix the terms and conditions upon which the trustee or trustees or fiscal agent or depositary shall receive, hold and disburse such revenues, and may prescribe the duties and powers of such fiscal agent, trustee or trustees or depositary in the indenture or other proceedings for the issuance of the bonds.

CHAPTER 13. GENERAL AUTHORITY

SEC. 13.1. The authority, and its officers and agents may perform such acts and enter into such agreements, not inconsistent with law, as may be necessary or desirable in connection with the duties and powers conferred upon the authority by this act, in the matter of acquiring, constructing, completing, maintaining, operating, repairing or insuring or replacing the system or any part thereof acquired, constructed or completed under this act, for the safeguarding of funds and revenues required for the purposes of this act, and for the payment of the bonds issued pursuant to this act.

CHAPTER 13.5. ANNEXATION OF COUNTIES

SEC. 13.51. Any county may be included within the area in which the authority is authorized to operate by annexation in the manner provided in this chapter.

SEC. 13.52. The board of supervisors of the county proposed to be annexed shall agree in writing with the authority upon the terms and conditions of annexation, which agreement (among other things) may provide for the levy and collection of special taxes within the county in addition to the taxes elsewhere in this act provided for, the fixing of rates, rentals, and charges differing from those fixed or existing elsewhere within the authority, 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 authority by the county.

SEC. 13.53. As a condition of annexation, the authority shall require any county seeking to annex to the authority to reimburse the authority for the county's equitable share of the previously incurred cost of financing capital expenditures within the authority theretofore imposed by taxation on territory in which the authority is authorized to operate. The amount of reimbursement due from such county shall be computed on the following basis: one-half in the proportion that the population of the county bears to the total population of the counties in which the authority is authorized to operate and one-half in the proportion that the assessed value of the real estate of the county bears to the total assessed value of the real estate of the counties in which the authority is authorized to operate. Determinations of population shall be made by the authority on the latest official information available to it. Determinations by the authority as to the amount of capital expenditures shall be conclusive in each case.

SEC. 13.54. As an alternative method of annexation, a petition may be presented to the board of supervisors of a county proposed to be annexed, signed by qualified electors of the county, in number to at least ten (10) percent of the total vote cast at the last general election within the county. The petition shall contain statements and declarations setting forth the reason for annexation. Such petition may be on separate papers, but each paper shall contain the affidavit of the party who circulated it, certifying that each name signed thereto is the true signature of the person whose name it purports to be. The clerk of the board of supervisors of such county shall compare the signatures with the affidavits of registration and certify to the board of supervisors the sufficiency or insufficiency of such petition. If found and certified by the clerk as being sufficient, such petition shall have all the force and effect of a resolution adopted by the board of supervisors of such county.

SEC. 13.55. Upon receipt of a petition pursuant to Section 13.54, the board of supervisors shall communicate with the authority and negotiate an annexation agreement and hold an election as provided in this chapter.

SEC. 13.56. The agreement shall become effective and be binding upon the authority and the county when approved in the manner set forth in this chapter. The authority shall by

ordinance setting forth the agreement at length declare its intention of causing it to be executed by the authority.

SEC. 13 57. The ordinance, together with a notice fixing the time and place for hearing thereon, shall be published once in a newspaper of general circulation published in any county in which the authority is authorized to operate. The time fixed for the hearing shall be not less than thirty (30) nor more than sixty (60) days from the date of the publication of the ordinance.

SEC 13.58. At the hearing any person interested may file with the authority written objections to the execution of the agreement.

SEC. 13.59. Upon the hearing the authority 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 authority or in the matter of the proposed execution of the agreement to show cause in writing pursuant to Section 13 58, constitutes an assent on his part to a change in the boundaries of the area in which the authority is authorized to operate and to the execution of the agreement.

SEC. 13.60. Any hearing on the agreement may be adjourned from time to time by the authority without further notice other than an order to be entered upon the minutes of the meeting fixing the time and place of adjournment.

SEC. 13.61. If no protests are filed or if the protests filed are overruled and denied, the authority shall thereupon by resolution finally approve the agreement and authorize its execution, which shall become effective when executed by the county, duly authorized in the manner provided in this chapter.

SEC. 13.62. When executed by the authority the agreement shall be dated and an executed copy filed with the secretary of the authority. An executed copy shall also be filed with the clerk of the county to be annexed.

SEC. 13 63 At any time after the authority has finally approved the agreement of annexation the board of supervisors of the county to be annexed shall cause an election to be held in the county to determine whether the county will be annexed to the area in which the authority is authorized to operate upon the terms and conditions stated in the agreement.

Notice of election shall be published once a week for two successive weeks (two publications) in a newspaper of general circulation published within the county, and shall either state that a copy of the annexation agreement is on file in the office of the clerk of the county proposed to be annexed, and open to the inspection of all persons interested, or set forth the terms and conditions of the agreement of annexation at length, in the discretion of the board of supervisors calling the election.

SEC. 13.64. The ballots for the election shall contain substantially the instructions required to be printed on ballots

for use at general state and county elections and in addition shall set forth the proposition of annexation substantially as follows:

Shall the County of _____ be annexed to the area in which the West Bay Rapid Transit Authority may operate in accordance with and subject to all the terms and conditions of an agreement of annexation dated _____ now on file in the office of the Clerk of _____ County?	YES	
	NO	

SEC. 13.65. 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.

SEC. 13.66. If the proposition fails to carry, the result shall be entered upon the minutes of the board of supervisors of the county.

SEC. 13.67. If the proposition receives the vote of the requisite majority of voters, the board of supervisors of the county shall enter in its minutes an order declaring the result of the election and shall thereupon cause the agreement of annexation to be executed by its duly authorized officers.

SEC. 13.68. Upon receipt by the authority of a copy of the agreement of annexation properly executed by the authority and the county proposed to be annexed the authority shall pass a resolution declaring the authority is authorized to operate in the county, and shall cause a certified copy of the resolution to be filed with the Secretary of State. From and after the date of filing of the resolution with the Secretary of State the annexation of the county is complete.

SEC. 13.69. From and after the date of annexation the authority shall levy upon all of the property in the county annexed such taxes, tolls, or charges as are necessary to provide funds for the payment of the indebtedness assumed by the county or otherwise necessary to comply with the terms and conditions of the annexation agreement, all in addition to other taxes authorized elsewhere in this act to be levied and collected.

SEC. 13.70. The validity of any proceedings for the annexation of any county shall not be contested in any action unless the action is brought within three (3) months after the completion of the proceedings.

CHAPTER 13.7. LABOR PROVISIONS

SEC. 13.90. (a) 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 Section 13.91 that said labor organization represents the employees in the appropriate unit, and the accredited representative shall bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, hours, and working conditions. In the absence of the expression of such desire, employees would be subject to any personnel system established pursuant to the provisions of Section 13.97.

(b) 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. 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 any other purpose for which deductions may be authorized by employees where such deductions are pursuant to a collective bargaining agreement with a duly designated or certified labor organization.

(c) In case of dispute over wages, hours, or working conditions which is not resolved by negotiations in good faith between the authority and the representatives of the employees, upon the agreement of both the authority and the representative of the employees, the dispute may be submitted to an arbitration board, and the decision of a majority of such arbitration board shall be final and binding. 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 a 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 a name from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of such impartial arbitrator shall be provided half by the authority and half by the labor organization.

(d) No contract or agreement shall be made with any labor organization, association, group or individual where such organization, association, group or individual denies membership on the grounds of race, creed or color; provided, such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence.

SEC. 13.91. Any question which may arise with respect to whether a majority of the employees in an appropriate unit desire to be represented by a labor organization shall be submitted to the Director of the Department of Industrial Relations. In resolving such questions of representation including the determination of the appropriate unit or units, petitions, the conduct of hearings and elections, the director shall apply the relevant federal law and administrative practice developed under the Labor Management Relations Act, 1947, as amended, and for this purpose shall adopt appropriate rules and regulations. Said rules and regulations shall be administered by the State Conciliation Service and shall provide for a prompt public hearing and a secret ballot election to determine the question of representation.

SEC. 13.92. Whenever the authority acquires existing facilities from a publicly or privately owned public utility, either in proceedings by eminent domain or otherwise, to the extent necessary for operation of facilities, all of the employees of such public utility whose duties pertain to the facilities acquired who have been employed by said utility for at least seventy-five (75) days shall be appointed to a comparable position in the authority without examination and shall be governed thereafter by the personnel system adopted by the authority, and these employees shall be given sick leave, seniority and vacation credits in accordance with the records of the acquired public utility.

The provisions of this section shall apply only to those officers or supervisory employees of the acquired utility as shall be designated by the authority.

SEC. 13.93. (a) Whenever the authority acquires existing facilities from a publicly or privately owned public utility, either in proceedings in eminent domain or otherwise, the authority shall assume and observe all existing labor contracts, and to the extent necessary for operation of facilities acquired, 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, pension and vacation credits in accordance with the records and labor agreements of the acquired public utility.

(b) 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 employee of

any acquired public utility shall suffer any worsening of his wages, seniority, pension, vacation or other benefits by reason of the acquisition.

SEC 13 94. The authority shall not acquire any existing transit system or part thereof whether by purchase, lease, condemnation, or otherwise, or dispose of or lease any transit system or part thereof, or merge, consolidate or co-ordinate any transit system or part thereof, or substitute any type of equipment on any system or part thereof for the then existing equipment or terminate any lease arrangement or management contract, or reduce or limit the lines or service of any existing system or of its system unless it shall first have made adequate provisions for the authority's 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 the parties are unable to agree upon such provisions the dispute shall be submitted to arbitration. The arbitrator shall be selected according to procedures established by subdivision (c) of Section 13.90. The decision of the arbitrator shall be final and binding on the parties. In the event that at the time the authority acquires a system or part thereof, and former or furloughed employees of such system are at that time entitled to protection under a collective bargaining agreement or an order of the Public Utilities Commission or other public agency, the authority shall provide for the continuation of such protection for the period of the agreement or order.

SEC. 13.95. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

SEC. 13.96. (a) In the event the authority and the representatives of the employees do not agree to submit a dispute over the terms and conditions of a collective bargaining agreement to arbitration as provided in subdivision (c) of Section 13.90, the State Conciliation Service may be notified by either party that a dispute exists and that there is no agreement to arbitrate.

(b) Following such notification the State Conciliation Service shall determine whether or not the dispute may be resolved by the parties and, if not, the issues concerning which the dispute exists.

(c) Upon such determination the service shall certify its findings to the Governor of the State of California.

(d) The Governor shall, within 10 days of receipt of certification appoint a factfinding commission consisting of three persons.

(e) The commission shall immediately convene and inquire into and investigate the issues in the dispute.

The commission shall have authority to issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, documents and other records. Subpoenas shall be serviced and enforced in accordance with Chapter 2 (commencing with Section 1985) of Title 3, Part 4, of the Code of Civil Procedure.

Said commission shall report to the Governor within 30 days of the date of its creation.

(f) After the creation of such commission and for 30 days after such commission has made its report to the Governor, no change, except by mutual agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose, and service to the public shall be provided.

SEC. 13.97. Subject to the provisions of this chapter, the authority may adopt a personnel system for the purpose of recruiting and maintaining an effective working force with good morale. The authority shall by resolution determine and create such number and character of positions as are necessary properly to carry on the functions of the authority. The authority shall establish an appropriate salary, salary range, or wage for each position so created, except for positions in a bargaining unit represented by a labor organization. The authority may also establish health and other fringe benefits. The authority may by resolution abolish any such position. Except as otherwise provided in this act, appointments to such positions shall be made by the general manager.

CHAPTER 14. CONSTRUCTION AND INTERPRETATION

SEC. 14.1. This act shall be liberally construed to carry out the objects and purposes and the declared policy of the State of California as in this act set forth.

SEC. 14.2. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of the act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared unconstitutional, invalid or unenforceable.

SEC. 14.3. This act shall not operate to rescind or repeal any other act of the State of California providing for the issuance of revenue bonds or the creation of any other authority or district for any other purpose.

CHAPTER 105

An act to add Section 43006 to the Government Code and Section 155.5 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 27, 1964.]

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

SECTION 1. Section 43006 is added to the Government Code, to read:

43006. Notwithstanding any other contrary provisions of law, the city legislative body may by ordinance provide that every person of the city who at 12 o'clock meridian of the first Monday in March of 1963 was the owner of, or had in his possession, or under his control, any taxable property, which property was thereafter damaged or destroyed prior to January 1, 1964, as a result of a breach or break of a water reservoir or dam, and the property was located in an area which was subsequently proclaimed by the Governor to be in a state of disaster, may, on or before July 1, 1965, make application for the reassessment of such property and deliver to the assessing official of the city a written statement under oath, accompanied by a certificate of a disinterested competent person or authority showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown thereon to be in excess of five hundred dollars ($500). The assessor shall, on or before July 15, 1965, assess the property or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction; and upon such notice as it may find to be proper, the board of equalization for the city may, on or before August 15, 1965, equalize any such assessment or reassessment for the fiscal year 1963-64. The ordinance may provide that an application for reassessment of damaged or destroyed property pursuant to the ordinance shall be notice to the board of equalization that such property may have to be equalized. It may also be provided in such ordinance that the tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of equalized assessment or reassessment determined in accordance with this section. In the event that the resulting figure is less than the tax theretofore computed, the ordinance may provide that the taxpayer shall be liable for tax only for the lesser amount and that the difference shall be canceled except that the lesser amount shall not be less than one-half of the amount levied originally. If the taxpayer has already paid the tax previously computed, the ordinance may provide that such difference shall be refunded to the taxpayer. This section shall be applicable to all

cities to which the Constitution does not prevent it from being applied.

SEC. 2. Section 155.5 is added to the Revenue and Taxation Code, to read:

155.5. Notwithstanding anything in this code to the contrary, every person who at 12 o'clock meridian of the first Monday in March of 1963 was the owner of, or had in his possession or under his control, any taxable property which property was thereafter damaged or destroyed prior to January 1, 1964, as a result of a breach or break of a water reservoir or dam, and the property was located in an area which was subsequently proclaimed by the Governor to be in a state of disaster, may, on or before July 1, 1965, make application for reassessment of such property and deliver to the assessor a written statement under oath, accompanied by a certificate of a disinterested competent person or authority, showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of five hundred dollars ($500). The assessor shall, on or before July 15, 1965, assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the board a description of the property so reassessed, the name of the person making the application in connection with the property, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization may, on or before August 15, 1965, equalize any such assessment or reassessment for the fiscal year 1963-64. An application for reassessment of damaged or destroyed property pursuant to this section shall be notice to the board of equalization that such property may have to be equalized.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the last paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled except that the lesser amount shall not be less than one-half of the amount levied originally. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096), of Part 9 of this division, as an erroneously collected tax.

SEC. 3. This act shall be operative upon the effective date of the approval by the people of Assembly Constitutional Amendment No. 10 of the 1964 First Extraordinary Session

CHAPTER 106

An act to amend Section 17703 of the Education Code, relating to state financial support of the public schools, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 27, 1964.]

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

SECTION 1. Section 17703 of the Education Code is amended to read:

17703. (a) Upon the request of the district, the Superintendent of Public Instruction shall use in computing district aid the difference between (1) the total assessed valuation of property in a district as shown on the equalized assessment roll for the fiscal year; and (2) the assessed valuation of property as shown on the equalized assessment roll for the fiscal year, with respect to which revenues of the district taxes levied in the 1954-1955 fiscal year, or thereafter, are impounded, or could, if paid, be impounded, by the county auditor pursuant to Section 20901. The county auditor shall from time to time determine and certify to the Superintendent of Public Instruction the amounts of assessed valuation of property described in subpart (2) of the preceding sentence.

(b) Whenever, after July 1, 1955, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of impounded tax revenues to the school district, or of the receipt of tax revenues which would have been impounded if paid when due, the Superintendent of Public Instruction shall compute and certify to the Controller the amount to be deducted, and the Controller shall deduct, from the apportionment or apportionments from the State School Fund to the district, in the first fiscal year or the second fiscal year succeeding such notification of release or receipt, that amount apportioned to the district in any prior year or years by reason of the exclusion of assessed valuation with respect to tax revenues impounded and thereafter released, or with respect to tax revenues which would have been impounded, if paid when due, and which were subsequently paid, as the case may be, plus interest of 3½ percent compounded annually.

The provisions of this section shall not apply to impounded tax receipts derived from assessment of water, where the procedures of Section 17704 have been utilized.

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:

State equalization aid entitlements for support of public school districts are computed by taking into consideration the

assessed valuation of property within the districts. When legal questions arise concerning whether assessments have properly been made or whether specified property is, in fact, assessable, it is essential that steps be taken in making the computations to forestall the adverse effects of possible future legal determinations that property was illegally assessed. Present law permits corrective action to be taken with respect to property represented by taxes paid under protest on the grounds of improper assessment, but makes no provision for the situation where the taxpayer refuses altogether to pay the taxes on the property involved in the assessment dispute. In order that steps may be undertaken to protect districts in the latter situation as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 107

An act to amend Sections 430.2, 430.3, 430.4, and 435.5 of, and to add Sections 431.9 and 435.8 to, the Health and Safety Code, relating to hospital survey and construction, and making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 430.2 of the Health and Safety Code is amended to read:

430.2. "The federal act" includes Public Law 725 of the 79th Congress, approved August 13, 1946, entitled the Hospital Survey and Construction Act, as amended by Public Law 482 of the 83d Congress, approved July 12, 1954, entitled the Medical Facilities Survey and Construction Act of 1954, Public Law 88-164 of the 88th Congress, approved October 31, 1963, entitled Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, and any other law now enacted by Congress concerning hospitals as defined in this article.

SEC. 2. Section 430.3 of said code is amended to read:

430.3. "The Surgeon General" means the Surgeon General of the Public Health Service of the United States, or the Secretary of the Department of Health, Education and Welfare of the United States.

SEC. 3. Section 430.4 of said code is amended to read:

430.4. "Hospital" includes hospitals for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, and general, tuberculosis, mental and other types of hospitals and related facilities, such as laboratories, outpatient departments, nurses' home and training facilities, and central service facilities

operated in connection with hospitals, diagnostic or treatment centers, nursing homes, and rehabilitation facilities, but except for facilities for the mentally retarded does not include any institution furnishing primarily domiciliary care.

SEC. 4. Section 431.9 is added to said code, to read:

431.9. Applications for federal funds under Public Law 88-164 for facilities for the mentally retarded or community mental health centers shall be referred by the Director of Public Health to the Director of Mental Hygiene for review and recommendation. The Director of Mental Hygiene shall have 60 days from the time of his receipt of the application to submit recommendations.

SEC. 5. Section 435.5 of said code is amended to read:

435.5. Any public agency which applies for or accepts state assistance for any hospital under this article does so on condition that the hospital for which such assistance is requested and accepted, at all times during which it is operated, (a) shall be qualified for a license under Chapter 2 (commencing with Section 1400) of Division 2 of this code (whether or not said Chapter 2 is otherwise applicable to the hospital), and be subject to inspection under said Chapter 2 to the same extent as are other hospitals to which said Chapter 2 applies; or shall be qualified for a license under Part 2 (commencing with Section 5699) of Division 6 of the Welfare and Institutions Code (whether or not said Division 6 is otherwise applicable to the hospital), and be subject to inspection under said Division 6 to the same extent as are other hospitals to which said Division 6 applies; and (b) shall not restrict patients to those unable to pay for their care.

SEC. 5.5. Section 435.8 is added to said code, to read:

435.8. Funds utilized for community mental health center purposes shall be allocated in a manner consistent with the intent of Section 9000 of the Welfare and Institutions Code and priority shall be given to the establishment or enlargement of clinical service facilities in general hospitals that are a part of a project proposal which provides a comprehensive service.

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:

This act will enable this State to obtain federal funds for the construction of badly needed facilities for the mentally retarded and community mental health centers. In order that such federal funds may be obtained at the earliest possible time, so that the construction of such facilities and centers may be commenced, it is essential that this act take effect immediately.

SEC. 7. There is hereby appropriated out of the General Fund, in augmentation of Item 177 of the Budget Act of 1964, the sum of thirty thousand dollars ($30,000) for support of the Department of Public Health.

SEC. 8. Nothing in this act shall have the effect of indicating administrative responsibility for the use within California of any funds that may become available for support of the operation of mental retardation facilities or community mental health centers.

CHAPTER 108

An act to amend Section 431.2 of the Health and Safety Code, relating to the Advisory Hospital Council.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 431.2 of the Health and Safety Code is amended to read:

431.2. The Governor shall appoint an Advisory Hospital Council to advise and consult with the department in carrying out the administration of this chapter. The council shall consist of the director, who shall serve as chairman ex officio, the Director of the Department of Mental Hygiene and eleven other members, including one who shall be selected on the basis of his responsibility for matters relating to the operation of general hospitals, one shall be selected on the basis of his concern for the care and treatment of the long-term patient, one shall be selected on the basis of his concern with matters relating to the operation of hospitals or other medical facilities providing services to the mentally ill or mentally retarded, one who shall be a licensed physician-surgeon selected on the basis of his concern with matters relating to general health care services, together with seven representatives of the general public as consumers of services, including one who shall be selected on the basis of his concern with matters relating to mental health, one who shall be selected on the basis of his concern with matters relating to the mentally retarded and five others selected from among persons familiar with the need for the services and facilities covered by this section in urban or rural areas. A major consideration in making appointments to the Advisory Hospital Council shall be the avoidance of potential material conflicts of interest. Appointments of members of the council shall be subject to confirmation by the Senate. Of the members appointed in 1964, three shall be designated by the Governor to hold office until October 1, 1965, three shall hold office until October 1, 1967, and one shall hold office until October 1, 1968. Of the members appointed in 1965, two shall be designated by the Governor to hold office until October 1, 1968, and two shall hold office until October 1, 1969. Members other than the members appointed in 1964 and 1965 shall hold office for terms of four (4) years, except that any member appointed to fill a vacancy occurring prior to the expiration of

the term for which his predecessor was appointed, shall be appointed for the remainder of such term Council members, while serving on business of the council, shall receive no compensation, but shall be entitled to receive actual and necessary travel and subsistence expenses while so serving away from their places of residence. The council shall meet as frequently as the director deems necessary, but not less than once each year. Upon request by six (6) or more members, the director shall call a meeting of the council.

The chairman, with concurrence of the council, may appoint subcommittees of the council for particular areas of council responsibilities.

SEC. 2. The amendments to Section 431.2 of the Health and Safety Code made by this act do not affect the membership on the Advisory Hospital Council of any person serving on the council on the effective date of this act or prevent his reappointment after the effective date of this act.

CHAPTER 109

An act to amend Sections 18006 and 18007 of the Elections Code, relating to counting of votes at the polls.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 18006 of the Elections Code is amended to read:

18006. After the polls have closed at any direct primary, presidential primary, or general election, the county clerk shall require the inspector of each precinct to, and the inspector, as soon as 30 ballots in his precinct have been counted, shall ascertain and note upon the special blanks furnished, the votes for each candidate and for and against each measure designated on the blanks and the total number of votes cast in the precinct. Immediately thereafter, in the manner directed by the county clerk, he shall communicate the figures so tabulated to the person in charge of the election return center serving that precinct, or to the county clerk if no return centers have been established.

SEC. 2. Section 18007 of said code is amended to read:

18007. Upon the completion of 60 ballots and of every 30 ballots thereafter, and upon the canvassing of all of the ballots, the inspector shall ascertain and report to the election return center designated the total votes cast for each candidate and for and against each measure.

CHAPTER 110

An act to amend Section 69580 of the Government Code, relating to superior courts.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 69580 of the Government Code is amended to read:

69580. In the County of Alameda there shall be 20 judges of the superior court.

CHAPTER 111

An act to amend Section 17601.1 of the Education Code, relating to state financial support for the public schools.

[Approved by Governor May 27, 1964 Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 17601.1 of the Education Code is amended to read:

17601.1. For the purposes of this chapter, the governing board of each school district shall report to the Superintendent of Public Instruction during each fiscal year the average daily attendance of the district for all full school months during (1) the period between July 1st and December 31st, inclusive, to be known as the "first period" report for the first principal apportionment, and (2) the period between July 1st and April 15th, inclusive, to be known as the "second period" report for the second principal apportionment. The county superintendent of schools shall report the average daily attendance for the schools and classes maintained by him and the average daily attendance for the county school tuition fund. If the average daily attendance in the regular day schools of a district for the period of time between July 1 and June 30 exceeds the average daily attendance in the regular day schools reported for the second period report, the excess average daily attendance shall be added to the second period report for the next succeeding fiscal year.

Each report shall be prepared in accordance with instructions on forms prescribed and furnished by the Superintendent of Public Instruction and average daily attendance shall be computed in the following manner:

(a) The average daily attendance in the regular day elementary, junior high, and high schools maintained by the school districts shall be determined by dividing the total num-

ber of days of attendance in all full school months in each period by the number of days such schools are actually taught in all full school months in each period.

(b) The average daily attendance in grades 13 and 14 of the regular day schools of each junior college shall be determined by dividing the hours of attendance during the period by the number equal to three times the number of days actually taught within the period during the "academic year" as defined in Section 5554. For the purposes of this article, the average daily attendance in each period shall not exceed 1.2 times the number of different pupils enrolled in the district during the period.

(c) The average daily attendance in summer school and outdoor science and conservation education classes maintained during the period between the last day the regular day schools are in session during the preceding year and the first day the regular day schools are in session during the current year shall be reported on both the first period and second period reports. Such average daily attendance shall be computed by dividing the days of attendance by 175. For junior colleges, the hours of attendance shall be divided by 525, and the average daily attendance shall not exceed 1.2 times the total number of different pupils enrolled in the district in the summer school.

(d) The attendance for schools and classes maintained by the county superintendent of schools and for the county school tuition fund credited after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance of the school, class, or fund shall be determined for the first period by dividing the days of attendance by 75 and for the second period, the days of attendance shall be divided by 175.

(e) The days of attendance in classes for adults and continuation schools and classes maintained after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance in such schools and classes shall be determined for the first period by dividing the days of attendance by 75; for the second period, the days of attendance shall be divided by 175.

CHAPTER 112

An act to amend Sections 73836 and 74015.5 of, to repeal Section 74885.5 of, and to add Section 74885.5 to, the Government Code, relating to salaries of municipal court attachés.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 73836 of the Government Code is amended to read:

73836. The marshal may appoint one senior clerk who shall receive a minimum salary of three hundred sixty-six dollars ($366) monthly with annual increments in the manner provided in this article, of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20) and twenty-two dollars ($22) to a maximum of four hundred forty-five dollars ($445) 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.

SEC. 2. Section 74015.5 of said code is amended to read:

74015.5. The marshal may appoint one senior clerk who shall receive a minimum salary of three hundred sixty-six dollars ($366) monthly with annual increments in the manner provided in this article, of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20) and twenty-two dollars ($22) to a maximum of four hundred forty-five dollars ($445) monthly. The marshal may also appoint one typist-clerk who shall receive a minimum salary of two hundred seventy dollars ($270) monthly with annual increments 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. 3. Section 74885.5 of said code is repealed.

SEC. 4. Section 74885.5 is added to said code, to read:

74885.5. The marshal may appoint one senior clerk who shall receive a minimum salary of three hundred sixty-six dollars ($366) monthly with annual increments in the manner provided in this article, of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20) and twenty-two dollars ($22) to a maximum of four hundred forty-five dollars ($445) monthly.

CHAPTER 113

An act to add Section 43008 to the Government Code and Section 409 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 43008 is added to the Government Code, to read:

43008. Notwithstanding any other contrary provisions of law, the city legislative body may by ordinance provide that the assessing official of the city shall assess to the persons owning, claiming, possessing or controlling any taxable property which was damaged or destroyed by fire, flood, earthquake or other act of God after March 2, 1964, and prior to July 1, 1964, according to its condition and value immediately after the damage or destruction, if the property is located in an area or region which, at the request of the chief executive or mayor of the city, has been proclaimed by the Governor to be in a state of disaster.

An assessment pursuant to an ordinance adopted under this section shall be in lieu of any other assessment for the fiscal year commencing on July 1, 1964.

SEC. 2. Section 409 is added to the Revenue and Taxation Code, to read:

409. Notwithstanding anything in this code to the contrary, the assessor shall assess to the persons owning, claiming, possessing or controlling any taxable property which was damaged or destroyed by fire, flood, earthquake or other act of God after March 2, 1964, and prior to July 1, 1964, according to its condition and value immediately after the damage or destruction, if the property is located in an area or region which, at the request of the chairman of the board of supervisors of the county, has been proclaimed by the Governor to be in a state of disaster.

An assessment made pursuant to this section shall be in lieu of an assessment authorized under Section 405.

If taxes levied on the basis of the original assessment have been paid and the assessment made pursuant to this section results in a reduction of the taxes due upon the property, the person who paid the taxes may apply for, and shall be entitled to, a refund of the amount of the overpayment.

SEC. 3. This act shall be operative upon the effective date of the approval by the people of Assembly Constitutional Amendment No. 10 of the 1964 First Extraordinary Session.

CHAPTER 114

An act to add Section 20930.7 to the Government Code, relating to state employees' retirement.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 20930.7 is added to the Government Code, to read:

20930.7. Any state miscellaneous member who was employed by a city and county as a secretary to an elected officer of a city and county, who left such service to enter a comparable position with an elected state officer may elect to make contributions pursuant to Section 20932 and this section, and when made, shall then receive credit under this system for such service.

No election under this section shall be effective unless the member mails to the board a written notice of intention prior to August 1, 1964. The notice shall be accompanied by a lump sum payment covering the required contributions, or by an authorization for immediate institution of payroll deduction for installment payments of such contributions.

CHAPTER 115

An act to amend Section 14.1 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961), relating to the Kern County Water Agency.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 14.1 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961) is amended to read:

Sec. 14.1. The agency may levy a special ad valorem tax based on the last equalized county assessment roll on all the property taxable or subject to assessment by any member unit, whenever any such member unit is delinquent in any payment due the agency under a contract. The tax shall be levied only at a rate sufficient to raise the amount delinquent, and shall be used only to reduce the liability of the delinquent member unit.

No property in any portion of the agency, other than that in the delinquent member unit, shall be liable for or taxed to pay such delinquency.

CHAPTER 116

An act to amend Sections 262 and 268 of the Revenue and Taxation Code, relating to property tax exemptions.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

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

262. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963 or 1964 on property as to which the church exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 2. Section 268 of said 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, 1961, 1962, 1963 or 1964 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.

CHAPTER 117

An act to amend Section 19652 of the Education Code, relating to capital outlay for construction or improvement of public schools, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 19652 of the Education Code is amended to read:

19652. On the date an acquiring district becomes effective for all purposes, as specified in Section 1601, the authority to accept a state loan voted by an original district pursuant to this chapter (Sections 19551 to 19689, inclusive) whose bound-

aries are coterminous with the boundaries of the acquiring district shall become authority of the acquiring district to accept a state loan; provided, however, that when the proceeds of bonds authorized and sold by the acquiring district are applied toward the reduction of apportionments made to an original district which is included in whole in the acquiring district pursuant to Section 19590, such amount of bond proceeds shall be excluded in determining the amount chargeable against any apportionment authorized to be accepted by the electorate of the original or acquiring district.

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

In order to preserve the eligibility of reorganized school districts for amounts of state school building aid sufficient to provide capital outlay for essential school building projects of the reorganized districts, it is necessary that this act take effect immediately.

CHAPTER 118

An act making an appropriation for a rapid transit study.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

SECTION 1. The Department of Public Works shall conduct a study as to the possibility of using the Richmond-San Rafael Bridge for rapid transit purposes in addition to motor vehicle transportation purposes, taking into consideration, among other things, the weight of the rapid transit vehicles to be used and the ability of the bridge to withstand the stresses and strains incident to their movement over the bridge, and shall submit a report on the results of the study, together with its recommendations thereon, to the Legislature not later than the fifth legislative day of the 1965 Regular Session of the Legislature.

SEC. 2. The sum of twelve thousand dollars ($12,000) is hereby appropriated from the Revenue Fund of the San Francisco-Oakland Bay Bridge to the Department of Public Works for expenditure by the department in conducting the study required by Section 1 of this act.

CHAPTER 119

An act to add Sections 36576 and 37211 to the Water Code, relating to California Water Districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 36576 is added to the Water Code, to read:

36576. Notwithstanding Section 36571, in the Lost Hills Water District and the Antelope Plains Water District in Kern County, all of the land shall be assessed at its full cash value; provided, however, that until such time as an irrigation project for the district has been installed and put into operation the assessment levied by the board may be of an equal amount upon each acre of land within the district sufficient to defray all expenses as estimated by the board to be incurred for the general benefit of the district up to the time of the completion of such project, but in no event shall such equal amount assessment exceed three dollars ($3) per acre per year.

This section shall have no force or effect after December 31, 1966.

SEC. 2. Section 37211 is added to said code, to read:

37211. Notwithstanding Section 37207, in the Lost Hills Water District and the Antelope Plains Water District in Kern County, 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; provided, however, that until such time as an irrigation project for the district has been installed and put into operation the assessment levied by the board may be of an equal amount upon each acre of land within the district sufficient to defray all expenses as estimated by the board to be incurred for the general benefit of the district up to the time of the completion of such project, but in no event shall such equal amount assessment exceed three dollars ($3) per acre per year.

This section shall have no force or effect after December 31, 1966.

SEC. 3. This special act applicable only to the Lost Hills Water District and the Antelope Plains Water District in Kern County is necessary to meet the unique problem in the area of providing a public entity to distribute water without unreasonably burdening the sparse population and those in the area who have already improved their property, and because a general law cannot be made applicable.

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

In order to facilitate the financing of projects of California water districts and to accelerate the completion of such projects and thereby the provision of water needed for agriculture, domestic and other purposes in such districts, it is essential that this act go into immediate effect.

CHAPTER 120

An act to amend Section 20.2 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656, Statutes of 1951), relating to tax rate.

[Approved by Governor May 27, 1964 Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 20.2 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656, Statutes of 1951) is amended to read:

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

(a) To levy taxes or assessments in each or any of said zones to pay the costs and expenses of carrying out, acquiring, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones; provided, however, that said tax or assessment shall not exceed twenty cents ($0.20) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the zone. Said taxes or assessments may be levied by either of the following methods:

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

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

(b) To levy taxes or assessments by either method authorized by subdivision (a) of this section in each or any of said zones, according to the special benefits derived or to be derived by the specific properties therein, to pay the cost and expenses of carrying out any of the objects or purposes of this act of

special benefit to such zone or zones, including the acquiring, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zone or zones.

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

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said taxes or assessments shall be paid into the county treasury to the credit of the respective zones thereof, and the board of directors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any zone from the taxes or assessments levied under the provisions of subdivisions (a) or (b) of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, or for projects authorized or established outside such zone, or zones, but for the benefit thereof.

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

CHAPTER 121

An act to add Section 54918 to the Government Code, relating to zones within districts formed under Water Conservation Act of 1931, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 54918 is added to the Government Code, to read:

54918. This section applies only to the Santa Clara Valley Water Conservation District.

Notwithstanding Government Code Sections 54900, 54901, 54902, 54903, the board of supervisors may levy a tax pursuant to the Water Conservation Act of 1931 in a portion of the district not included in a ground water charge zone during the 1964-65 and 1965-66 fiscal years; provided that the portion of the district is comprised of whole tax code areas as shown in the assessment roll for the fiscal year for which the taxes are to be levied. On or before the 1st of June of each year, the district board shall file with the board of supervisors a description of the portion of the district, described by tax code areas, in which the tax is to be levied.

SEC. 2. The Legislature finds and declares that the provisions of this section constitute a special act in a case where a general law cannot be made applicable. The Santa Clara Valley Water Conservation District is the only district formed under the Water Conservation Act of 1931 in which there is a ground water charge zone. Factors in the district make the authorization to levy a tax in a portion of the district not included in a ground water charge zone equitable as applied to the district, but as applied in other districts which may in the future establish a ground water charge zone, Section 1 may prove inequitable.

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 accomplish the purpose of water conservation and water supply essential to public health and safety, districts having the power to impose a ground water extraction charge must be permitted to do so at once in accordance with the terms of the legislative grant of such authority, which grant conflicts with the provisions of Sections 54902 and 54903 of the Government Code as to filing of a map or plat; therefore, this act resolving the conflict must take effect immediately.

CHAPTER 122

An act to amend Sections 74923, 74925 and 74926 of the Government Code, relating to municipal courts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 74923 of the Government Code is amended to read:

74923. The clerk may appoint one assistant clerk, two senior clerks and three intermediate clerk typists.

SEC. 2. Section 74925 of said code is amended to read:

74925. The marshal may appoint one deputy marshal and appoint one intermediate clerk typist who shall serve as clerk to the marshal.

SEC. 3. Section 74926 of said code is amended to read:

74926. The monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the following salary schedule:

Salary Schedule

	Step A	Step B	Step C	Step D	Step E
Clerk, Municipal Court	$505	$530	$556	$584	$613
Assistant Clerk, Municipal Court	395	415	436	458	481
Senior Clerk	325	341	358	376	395
Intermediate Clerk Typist	295	310	325	341	358
Marshal	625	625	625	625	625
Deputy marshal	458	481	505	530	556

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 court will be understaffed and the morale of certain employees of the court will be adversely affected due to an inadequacy in their compensation until such time as this measure becomes effective.

CHAPTER 123

An act to amend Section 10 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), relating to claims against the agency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 10 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957) is amended to read:

Sec. 10. Claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 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. 2. (a) This act applies to all causes of action heretofore or hereafter accruing.

(b) Nothing in this act revives or reinstates any cause of action that, on the effective date of this act, is barred either by failure to comply with any applicable statute, charter or ordinance requiring the presentation of a claim or by failure to commence an action thereon within the period prescribed by an applicable statute of limitations.

(c) Subject to subdivision (b), where a cause of action accrued prior to the effective date of this act and a claim thereon has not been presented prior to the effective date of this act, a claim shall be presented in compliance with this act, and for the purposes of this act such cause of action shall be deemed to have accrued on the effective date of this act.

(d) Subject to subdivision (b), where a cause of action accrued prior to the effective date of this act and a claim thereon was presented prior to the effective date of this act, the provisions of this act so far as applicable shall apply to such claim; and, if such claim has not been acted upon by the board prior to the effective date of this act, such claim shall be deemed to have been presented on the effective date of this act.

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

The Placer County Water Agency is in the process of constructing its Middle Fork American River Project. Various claims arising out of this construction have been filed against the agency. Unless this act takes effect immediately, permitting the agency and the claimants to defer action on their claims until the completion of the project, needless, costly, time-consuming lawsuits will have to be filed by the claimants to protect their rights.

CHAPTER 124

An act to amend Section 5605 of the Education Code, relating to financial support of public schools, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1964. Filed with Secretary of State May 28, 1964.]

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

SECTION 1. Section 5605 of the Education Code is amended to read:

5605. The governing board of any elementary school district situated within a high school district maintaining a junior high school shall permit pupils who have completed the sixth year of the elementary school to attend the junior high school and shall pay to the high school district for the education of the pupils a tuition charge determined pursuant to this section. The amount of the tuition charge shall be computed as follows:

(a) By multiplying each one hundred dollars ($100) of the assessed valuation of the elementary school district as modified pursuant to Section 17262 and as increased pursuant to Section 5605.6 for the current fiscal year, by the computational tax rate of one dollar and fifty cents ($1.50).

(b) By multiplying the product derived under subdivision (a) by the ratio which the average daily attendance of pupils of the elementary school district attending grades seven and eight of the junior high school during the current fiscal year, bears to the total average daily attendance of the elementary school district, including such pupils in grades seven and eight, during the current fiscal year.

On or before January 1st of each fiscal year, the governing board of the elementary school district shall draw its warrant in favor of the high school district against the general fund of the elementary school district in the amount of fifty percent (50%) of the estimated tuition charge due to the high school district for the attendance of pupils at the junior high school during the current fiscal year. The amount of the warrant shall be credited to the general fund of the high school district.

On or before July 15th following the close of the fiscal year, the governing board of the elementary school district shall draw its warrant in favor of the high school district against the general fund of the elementary school district in the amount of the difference between the final tuition as computed by this section and the first installment paid to the high school district. The amount of the warrant shall be credited to the general fund of the high school district. The revenues, although received after the close of the fiscal year shall be considered revenues of the preceding fiscal year.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Many school districts have experienced difficulty in estimating accurately the precise amount of the interdistrict payments to be made for junior high school tuition for a fiscal year. In order that the more flexible arrangement afforded by this act may be taken advantage of at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 125

An act to add Section 20811 to the Education Code, relating to taxation for support of school districts.

[Approved by Governor May 29, 1964 Filed with Secretary of State June 1, 1964]

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

SECTION 1. Section 20811 is added to the Education Code, to read:

20811. (a) This section shall only apply to those counties having a population in excess of 4,000,000 and to every school district within such a county for which the Board of Supervisors fixes the annual school district tax rate. Subdivision (c) of this section shall be operative until July 1, 1965, and shall have no force or effect after that date.

(b) Upon written request of the governing board of any school district submitted to the county assessor on or before the 20th day of February, the county assessor shall not later than the succeeding 15th day of May advise in writing the governing board of the school district the estimated total assessed valuation of taxable property in the district for the next succeeding fiscal year, together with the estimated total assessed valuation of all taxable property appearing on the secured roll, the unsecured roll, and solvent credits.

(c) For each school year, the county auditor shall, prior to the date of the levy of school district taxes, estimate and report to the county board of supervisors the total tax revenue for each school district in the county computed at its maximum tax rate as provided pursuant to Section 20751 or 20803, whichever applies to the district. If the estimated tax revenue for the current school year falls below the tax revenue that would have been raised by said maximum tax rate for the last preceding school year, the maximum tax rate of the district shall be increased by the county board of supervisors by the number of cents required to raise as nearly as practicable the same tax revenue that would have been raised by the maximum district tax rate for the last preceding school year. Such increase in the tax rate of the district shall be effective

for the current school year irrespective of any provisions of law fixing maximum school district tax rates which otherwise might be applicable. The provisions of this section shall not be construed as impairing or otherwise affecting the validity of any school district budget proceedings undertaken pursuant to Division 16 (commencing with Section 20501). Notwithstanding the provisions of Section 20951 and 21001 or any provision of this code to the contrary, the governing board of any school district may budget and use any unbudgeted district tax revenues provided during the current fiscal year pursuant to the provisions of this section without the requirement for repetition of any publication or any other budgeting procedures.

CHAPTER 126

An act to amend Section 13525 of the Education Code, relating to minimum salaries of credentialed teachers.

[Approved by Governor May 29, 1964. Filed with Secretary of State June 1, 1964.]

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

SECTION 1. Section 13525 of the Education Code is amended to read:

13525. The governing board of each school district shall pay to each person employed in a day school of the district for full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than five thousand dollars ($5,000).

The governing board of each school district shall pay to each person employed for less than full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than an amount which bears the same ratio to five thousand dollars ($5,000) as the time required of the person bears to the time required of a person employed full time.

"Full time" means not less than the minimum school day for each day the schools of the district are maintained during the school year.

The provisions of this section shall not be construed as applying to substitute employees of a school district.

CHAPTER 127

An act making an appropriation for the salaries of state officers and employees, to take effect immediately.

[Approved by Governor May 29, 1964. Filed with Secretary of State June 1, 1964.]

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

SECTION 1. The Legislature finds and declares that the amount appropriated by Section 2A, Item 39 of the Budget Act of 1963 for salary increases is inadequate to meet the January 1, 1964 increases authorized by the Director of Finance for positions exempt from civil service under Article XXIV of the California Constitution. At the same time surplus funds exist in the budgets of the various state agencies involved, and an apparent surplus also exists in the 1963 funds appropriated for salary increases for civil service employees. It is the Legislature's purpose, in adopting this act, to authorize the use of these surplus 1963 funds and also to appropriate sufficient additional funds to insure that the January 1964 increases for exempt employees can be paid for the months of March, April, May and June 1964.

SEC. 2. Any surplus funds in the support budgets of state agencies for which funds were appropriated by the Budget Act of 1963 shall be available to pay the salary increases authorized by the Director of Finance on January 1, 1964, in augmentation of the funds appropriated for that purpose by Section 2A, Item 39 of the Budget Act of 1963.

SEC. 3. Any surplus funds in the appropriation made by Section 2A, Item 35, Schedule (a) of the Budget Act of 1963 for salary increases for civil service employees shall be available to pay the salary increases authorized by the Director of Finance on January 1, 1964, in augmentation of the funds appropriated for that purpose by Section 2A, Item 39 of the Budget Act of 1963.

SEC. 4. In the event that the surplus funds made available by Sections 2 and 3 of this act are inadequate to pay the salary increases ordered by the Director of Finance on January 1, 1964, for employees exempt from civil service during the months of March, April, May and June 1964, the amount necessary in addition is hereby appropriated in augmentation of the funds appropriated for that purpose by Section 2A, Item 39 of the Budget Act of 1963. In no event shall the funds expended under this section exceed one hundred forty-six thousand dollars ($146,000).

SEC. 5. 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 128

An act to amend Sections 5286, 5292, 5321, 5323, 5324, and 5325 of, and to add Sections 5212, 5288, 5288.1, 5288.2, 5288.3, 5288 4, 5288 5, and 5288 6 to, the Business and Professions Code, relating to outdoor advertising.

[Approved by Governor June 1, 1964 Filed with Secretary of State June 3, 1964.]

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

SECTION 1 Section 5212 is added to the Business and Professions Code, to read:

5212 "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

SEC. 1.5. Section 5286 of said code is amended to read:

5286. No advertising display shall be placed or maintained in any of the following locations or positions or under any of the following conditions or if the advertising structure or sign is of the following nature:

(a) If within the right-of-way of any highway.

(b) If visible from any highway and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this chapter, or if likely to be mistaken for any such permitted sign, or if intended or likely to be construed as giving warning to traffic, such as by the use of the words "stop" or "slow down."

(c) If within any stream or drainage channel or below the flood water level of any stream or drainage channel where the advertising display might be deluged by flood waters and swept under any highway structure crossing the stream or drainage channel or against the supports of the highway structure.

(d) If not maintained in safe condition.

(e) If visible from any highway and displaying any red or blinking or intermittent light likely to be mistaken for a warning or danger signal

(f) If visible from any state highway which is a part of the national system of interstate and defense highways (and which highway is constructed upon right-of-way, the entire width of which was acquired subsequent to July 1, 1956) and displaying any flashing, intermittent or moving light or lights, except that any such display lawfully maintained in existence on July 1, 1964, may be maintained in existence until July 1, 1969.

(g) If any illumination thereon shall be of such brilliance and so positioned as to blind or dazzle the vision of travelers on adjacent highways.

(h) If visible from any state highway which is a part of the national system of interstate and defense highways (and which highway is constructed upon right-of-way, the entire width of which was acquired subsequent to July 1, 1956) and is erected or maintained upon trees or painted or drawn upon rocks or

other natural features, except that any such display lawfully maintained in existence on July 1, 1964, may be maintained in existence until July 1, 1969.

SEC. 2. Section 5288 is added to said code, to read:

5288. (a) The regulation of advertising structures adjacent to any state highway included in the national system of interstate and defense highways as herein provided is hereby declared to be necessary to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in such highways, to preserve the scenic beauty of lands bordering on such highways, and to insure that information in the specific interest of the traveling public is presented safely and effectively, recognizing that a reasonable freedom to advertise is necessary to attain such objectives.

(b) Notwithstanding any other provisions of this chapter, no advertising display shall be placed or maintained within 660 feet from the edge of the right-of-way of, and the copy of which is visible from, any highway included in the national system of interstate and defense highways (and which highway is constructed upon right-of-way, the entire width of which was acquired subsequent to July 1, 1956) other than the following:

(1) Directional or other official signs or notices that are required or authorized by law.

(2) Signs advertising the sale or lease of the property upon which they are located.

(3) Displays which advertise the business conducted or services rendered or the goods produced or sold upon the property upon which the advertising display is placed if the display is upon the same side of the highway and within 50 feet of the point on the property on which the business is conducted or services rendered or goods produced or sold

(4) Signs erected or maintained pursuant to regulations of the director, and not inconsistent with the national policy set forth in Section 131 of Title 23 of the United States Code and the standards promulgated thereunder by the Secretary of Commerce, advertising activities being conducted at a location within 12 miles of the point at which such signs are located.

(5) Signs erected or maintained pursuant to regulations of the director, and not inconsistent with the national policy set forth in Section 131 of Title 23 of the United States Code and the standards promulgated thereunder by the Secretary of Commerce, and designed to give information in the specific interest of the traveling public

SEC. 3. Section 5288.1 is added to said code, to read:

5288.1. The provisions of Section 5288 shall not apply to those segments of the national system of interstate and defense highways which traverse and abut on commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to and abutting on

the national system of interstate and defense highways is subject to municipal regulation or control, or which traverse and abut on other areas where the land use, as of September 21, 1959, is clearly established by state law as industrial or commercial.

SEC. 4. Section 5288 2 is added to said code, to read:

5288.2. Any advertising display located within 660 feet of the edge of the right-of-way of, and the copy of which is visible from, any highway included in the national system of interstate and defense highways (and which highway is constructed upon right-of-way, the entire width of which was acquired subsequent to July 1, 1956), lawfully maintained in existence on July 1, 1964, which is not within one of the classes specified in Section 5288(b) may be maintained in existence until July 1, 1969, unless required to be removed prior thereto by order of the director; provided that this section shall not apply to advertising displays adjacent to a landscaped freeway.

SEC 5. Section 5288 3 is added to said code, to read:

5288 3 Owners of advertising displays which are required to be removed prior to July 1, 1969, by order of the director pursuant to Section 5288.2, and the owners of the land upon which such displays are located, shall be paid just compensation for the reasonable damages suffered by reason of such removal between the date of removal and July 1, 1969

SEC. 6. Section 5288.4 is added to said code, to read:

5288.4. The director shall prescribe and enforce regulations for the erection and maintenance of advertising structures permitted by Section 5288 consistent with the national policy set forth in Section 131 of Title 23 of the United States Code and the national standards promulgated thereunder by the Secretary of Commerce; provided that the director shall not prescribe regulations to conform to changes in federal law or regulations made after the effective date of this section without prior legislative approval.

Notwithstanding any other provisions of this chapter, no outdoor advertising shall be placed or maintained adjacent to any state highway included in the national system of interstate or defense highways in violation of the present Section 131 of Title 23 of the United States Code, or the present national standards promulgated thereunder by the Secretary of Commerce and the director shall prescribe and enforce regulations consistent therewith.

SEC 7. Section 5288.5 is added to said code, to read:

5288.5. The director may enter into agreements with the Secretary of Commerce of the United States and accept any allotment of funds as provided by Section 131 of Title 23 of the United States Code

SEC. 7 5 Section 5288 6 is added to said code, to read:

5288 6 The provisions of this chapter shall not be construed to permit a person to place or maintain in existence on or adjacent to any street, road or highway, including any interstate

or state highway, any outdoor advertising prohibited by law or by any ordinance of any city, county or city and county.

SEC. 8. Section 5292 of said code is amended to read:

5292. Any advertising structure or sign which is now, or hereafter shall be, in violation of the provisions of Section 5291, shall be removed within three (3) years from the date when the project for the landscaping of a section or sections of a freeway shall have been completed or accepted, and the character of said section or sections shall have been changed from a freeway to a landscaped freeway.

SEC. 9. Section 5321 of said code is amended to read:

5321. All license and permit fees collected by the director and his authorized agents in accordance with the provisions of this chapter shall be forwarded to and deposited with the Treasurer of the State monthly, to the credit of a special account in the State Highway Fund, except that 20 percent of all fees collected by county clerks appointed by the director shall be retained by the county in which the fees are collected. All money received by the State from the United States pursuant to subdivision (c) of Section 131 of Title 23 of the United States Code shall be deposited in the same special account in the State Highway Fund. All license and permit fees shall be accounted for by the director in the manner provided by law.

SEC. 10. Section 5323 of said code is amended to read:

5323. The expense of administering this chapter is under the control of the director. All money paid into the special account in the State Highway Fund pursuant to this article is continuously appropriated without regard to fiscal years for the administration and enforcement of this chapter and for payment of compensation pursuant to Section 5288.3. Upon the order of the director, the Controller shall, without the approval of any board, draw his warrant upon the Treasurer for the amount specified and in favor of the person designated in the order. The Controller shall also account for the receipts and disbursements of all money paid into the Highway Fund pursuant to this article. For the purpose of recording by the Controller of such receipts and disbursements, the department shall furnish to the Controller with claims and remittances or by subsequent reports the information necessary to maintain such accounts of money paid into the State Highway Fund pursuant to this article.

The director shall, within 90 days after the close of each fiscal year, file with the Department of Finance and the Controller an annual report of all revenues and expenditures pertaining to the administration of this chapter.

SEC. 11. Section 5324 of said code is amended to read:

5324. The license fee is one hundred thirty dollars ($130) for an original license and for each annual renewal thereof, except where the applicant has engaged in the business of outdoor advertising without a valid, unrevoked and unexpired license, the fee for any issuance of the first license thereafter

is one hundred ninety-five dollars ($195), one-third of which is the penalty.

SEC. 12. Section 5325 of said code is amended to read:

5325. (a) The permit fee for each advertising sign is fifty cents ($0.50) for an original permit and for each annual renewal thereof, except where the applicant has placed or maintained any such sign without a valid, unrevoked and unexpired permit therefor, the fee for any issuance of the first permit thereafter is one dollar and fifty cents ($1.50), one dollar ($1) of which is the penalty.

(b) The permit fee for an advertising structure for the original permit and for each annual renewal thereof is five dollars ($5), except where the applicant has placed or maintained such structure without a valid, unrevoked and unexpired permit therefor, the fee for any issuance of the first permit thereafter is six dollars ($6), one dollar ($1), of which is the penalty.

SEC. 13. This act shall become operative May 15, 1965.

SEC. 14. This act shall be known as the Collier-Z'berg Act.

CHAPTER 129

An act to add Section 36057.5 to the Health and Safety Code, relating to housing.

[Approved by Governor June 1, 1964. Filed with Secretary of State June 3, 1964.]

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

SECTION 1. Section 36057.5 is added to the Health and Safety Code, to read:

36057.5. The Department of Finance may furnish counseling and guidance services to aid any public body or any private or nonprofit organization or persons in securing the financial aid or cooperation of the federal government in the undertaking, construction, maintenance, operation, or financing of any housing designed for farm laborers and their families, persons displaced by action of any state or local public agency, and workers engaged in cutting, processing, milling, handling, or shipping lumber or lumber products, and the families of such workers.

The Department of Finance may contract for or sponsor, subject to the availability of federal funds, experimental or demonstration projects for permanently fixed or mobile housing designed to meet the special needs of agricultural workers and persons displaced by action of any state or local public agency. Such contracts or sponsorship agreements may be between the department and cities, counties, housing authorities, or nonprofit organizations.

CHAPTER 130

An act to amend Sections 6871 and 6873 of the Education Code, relating to the financial support of the public schools, declaring the urgency thereof, to take effect immediately

[Approved by Governor June 1, 1964. Filed with Secretary of State June 3, 1964.]

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

SECTION 1. Section 6871 of the Education Code is amended to read:

6871. With the approval of the Superintendent of Public Instruction any school district having a physically handicapped minor as defined by this chapter for whom special education facilities and services are not available and cannot be reasonably provided under the provisions of Article 1 (commencing with Section 6801) of this chapter and Article 9 (commencing with Section 8901) of Chapter 6, Division 7, and for whom the State of California has no appropriate special education facilities and services, may, in lieu of establishing and maintaining the needed special education facilities and services at an unreasonable cost to the district, pay to the parent or guardian of such minor toward the tuition for such minor, enrolled in a public or private nonsectarian school within or outside of California offering the special education facilities and services made necessary by the minor's physical disabilities, an amount not to exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the maximum amount allowable per unit of average daily attendance for reimbursing for excess current expenses under Sections 18060 and 18102, and the amount per unit of average daily attendance provided from revenue derived from district taxation for the support of the schools of the district. As used in this article "tuition" includes the cost to the parent or guardian of transporting a minor enrolled in a public or private nonsectarian school under this section to and from school.

SEC. 2. Section 6873 of said code is amended to read:

6873. Upon verification of the attendance reported and the claim submitted, the Superintendent of Public Instruction shall apportion to the school district submitting the report and the claim of the parent or guardian of such minor for the tuition in question an amount sufficient to satisfy the claim but not in excess of the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question and the maximum amount allowable per unit of average daily attendance for reimbursement of excess current expenses under Sections 18060 and 18102. The apportionments shall be made from the funds reserved under the provisions of subdivision (c) of Section 17303.5 for each fiscal

year immediately following the fiscal year in which the attendance occurs and shall not be subject to the provisions of Section 18456.

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 provide financial assistance to school districts for the transportation of physically handicapped pupils for whom the districts make tuition payments for the pupils' education in lieu of the district providing special educational facilities and to prevent the disruption of the education of physically handicapped minors who would not otherwise be able to obtain an education suited to their needs, it is necessary that this act take effect immediately.

CHAPTER 131

An act to add Section 4640.5 to the Health and Safety Code, relating to the Atherton Channel Drainage District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1964. Filed with Secretary of State June 3, 1964.]

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

SECTION 1. Section 4640.5 is added to the Health and Safety Code, to read:

4640.5. Notwithstanding the twenty cents ($0.20) on each one hundred dollars ($100) of assessed valuation tax limit provided in Section 4640, until the end of the 1967-68 fiscal year the tax limit in the Atherton Channel Drainage District for purposes of Section 4614.14 and 4640 is fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation.

SEC. 2. This act is necessary to provide financing for flood control works of the Atherton Channel Drainage District with respect to which a general law cannot be made applicable. The facts requiring the adoption of this special act are:

The lands in the Atherton Channel Drainage District are subject to serious damage by floods involving works of the County of San Mateo, a state highway and residential homes. Modification and improvement of the county property and the state highway are to be constructed and if the district can jointly act with them in its flood protection improvements it will be most advantageous to the property in the district and the method of financing such work authorized by this act is the only feasible method available to the district within the time available.

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

The area of the Atherton Channel Drainage District is in danger of future flood damage and in order to complete the construction of improvements to protect the property in the district from such danger this act must take effect immediately.

CHAPTER 132

An act to add Sections 3010, 3100, 3100.5, 3161.5, 17506, 17507, 17602.5, 17603, 17702.2, 17702.3 17706, 18054.5, 18054.6, and 20751.5 to, to add Article 2.1 to Chapter 3 of Division 14 of, to add Article 2.5 to Chapter 3 of Division 14 of, to add Chapter 3.5 to Division 16 of, and to amend Sections 3255, 3304, 17602, 17653, 17654.5, 17655.5, 17656, 17660, 17664, 17665, 17666.2, 17665.5, 17702, 17901, 17902, 17951, 18106, 17301 and 17303.5 of, amend the heading of Article 3 of Chapter 3 of Division 14 of, and to repeal Section 17654 of, the Education Code, relating to the public school system.

[Approved by Governor June 1, 1964. Filed with Secretary of State June 3, 1964.]

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

SECTION 1. It is the intent and purpose of the Legislature by this act, and particularly through the major increases in state financial support for current operations of local public school districts therein provided for, to alleviate, to the extent permitted by the State's present fiscal circumstances, the heavy burdens now being imposed upon local property taxpayers in providing adequate support for the public schools.

The Legislature recognizes that many special problems confront the educational system in this State, one of the most critical being the need for development of adequate programs of compensatory education for educationally handicapped children throughout the State. While substantial beginnings have already been made in dealing with that problem, the Legislature intends, at its 1965 Regular Session, to devote special attention thereto, and devise more effective programs of compensatory education, upon a broadened scale and to be placed in operation wherever the need exists in the State.

It is the further intent of the Legislature, at its 1965 Regular Session, to review and make adequate provision for the problems arising from the rapid growth in enrollments at all levels in the public school system, and from the limitations which the Legislature has determined must be imposed to curb the trend toward excessive ratios of pupils to classroom teach-

ers. Particular attention in that regard is to be devoted to the situation of the rapidly growing school districts.

SEC. 1.15. Section 3100 is added to the Education Code, to read:

3100. It is the intent and purpose of the Legislature that the procedures prescribed by the provisions of this chapter and Chapter 9 of this division be utilized primarily for the formation of unified school districts maintaining grades kindergarten or 1 through 12, and that this form of organization be ultimately adopted throughout the State. It is the further intent of the Legislature that in exercising the authority to approve master plans and plans and recommendations developed at the local level, the State Board of Education consider the boundaries of existing high school districts as the minimum geographical base for the organization of individual unified school districts, to be deviated from only in exceptional situations. The State Board of Education may approve proposals for the formation of districts based upon the division of the territory of existing high school districts, provided that the board has determined that the resulting new districts will be adequate in terms of number of pupils enrolled, and adequate in terms of financial ability, with the assessed valuation per pupil not to deviate materially from the assessed value per pupil in the original district. The board may require that proposals combine the area of existing high school districts, with respect to any proposed new or reorganized districts which would not meet the requirements prescribed by Section 17672 or come within the exceptions prescribed by Section 17673.

SEC. 1.2. Section 3100.5 is added to said code, to read:

3100.5. Within two years after July 1, 1964, an election shall be held within any territory which has not been unified, on the question of the approval of a master plan developed under Chapter 9 of this division or plans and recommendations developed under this chapter, which will effect the reorganization of the territory involved to comply with standards prescribed. A like election shall be held in any such territory within every two years thereafter. The county committee on school district organization shall, for purposes of such election, develop the necessary master plan or plans and recommendations. In the event the county committee fails to do so, the election shall be based upon the master plan or plans and recommendations for the territory most recently approved by the State Board of Education.

A unified school district formed by operation of Section 1976 shall not be deemed to be unified for purposes of exemption from the requirements prescribed by the preceding provisions of this section, unless the district conforms to the requirements prescribed by Section 17672 or Section 17673.

SEC. 1.3. Section 3010 is added to said code, to read:

3010. On or before September 15, 1965, each county committee on school district organization shall prepare and submit to the State Board of Education a new master plan cov-

ering that territory in the county with respect to which a master plan developed under Section 3003, 3003.1 or 3004 was not carried out and put into effect as provided for in Section 3007. The new master plan may include like territory of adjacent counties where necessary. It shall provide for the inclusion of such territories in school districts providing an educational program including all grades from kindergarten or grade 1 through grade 12. The new master plan may include consideration of grades 13 and 14 and the establishment of separate districts for the provision of an educational program for these grades.

If a county committee fails to prepare and submit a new master plan on or before September 15, 1965, the State Department of Education shall prepare the new master plan for the territory involved, and shall, on or before March 15, 1966, submit it to the State Board of Education for approval.

This section shall not apply to, and the master plans formulated pursuant thereto shall not include, any school district which was a unified school district effective for all purposes on or before July 1, 1964.

SEC. 1.4. Section 3255 of said code is amended to read:

3255. In any proposal for reorganization of school districts recommended by a 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 shall 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 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: (1) the sum of the revenue of each of the districts proposed to be wholly or partially included therein had the maximum allowable tax rate been in effect in each such district during the school year immediately preceding the date upon which the reorganization would be effective for all purposes; and (2) revenues equal to the amount by which the state equalization aid allowances, if any, computed for the proposed district for the fiscal year are less than the sum of the state equalization aid allowances, if any, made to the component districts during the fiscal year immediately preceding the date on which the reorganization would be effective for all purposes.

SEC. 1.5. Section 3161.5 is added to said code, to read:

3161.5 Commencing on the effective date of the addition of this section, all provisions of law directing that the county committee be augmented by the membership of governing boards of individual school districts shall be inoperative. From and after that date all powers, duties, and responsibilities

vested by any provisions of law in the augmented county committee shall be deemed vested, instead, in the county committee comprised of membership as prescribed by Section 3161. Nothing in this section shall preclude the county committee from utilizing the advice, counsel, and services of such advisory committees as it may deem appropriate to consult.

SEC 1.7. Section 3304 of said code is amended to read:

3304. Except as otherwise provided in Section 3262, when a majority of all the votes cast are cast in favor of the unification, the proposal carries.

SEC. 2. Section 17301 of the Education Code is amended to read.

17301. (a) The State Controller shall during each fiscal year transfer from the General Fund of the State to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to the county school tuition funds, as certified by the Superintendent of Public Instruction, one hundred eighty dollars ($180)

(b) The Controller shall also transfer, as needed during each fiscal year, such additional amounts from the General Fund to the State School Fund as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual computed apportionments from the State School Fund for the purposes set forth in Section 17303.5; provided that the total of such additional amounts transferred in a fiscal year shall not exceed, except pursuant to subdivision (c) of this section, forty dollars and eighty-eight cents ($40.88) for the fiscal year 1964-65, and fifty-five dollars and sixty-four cents ($55 64) for the fiscal year 1965-1966 and fiscal years thereafter, per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to the county school tuition funds, as certified by the Superintendent of Public Instruction, less the amount, if any, by which one dollar and sixty cents ($1 60) multiplied by the number of units of average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school and junior college schools in the State and to the county school tuition funds exceeds twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance.

(c) In addition to the amounts authorized to be transferred to the State School Fund from the General Fund under subdivisions (a) and (b) of this section, the Controller shall transfer from the General Fund to the State School Fund during the fiscal year, upon certification of the Superintendent of Public Instruction, if necessary to meet actual computed apportionments for the fiscal year for the purposes set forth in Sections 17303 and 17303.5, an amount not to exceed the lesser of: (1) 1 percent of the total apportionment from the State School Fund in the preceding fiscal year for the purposes set forth in Sections 17303 or 17303.5, or (2) the net amount, if any, by which the total amounts authorized to be transferred from the General Fund to the State School Fund under subdivisions (a) and (b) of this section in prior fiscal years have exceeded the total amounts actually apportioned in prior fiscal years for the purposes set forth in Sections 17303 and 17303.5.

(d) He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Sections 17303 and 17303.5 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 and 2 (Sections 17301 to 17354, inclusive) of this chapter and in Sections 11256, and 17251, and Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive.

SEC. 3. Section 17303.5 of said code is amended to read:

17303.5. The amount transferred pursuant to subdivision (b) of Section 17301 shall be expended in accordance with the following schedule:

(a) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance, but not to exceed an amount equal to one dollar and sixty cents ($1.60) multiplied by the average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds, for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Four dollars ($4) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(c) Nine dollars and sixty-three cents ($9.63), multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year, for the purposes of Sections 18060 and 18062, and Articles 11, 12 and 13 (commencing with Sections 18102, 18152, and 18202, respectively) of Chapter 3 of this division.

(d) Three dollars and six cents ($3.06) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year for allowances to county school service funds pursuant to subdivision (b) of Section 18352.

(e) Eighty cents ($0.80) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds for allowances to school districts for the purposes of Section 6426.

(f) Twenty-one dollars and seventy-nine cents ($21.79) during the fiscal year 1964-1965, and thirty-six dollars and fifty five cents ($36 55) for the fiscal year 1965-1966 and fiscal years thereafter, multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds during the preceding school year for basic aid, equalization aid, supplemental support, allowances for adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance.

SEC. 3.1. Section 17506 is added to said code, to read:

17506. It is the intent and purpose of the Legislature to encourage, by every means possible, the reduction of class sizes and the ratio of pupils to teachers in all grade levels in the public schools, and to urge every effort to this end to be undertaken by the local school administrative authorities. It is the intent of the Legislature that the allowances provided by Section 17674 shall be for the purpose of assisting school districts in meeting the minimum class size standards prescribed for grades 1 to 3, inclusive, by Section 17507. The Legislature shall undertake studies directed to the establishment of effective programs by which the attainment of decreased class sizes through local action may be encouraged. Such programs may involve financial rewards for demonstrated achievement, as well as other forms of preferential consideration afforded as an integral part of the State's public school financial support programs.

The Joint Legislative Budget Committee shall conduct studies relating to the accommodation of the State School Building Aid Program to the minimum class size standards set forth in Section 17507, and the feasibility and desirability of providing capital outlay funds for the public schools on a

current basis. The committee shall present a progress report concerning these studies to the Legislature during the 1965 Regular Session, and a final report shall be presented no later than the fifth legislative day of the 1966 Regular Session

SEC. 3.2. Section 17507 is added to said code, to read:

17507. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the Second Principal Apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty-three (33) in each class having an enrollment of thirty-three (33) or more

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher.

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subsection (a) of this section by ninety-seven hundredths (0.97).

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty-three (33) per class pursuant to subdivision (a) of this section, and the average number of pupils per each full-time equivalent classroom teacher determined pursuant to subdivision (b) of this section has not exceeded the ratio of pupils to each full-time equivalent classroom teacher determined pursuant to subdivision (b) of this section which existed in the district during the preceding fiscal year, he shall decrease the average daily attendance reported under the provisions of Section 17601.1 by one-half of the product determined under subdivision (c) of this section.

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty-three (33) per class determined pursuant to subdivision (a) of this section, and the average number of pupils per each full-time equivalent classroom teacher determined pursuant to subdivision (b) of this section has exceeded the ratio of pupils to each full-time equivalent classroom teacher determined pursuant to subdivision (b) of this section which existed in the district during the preceding fiscal year, he shall make the following computation:

He shall determine the amount by which the average number of pupils per each full-time equivalent classroom teacher determined pursuant to subdivision (b) of this sections exceeds the ratio which existed in the district during the preceding fiscal year. He shall multiply this amount by the full-time

equivalent classroom teachers determined pursuant to subdivision (b) of this section. He shall compute the product obtained by multiplying the number determined above by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 17601.1 by one-half of the resulting product.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty-three (33) per class determined pursuant to subdivision (a) of this section, and the average number of pupils per each full-time equivalent classroom teacher determined pursuant to subdivision (b) of this section has exceeded the ratio of pupils to each full-time equivalent classroom teacher determined pursuant to subdivision (b) of this section which existed in the district during the preceding fiscal year, he shall make the following computation:

He shall determine the amount by which the average number of pupils per each full-time equivalent classroom teacher determined pursuant to subdivision (b) of this section exceeds the ratio which existed in the district during the preceding fiscal year. He shall multiply this amount by the full-time equivalent classroom teachers determined pursuant to subdivision (b) of this section. He shall compute the product obtained by multiplying the number determined above by ninety-seven hundredths (0.97). He shall add to one-half of this product, one-half of the product determined under subdivision (c) of this section and decrease the average daily attendance reported under the provisions of Section 17601.1 by this total amount.

(g) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty-three (33) per class determined pursuant to subdivision (a) of this section, the average number of pupils per each full-time equivalent classroom teacher determined pursuant to subdivision (b) of this section has exceeded the ratio of pupils to each full-time equivalent classroom teacher determined pursuant to subdivision (b) of this section which existed in the district during the preceding fiscal year, and the average number of pupils enrolled in each class determined pursuant to subdivision (a) of this section is less than thirty (30), he shall decrease the average daily attendance reported under the provisions of Section 17601.1 by one-half of the decrease otherwise computed for the district pursuant to subdivision (f) of this section.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964-65 and each year thereafter the information required for the determinations to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction. Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the

Second Principal Apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular schoolday.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

Whenever the number thirty-three (33) is required to be used in any part of this section, relating to grades 1 to 3, inclusive, of a school district for the fiscal year 1965-1966, the following numbers shall be substituted during succeeding years: thirty-two (32) for the fiscal year 1966-67; thirty-one (31) for the fiscal year 1967-68; thirty (30) for the fiscal year 1968-69 and each year thereafter.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964-65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 17601.1 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.

SEC. 3.21. Section 17602 of said code is amended to read:

17602. Whenever in this chapter any computation, including but not limited to the computation of supplemental sup-

port under Article 7.1, is required to be made which is based in whole or in part on the assessed valuation of a school district as shown by the equalized assessment roll of the district for the fiscal year, there shall be substituted for such assessed valuation, as to such computation, a sum determined by adding to such assessed valuation an amount which would, if the current tax rate, as defined in Section 17604, of such district were levied on such added amount, produce or will produce 40 percent of the equivalent of all federal funds as federal funds are defined in Section 17605 and 75 percent of the equivalent of all miscellaneous funds as miscellaneous funds are defined in Section 17606, received or to be received by such district for the fiscal year for which such added amount was determined.

Should the amount of federal funds as defined in Section 17605 actually received by a school district for any fiscal year be more or less than that reported for such district by the United States Commissioner of Education to the Superintendent of Public Instruction, the Superintendent of Public Instruction shall during the fiscal year next succeeding that in which the district has received all of the federal funds actually paid the district for the first mentioned fiscal year withhold from or add to the apportionment made to the district from the State School Fund the amount of the excess or deficiency produced by the operation of this section or Section 17603, as the case may be, in the apportionment of state equalization aid and supplemental support from the State School Fund for the preceding year, if the amount of the excess or deficiency in such apportionment was one hundred dollars ($100) or more.

SEC. 3.3. Section 17602.5 is added to said code, to read:

17602.5. For purposes of computing transportation allowances under Article 10 (commencing with Section 18051) of this chapter for any school district coming within the provisions of Section 17702.2, there shall be substituted for the assessed valuation of the school district shown by the equalized assessment roll of the district for the fiscal year, as to such computation, a sum determined by adding to such assessed valuation an amount which would, if the current tax rate, as defined in Section 17604, of such district were levied on such added amount, produce or will produce 40 percent of the equivalent of all federal funds as federal funds are defined in Section 17605 and 75 percent of the equivalent of all miscellaneous funds as miscellaneous funds are defined in Section 17606, received or to be received by such district for the fiscal year for which such added amount was determined.

Should the amount of federal funds as defined in Section 17605 actually received by a school district for any fiscal year be more or less than that reported for such district by the United States Commissioner of Education to the Superintendent of Public Instruction, the Superintendent of Public Instruction shall during the fiscal year next succeeding that in

which the district has received all of the federal funds actually paid the district for the first mentioned fiscal year withhold from or add to the apportionment made to the district from the State School Fund the amount of the excess or deficiency, as the case may be, in the apportionment for transportation from the State School Fund for the preceding year, if the amount of the excess or deficiency in such apportionment was one hundred dollars ($100) or more.

SEC. 3.4. Section 17603 is added to said code, to read:

17603. The amount computed to be allowable as equalization aid and supplemental support to those elementary school districts and high school districts which come under the provisions of Section 17702.2, shall be reduced by amounts determined as follows:

(a) Determine the sum of 40 percent of federal funds as federal funds are defined in Section 17605, and 75 percent of the miscellaneous funds as miscellaneous funds are defined in Section 17606, including all federal and miscellaneous funds so defined which have been received or are to be received by such district for the fiscal year.

(b) Divide the sum as determined in subdivision (a) by the current tax rate of the district as defined in Section 17604.

(c) The amount of reduction of elementary district equalization aid and supplemental support shall be determined by multiplying the amount in subdivision (b) for the district by 0.0060 in those districts not eligible for supplemental support. For those districts which are eligible for supplemental support the multiplier shall be 0.0060 plus the tax rate determined in Section 17921.

(d) The amount of reduction of high school district equalization aid and supplemental support shall be determined by multiplying the amount in subdivision (b) for the district by 0.0050 in those districts not eligible for supplemental support. For those districts which are eligible for supplemental support the multiplier shall be 0.0050 plus the tax rate determined in Section 17922.

SEC. 3.5. Section 17653 of said code is amended to read:

17653. For any unified school district which was effective for all purposes on or before July 1, 1964, and which during the current fiscal year meets the standards prescribed in Section 17672, the foundation program actually computed for such district under this article and the supplemental support program for such district under Article 7.1 of this chapter shall be increased by 5 percent for the first fiscal year and 4 percent for the second fiscal year of its existence.

SEC. 3.6. Section 17654 of said code is repealed.

SEC. 4 Section 17654.5 of said code is amended to read:

17654.5. For each elementary school district which maintains only one school with an average daily attendance of less than 101, he shall make one of the following computations, whichever provides the lesser amount:

(1) For each small school which has an average daily attendance during the fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute for the district five thousand nine hundred seventy-five dollars ($5,975).

(2) For each small school which has an average daily attendance during the fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district eleven thousand nine hundred fifty dollars ($11,950).

(3) For each small school which has an average daily attendance during the fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school three teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district seventeen thousand nine hundred twenty-five dollars ($17,925).

(4) For each small school which has an average daily attendance during the fiscal year of 76 or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district twenty-three thousand nine hundred dollars ($23,900).

SEC. 5. Section 17655.5 of said code is amended to read:

17655.5. (a) For each district on account of each necessary small school (giving regard to the number of teachers actually employed or average daily attendance), he shall make one of the following computations, whichever provides the lesser amount:

(1) For each necessary small school which has an average daily attendance during the fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute for the district five thousand nine hundred seventy-five dollars ($5,975).

(2) For each necessary small school which has an average daily attendance during the fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district eleven thousand nine hundred fifty dollars ($11,950)

(3) For each necessary small school which has an average daily attendance during the fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school three teachers were hired full time for more than one-half of the

days schools were maintained, he shall compute for the district seventeen thousand nine hundred twenty-five dollars ($17,925).

(4) For each necessary small school which has an average daily attendance during the fiscal year of 76 or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district twenty-three thousand nine hundred dollars ($23,900).

(b) For each district on account of each small school not determined to be a necessary small school under Section 17655 he shall make one of the following computations, whichever applies:

(1) If the total of the units of average daily attendance of the district during the fiscal year, exclusive of pupils attending the seventh and eighth grades of a junior high school, is less than 901, he shall multiply the units of average daily attendance in the school by two hundred thirty-nine dollars ($239).

(2) If the total of the units of average daily attendance in the district during the fiscal year, exclusive of pupils attending the seventh and eighth grades of a junior high school, is 901 or more, he shall multiply the units of average daily attendance by two hundred forty-nine dollars ($249).

SEC. 6. Section 17656 of said code is amended to read:

17656. For each elementary school district which, exclusive of pupils attending the seventh and eighth grades of a junior high school, has an average daily attendance of 101 or more but less than 901 during the fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school and pupils for whom a foundation program is computed under Section 17655.5, by two hundred thirty-nine dollars ($239).

For each elementary school district which, exclusive of pupils attending the seventh and eighth grades of a junior high school, has an average daily attendance of 901 or more during the preceding fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, and pupils for whom a foundation program is computed under Section 17655.5 by two hundred forty-nine dollars ($249).

SEC. 7. Section 17660 of said code is amended to read:

17660. For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of less than 901 during the fiscal year, on account of the attendance during the fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 11404 and 5612, he

shall multiply the average daily attendance in such grades by two hundred thirty-nine dollars ($239).

For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of 901 or more during the fiscal year, on account of the attendance during the fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 11404 and 5612, he shall multiply the average daily attendance in such grades by two hundred forty-nine dollars ($249).

SEC. 8. Section 17664 of said code is amended to read:

17664. (a) For each district on account of each necessary small high school the Superintendent of Public Instruction shall make one of the following computations selected with regard only to the number of certificated employees employed or average daily attendance, whichever provides the lesser amount:

(1) For one which has an average daily attendance during the fiscal year of less than 21 and for which at least three certificated employees were employed full time, he shall compute thirty-three thousand three hundred dollars ($33,300).

(2) For one which has an average daily attendance during the fiscal year of 21 or more and less than 41 and for which at least four certificated employees were employed full time, he shall compute thirty-eight thousand seven hundred fifty dollars ($38,750).

(3) For one which has an average daily attendance during the fiscal year of 41 or more and less than 61 and for which at least five certificated employees were employed full time, he shall compute forty-four thousand two hundred dollars ($44,200).

(4) For one which has an average daily attendance during the fiscal year of 61 or more and less than 76 and for which at least six certificated employees were employed full time, he shall compute forty-nine thousand six hundred fifty dollars ($49,650).

(5) For one which has an average daily attendance during the fiscal year of 76 or more and less than 91 and for which at least seven certificated employees were employed full time, he shall compute fifty-five thousand one hundred dollars ($55,100).

(6) For one which has an average daily attendance during the fiscal year of 91 or more and less than 106 and for which at least eight certificated employees were employed full time, he shall compute sixty thousand five hundred fifty dollars ($60,550).

(7) For one which has an average daily attendance during the fiscal year of 106 or more and less than 121 and for which at least nine certificated employees were employed full time, he shall compute sixty-six thousand dollars ($66,000).

(8) For one which has an average daily attendance during the fiscal year of 121 or more and less than 136 and for which at least 10 certificated employees were employed full time, he shall compute seventy-one thousand four hundred fifty dollars ($71.450).

(9) For one which has an average daily attendance during the fiscal year of 136 or more and less than 151 and for which at least 11 certificated employees were employed full time, he shall compute seventy-six thousand nine hundred dollars ($76,900).

(10) For one which has an average daily attendance during the fiscal year of 151 or more and less than 181 and for which at least 12 certificated employees were employed full time, he shall compute eighty-two thousand three hundred fifty dollars ($82,350).

(11) For one which has an average daily attendance during the fiscal year of 181 or more and less than 221 and for which at least 13 certificated employees were employed full time, he shall compute eighty-seven thousand eight hundred dollars ($87,800).

(12) For one which has an average daily attendance during the fiscal year of 221 or more and less than 261 and for which at least 14 certificated employees were employed full time, he shall compute ninety-three thousand two hundred fifty dollars ($93,250).

(13) For one which has an average daily attendance during the fiscal year of 261 or more and less than 301 and for which at least 15 certificated employees were employed full time, he shall compute ninety-eight thousand seven hundred dollars ($98,700).

(14) For one which has an average daily attendance of less than 21 and for which fewer than three certificated employees were employed, he shall compute five thousand four hundred fifty dollars ($5,450) for each of the teachers employed in the school.

(b) For each district on account of each small high school not determined to be a necessary small high school under Sections 17663, 17663.5, and 17663.7, he shall make one of the following computations, whichever applies:

(1) If the total of the units of average daily attendance in the district during the fiscal year is less than 301, he shall multiply the units of average daily attendance during the fiscal year in the school by three hundred twenty-nine dollars ($329).

(2) If the total of the units of average daily attendance in the district during the fiscal year is more than 300, he shall multiply the units of average daily attendance during the fiscal year in the school by three hundred thirty-nine dollars ($339).

For the purposes of this section a "certificated employee" is an equivalent full-time position of an individual holding a credential authorizing service, and performing service in

grades 9 through 12 in any secondary school. Any fraction of an equivalent full-time position shall be deemed to be a full-time position.

The foundation program established by this section for high schools with an average daily attendance of less than 301 shall not apply to any high school established after July 1, 1961 unless the establishment of such schools has been approved by the Superintendent of Public Instruction.

SEC. 9. Section 17665 of said code is amended to read:

17665. For each high school district which has an average daily attendance of 301 or more during the fiscal year, he shall multiply the average daily attendance by three hundred thirty-nine dollars ($339).

SEC. 9.5. Section 17665.5 of said code is amended to read:

17665.5. For a high school district which has an attendance credited pursuant to Section 10815, he shall multiply the average daily attendance by three hundred thirty-nine dollars ($339).

SEC. 10. Article 2.1 (commencing with Section 17671) is added to Chapter 3 of Division 14 of said code, to read:

Article 2.1 Increased Foundation Programs for More Efficiently Organized Districts

17671. For school districts which are eligible, commencing with the 1965-1966 fiscal year, under the standards prescribed by this article, the Superintendent of Public Instruction shall, for the fiscal year 1965-1966 and fiscal years thereafter, compute increases in the applicable foundation program or programs as follows:

(a) He shall increase the foundation program computed for a district under Sections 17655.5, 17656, and 17660 by fifteen dollars ($15) per pupil in average daily attendance.

(b) He shall increase the foundation program computed for a district under Sections 17664, 17665 and 17665.5 by fifteen dollars ($15) per pupil in average daily attendance, excluding the average daily attendance of adults, as adults are defined in Section 6352, and the average daily attendance in classes for inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults during the fiscal year.

(c) For districts eligible for the increase in foundation program provided for by Section 17653, he shall increase the foundation program as prescribed by either Section 17653, or subdivisions (a) and (b) of this section, whichever provides the greater amount in allowances for the district.

17672 The increase in foundation programs prescribed by this article shall be provided for each school district which, in organizational characteristics, meets all of the following standards during the fiscal year, as determined by the State Board of Education and certified to the Superintendent of Public Instruction:

(a) The district is unified, maintaining and supporting schools providing instruction in grades kindergarten or 1 through 12, inclusive, or is an elementary school district or a high school district included as a part of a unified school district formed by approval of the electors at an election held between January 1st and June 30th of the preceding fiscal year.

(b) The unified school district has a total average daily attendance during the fiscal year in grades kindergarten or 1 through 12, inclusive, of no less than 2,000 as projected to June 30, 1968, pursuant to rules and regulations of the State Board of Education, excluding for such purposes the average daily attendance of adults as adults are defined in Section 6352, and the average daily attendance in special day and evening classes and summer schools.

17673. Irrespective of whether or not any or all of the standards prescribed by Section 17672 are complied with, the increased foundation programs prescribed by Section 17671 shall be provided for any school district which:

(a) Is organized to include all of the territory under the jurisdiction of the county superintendent of schools of a county for purposes of maintaining or otherwise providing for the maintenance of grades kindergarten or 1 through 12.

(b) Maintains any or all of grades kindergarten or 1 through 12, but with respect to which the State Board of Education determines, and certifies to the Superintendent of Public Instruction, that failure to meet the standards arises solely from sparsity of population and geographic isolation of a degree which renders compliance with the standards of Section 17672 unfeasible.

(c) Was a unified district in effect for all purposes on or before July 1, 1964.

17674. The foundation program computed for the fiscal year for each elementary school district pursuant to Section 17656, as increased, where necessary, pursuant to the other provisions of this article, shall be increased further by ten dollars ($10) for each unit of average daily attendance in regular day classes during the fiscal year in grades 1 through 3, inclusive, reported under the provisions of Section 17601.1, as adjusted, if necessary, under the provisions of Section 17507.

17675. The increases in foundation programs prescribed by Sections 17671 and 17674 shall in no event be provided for any school district for any elementary school with an average daily attendance of less than 101 which does not qualify as a "necessary small school" under Section 17655, or any high school with an average daily attendance of less than 301 which does not qualify as a "necessary small high school" under Section 17663.

17676. The foundation program computed under Article 2 (commencing with Section 17651) of this chapter for any school district which is not otherwise eligible for the increase in foundation program prescribed by Section 17671 shall,

nevertheless, be increased in the next fiscal year by fifteen dollars ($15) for each unit of average daily attendance of the district exclusive of the average daily attendance of adults, as adults are defined in Section 6352, and the average daily attendance in classes for inmates of any state institution for adults or of any city, county, or city and county jail, road camp, or farm for adults, for the fiscal year if the Superintendent of Public Instruction determines that:

(a) The district was included within territory proposed for reorganization by a master plan or plans and recommendations developed under Chapter 9 or Chapter 10 of Division 5, which master plan or plans and recommendations complied with the standards prescribed by Section 17672 or Section 17673.

(b) The master plan or plans and recommendations were defeated at an election held within the territory involved after the effective date of this section.

(c) A majority of the votes cast in the district at the most recent such election were cast in favor of the reorganization proposed.

SEC. 11. Section 17666.2 of said code is amended to read:

17666.2. For each junior college district, he shall multiply the number of units of average daily attendance, during the fiscal year, in grades 13 and 14 computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, by six hundred dollars ($600).

For purposes of this section, and Sections 17851 and 17905.2, the average daily attendance of a junior college district shall, subject to the provisions of Section 17611, be computed in the manner prescribed by Sections 11451 and 11501 except that there shall be excluded from the computation the attendance of all students who resided in territory which was not a part of any district maintaining a junior college, the attendance of all students deemed nonresidents as provided in Sections 25505 and 25505.5, and there shall be included in the computation the attendance of all students residing in the district who were in attendance at a junior college in another district under an interdistrict attendance agreement entered into pursuant to Section 10801. Notwithstanding the above provisions of this section, the attendance of students deemed nonresidents as provided in Sections 25505 and 25505.5 shall not be excluded from the average daily attendance of junior college districts for the purposes of Section 17851.

The Superintendent of Public Instruction shall exclude from the computation provided by this section the average daily attendance during the fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

SEC. 12. The heading of Article 3 (commencing with Section 17701) of Chapter 3 of Division 14 of said code is amended to read:

Article 3 Computation of District Aid and Areawide Aid

SEC. 13. Section 17702 of said code is amended to read:

17702. The Superintendent of Public Instruction shall compute for each district described herein, which does not come within the provisions of Section 17702.2, the amount, to be known as district aid, which a tax levied on each one hundred dollars ($100) of 100 percent of the assessed valuation in such district as shown by the equalized assessment roll of the district for the current year would produce if levied, if such tax was:

(a) Sixty cents ($0.60) in an elementary school district.

(b) Fifty cents ($0.50) in a high school district.

(c) Twenty-five cents ($0.25) in a junior college district.

SEC. 14. Section 17702 2 is added to said code, to read:

17702.2. Commencing on the first day of July following an unsuccessful election for unification held after the effective date of the enactment of this section at the 1964 First Extraordinary Session of the Legislature, or commencing with the fiscal year 1966-1967, whichever first occurs, the Superintendent of Public Instruction shall compute the areawide aid to be utilized in determining state apportionments to be made for the support of elementary school districts and high school districts with respect to which an areawide foundation program is computed under Article 2.5 (commencing with Section 17680) of this chapter. Areawide aid shall be the amount which a tax levied on each one hundred dollars ($100) of 100 percent of the assessed valuation for the current fiscal year, modified where necessary pursuant to Section 17262, of the area comprising all of such elementary school districts and all of such high school districts would produce, if levied, if such tax were:

(a) Sixty cents ($0.60) in the case of the elementary school districts.

(b) Fifty cents ($0 50) in the case of the high school districts.

SEC. 15. Section 17702.3 is added to said code, to read:

17702.3. For purposes of making the computations prescribed by Section 17702 2, the Superintendent of Public Instruction shall, where necessary, adjust the assessed valuation of the territory involved, in the same manner and on the same basis as is required for individual districts pursuant to Chapter 1.5 (commencing with Section 17261) of this division and Sections 17703, 17704, and 17705 Losses in state equalization aid and supplemental support arising from the operation of Chapter 1.5 (commencing with Section 17261) of this division, shall be provided for in the manner prescribed in Section 17263.1.

SEC 16. Section 17706 is added to said code, to read:

17706. The Superintendent of Public Instruction shall determine the individual areawide aid for each elementary district included within territory for which an areawide foundation program was computed pursuant to Article 2.5 (commencing with Section 17680) of this chapter, by: (1) dividing

the total areawide aid derived by the elementary school districts in the territory under Section 17702.2, by (2) the areawide foundation program derived for the territory under Section 17680, and (3) multiplying the quotient by the foundation program computed for each district under Article 2 (commencing with Section 17651) and Article 2.1 (commencing with Section 17671) of this chapter.

He shall determine the individual areawide aid for each high school district included within territory for which an areawide foundation program was computed pursuant to Article 2.5 (commencing with Section 17680) of this chapter, by: (1) dividing the total areawide aid derived for the high school districts in the territory under Section 17702.2, by (2) the areawide foundation program derived for the territory under Section 17680, and (3) multiplying the quotient by the foundation program computed for each district under Article 2 (commencing with Section 17651) and Article 2.1 (commencing with Section 17671) of this chapter.

SEC. 17. Article 2.5 (commencing with Section 17680) is added to Chapter 3 of Division 14 of said code, to read:

Article 2.5. Areawide Elementary School and High School Foundation Programs

17680. For the purpose of apportionments during a fiscal year as specified in Section 17702.2, and fiscal years thereafter, the Superintendent of Public Instruction shall compute an areawide foundation program for all of the elementary school districts, and an areawide foundation program for all of the high school districts, included within a master plan formulated under Chapter 9 of Division 5, or plans and recommendations formulated under Chapter 10 of Division 5, which were disapproved at an election held within the territory involved on the question of whether such master plan or plans and recommendations should be put into effect. An areawide foundation program shall be computed for the elementary school districts only if there were two or more elementary school districts included within such master plan or plans and recommendations, and shall be computed for the high school districts only if there were two or more high school districts included within such master plans and plans and recommendations. The areawide foundation program in each instance shall be the total of the foundation programs computed under Article 2 (commencing with Section 17651) and Article 2.1 (commencing with Section 17671) of this chapter for elementary school districts and high school districts.

SEC. 18. Section 17901 of said code is amended to read:

17901. The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each elementary district pursuant to Section 17751 and Section 17702 or Section 17706, whichever applies, with the amount of the foundation program of school support computed

for each such district pursuant to Sections 17651 to 17680, inclusive.

If the total amount allowed to, and computed for, any elementary school district pursuant to Section 17751 and Section 17702 or Section 17706, whichever applies, is less than the amount of the foundation program of school support computed for such district pursuant to Sections 17651 to 17680, inclusive, he shall add to the amount computed for such district pursuant to Section 17751 and Section 17702 or Section 17706, whichever applies such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Sections 17651 to 17680, inclusive.

SEC. 19. Section 17902 of said code is amended to read:

17902. The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each high school district pursuant to Section 17702 or Section 17706, whichever applies, and Section 17801, with the amount of the foundation program of school support computed for each such district pursuant to Sections 17651 to 17680, inclusive.

If the total amount allowed to, and computed for, any high school district pursuant to Section 17702 or Section 17706, whichever applies, and Section 17801, is less than the amount of the foundation program of school support computed for such district pursuant to Sections 17651 to 17680, inclusive, he shall add to the amount allowed to, and computed for such district pursuant to Section 17702 or Section 17706, whichever applies, and Section 17801, such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Sections 17651 to 17680, inclusive.

SEC. 20. Section 17951 of said code is amended to read:

17951. Beginning with the fiscal year 1964-1965 and for each fiscal year thereafter, the allowance for each unit of average daily attendance during the fiscal year for adults, as adults are defined in Section 6352, shall be as follows:

(a) For those high school districts not eligible for supplemental support the allowance shall be three hundred twenty dollars ($320) less the product of fifty cents ($0.50) multiplied by each one hundred dollars ($100) of the assessed valuation of the district per unit of average daily attendance exclusive of adults.

(b) For those high school districts eligible for supplemental support the allowance shall be four hundred dollars ($400) less the product of eighty-five cents ($0.85) multiplied by each one hundred dollars ($100) of the assessed valuation of the district per unit of average daily attendance exclusive of adults.

(c) For each unit of average daily attendance attached to a junior college the allowance shall be four hundred ninety dollars ($490) less the product of twenty-four cents ($0.24) multiplied by each one hundred dollars ($100) of the assessed

valuation of the district per unit of average daily attendance exclusive of adults.

The allowance provided by this section for each unit of average daily attendance of an adult, as an adult is defined in Section 6352, not residing in the district and not residing in any district maintaining a junior college shall be limited to one hundred twenty-five dollars ($125) as basic state aid and no allowance shall be made based on state equalization aid. The total of basic and equalization aid allowed each district shall not be less than one hundred twenty-five dollars ($125) or exceed two hundred thirty dollars ($230) for each unit of average daily attendance during the fiscal year for resident adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults.

If any computation made under any of the preceding paragraphs of this section produces an allowable amount not in excess of one hundred twenty-five dollars ($125) per unit of average daily attendance, such allowable amount computed shall be adjusted if, and to the extent necessary, so that the actual allowance shall not exceed one hundred twenty-five dollars ($125) per unit of average daily attendance of the adults in high schools and junior colleges during the preceding fiscal year.

SEC. 21. Section 18054.5 is added to the Education Code, to read:

18054.5. For purposes of any regulation making the time or hours during a schoolday during which a schoolbus is operated, a factor in the computation of transportation allowances, the Superintendent of Public Instruction shall utilize no less than the period of time between the time when the schoolbus departs from the location in which it is customarily stationed when not in use, and the time when the schoolbus is returned there at the end of the day, excluding the time during which the schoolbus is not in use between trips during the day.

SEC. 22. Section 18054.6 is added to said code, to read:

18054.6. Of the funds allocated for expenditure for transportation in each fiscal year, there shall be reserved the amount necessary to provide the allowances prescribed by this section, but not to exceed one and one-half percent (1.5%) of the amount designated in subdivision (b) of Section 17303.5.

The allowances prescribed by this section shall be provided in each fiscal year for any eligible unified school district formed under the provisions of Chapter 10 (commencing with Section 3101) of Division 5, upon application therefor submitted to the Superintendent of Public Instruction by the governing board of such district. Such allowance shall be provided only if the Superintendent of Public Instruction determines that the transportation expense of the district for the preceding fiscal year is substantially affected by sparsity of

population in all or a portion of the district, such as to require that excessive distances be traveled to transport relatively few pupils to the regular day classes of the district.

The Superintendent of Public Instruction shall allow to each eligible district the amount computed as follows:

(a) He shall compute from the annual report of transportation expense of the district the portion of the total transportation expense which is due to travel for excessive distances to transport relatively few pupils.

(b) He shall compute from the annual report of transportation expense of the district, prior to the application of any deficit under Section 18061, the percentage of the approved transportation expense represented by the allowances to the district provided by the other provisions of this article, exclusive of any allowances provided by subdivision (a) of Section 18056 and Section 18058.

(c) He shall multiply the portion of the total transportation expense computed under subdivision (a) by the percentage computed under subdivision (b).

The Superintendent of Public Instruction may adopt rules and regulations defining "excessive distances" and "relatively few pupils," and making provision for any other matter he may deem essential to the effective administration of this section.

SEC. 23. Section 18106 of said code is amended to read:

18106. The total amount which may be allowed to school districts and county superintendents of schools under Sections 18102 and 18103 for readers provided blind pupils to assist them with their studies, or for the purchase of Braille books, the cost of transcribing ink print materials into Braille, the purchase of making of sound recordings and the purchase of special supplies and equipment for blind pupils, shall not exceed one hundred one thousand dollars ($101,000) in any fiscal year. If the total amount which may be allowed under this section during any fiscal year is less than the total allowances computed under Sections 18102 and 18103 for that purpose, the amounts allowed shall be reduced proportionately.

SEC. 24. Chapter 3.5 (commencing with Section 20910) is added to Division 16 of said code, to read:

CHAPTER 3.5. AREAWIDE TAX SUPPORT PROGRAM FOR ELEMENTARY SCHOOLS AND HIGH SCHOOLS

Article 1. Levy and Collection of Taxes

20910. For purposes of this chapter:

(a) Each elementary school district shall be deemed to comprise the kindergartens and grades 1 to 8, inclusive, maintained by the district, and the seventh and eighth grades of the district not maintained by the district because of the attendance upon a junior high school of pupils who would otherwise attend upon seventh and eighth grades maintained by the district.

(b) Each high school district shall be deemed to comprise all of grades 9 to 12, inclusive, maintained within the high school district whether maintained by a high school district or by a junior college district.

(c) Each high school district maintaining grades 13 and 14 shall be deemed to be a junior college district comprising grades 13 and 14.

(d) Each unified school district shall be deemed to be an elementary school district comprising the kindergartens and grades 1 to 8, inclusive, maintained by the district and the seventh and eighth grades of the district not maintained by the district in elementary schools because of the attendance upon a junior high school of pupils who would otherwise attend the seventh and eighth grades maintained in elementary schools by the district, and a high school district comprising all of grades 9 to 12, inclusive, and a junior college district comprising the 13th and 14th grades maintained by the district.

(e) In determining to which particular districts apportionments shall be made, the rules prescribed by Sections 17608, 17609, and 17610 for purposes of apportionments from the State School Fund shall be utilized.

20911. The board of supervisors of each county shall annually, commencing with the fiscal year as specified in Section 17702.2, at the time and in the manner of levying other county taxes, levy and cause to be collected, as provided in this chapter, additional taxes within the territory included in any school district territory for which a foundation program is computed under Section 17680.

20912. The additional taxes shall be levied and collected throughout the territory for support of the elementary school districts included therein, if Section 17680 requires the computation of an areawide foundation program for such districts. The additional taxes shall be levied and collected throughout the territory for support of the high school districts included therein if Section 17680 requires the computation of an areawide foundation program for such districts. The taxes to be annually levied and collected shall be as follows:

(a) For elementary school support, at a rate sufficient to provide the amount of elementary school areawide aid for the territory under Section 17702.2.

(b) For high school support, at a rate sufficient to provide the amount of areawide high school aid computed for the territory under Section 17702.2.

20913 The moneys received from such taxes shall be deposited in the county treasury to the credit of the elementary school fund or the high school fund, or both, in the amounts collected for and properly allocable to elementary school support and high school support, respectively The establishment of the elementary school fund and the high school fund in the county treasury is hereby authorized.

20914. Of the moneys received from such taxes, there shall be segregated, by the county treasurer, the portion thereof derived from the territory within any elementary school dis-

trict, or high school district, which is situated only partially within the county and which is not placed by law under the jurisdiction of the county superintendent of schools. The moneys so segregated shall be transferred to the county treasury of the county whose county superintendent of schools has jurisdiction of the district, to be deposited to the credit of the elementary school fund or high school fund, and such county treasury shall thereafter be the legal depositary of the funds.

20915. The distribution of all tax moneys collected upon property of the unsecured roll after the most recent lien date of taxes, for elementary school and high school purposes for a fiscal year as specified in Section 17702.2, and each fiscal year thereafter, shall be made and an amount be credited to, and allocated from, the elementary school fund or high school fund equal to the amount that would have been deposited to the fund and allocated to each school district had the rates under Section 20911 been applied to the unsecured roll.

Article 2. Apportionment of the Areawide Tax

20921. The moneys deposited to the credit of the elementary school fund and the high school fund in the county treasury pursuant to Article 1 (commencing with Section 20910) of this chapter, shall be apportioned by the county treasurer to the elementary school districts and the high school districts for which an areawide foundation program was computed pursuant to Section 17680. Apportionments shall be made upon order of the county auditor issued from time to time and as soon as practicable after deposit of the moneys to the credit of the funds.

The elementary school fund shall be apportioned to the elementary school districts and the high school fund shall be apportioned to the high school districts in the amounts computed by the county auditor.

20922. The county auditor shall compute the amounts of the tax moneys to be apportioned from the elementary school fund to each elementary school district by dividing the amount of the annual tax moneys received and credited to the elementary school fund, by the areawide elementary school foundation program computed for the districts involved, and by multiplying the quotient so derived by the foundation program of the district.

The county auditor shall compute the amounts of the tax moneys to be apportioned from the high school fund to each high school district by dividing the amount of the annual tax moneys received and credited to the high school fund, by the areawide high school foundation program computed for the districts involved, and by multiplying the quotient so derived by the foundation program of the district.

Article 3. Adjustment of School District Tax Rates

20930. The maximum rate of school district tax otherwise authorized by law to be assessed for any school district for elementary school and high school purposes shall be reduced by:

The applicable rates provided for in Section 20912, except that when the amount of tax moneys allocated under Article 2 of this chapter to a district is less than the amount that such a rate would raise if levied for the district, the maximum rate shall be reduced by the amount of the tax rate that would raise the amount of the allocation less the increase, if any, in state equalization aid.

For purposes of this section, the phrase "maximum rate of school district tax otherwise authorized by law to be assessed" shall mean the maximum rates prescribed by Section 20751 for elementary school or high school purposes and any increases in such maximum rates adopted pursuant to Sections 20803 and 20804.

SEC. 24. It is the intent and purpose of the Legislature, on the effective date of this act, to require its provisions to be immediately operative and applicable commencing with the 1964-1965 fiscal year. The gross maximum amount to be transferred under Section 17301 from the General Fund to the State School Fund for such fiscal year shall be as specified in Section 17301 of the Education Code as amended by this act, and the allowance and apportionment of such moneys shall be governed by changes in law effected by this act. The Superintendent of Public Instruction shall have full authority to effectuate the mid-fiscal-year transition required, and shall take all actions necessary for such purpose, including, but not necessarily limited to, adjusting allowance computations, apportionments, and disbursements made under prior law.

SEC. 25. The provisions of this act shall not be construed as impairing or otherwise affecting the validity of any school district budget proceedings undertaken pursuant to Division 16 (commencing with Section 20501) of the Education Code for the fiscal year 1964-1965. Notwithstanding the provisions of Sections 20951 and 21001 or any provision of the Education Code to the contrary, the governing board of any school district may budget and use any unbudgeted apportionments from the State School Fund provided during the 1964-1965 fiscal year pursuant to the provisions of this act without the requirement for repetition of any publication or other budgeting procedures.

CHAPTER 133

An act to amend Sections 25681.1 and 38901 of the Government Code, relating to community development.

[Approved by Governor June 1, 1964. Filed with Secretary of State June 3, 1964.]

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

SECTION 1. Section 25681.1 of the Government Code is amended to read:

25681.1. A county may reclaim public and private lands therein by levees, bulkheads, breakwaters, fills, embankments, basins, drains, canals, excavations, sluices, pipes, watergates, pumping plants and all works and structures useful therefor. Such work is a local improvement and a county affair. The costs of reclamation shall be borne solely by the lands reclaimed.

This section shall not be construed as affecting any public district or public entity now or hereafter established and having similar powers.

On and after the effective date of this paragraph, the board of supervisors shall not authorize, either directly or indirectly, any project authorized by this section, until a financial feasibility report, containing the information specified in Sections 20042 and 20044 of the Water Code, has first been obtained from the California Districts Securities Commission. The board shall consider such report prior to determining whether any securities shall be authorized but shall not be bound by the commission's findings

The financial feasibility report required by this section shall be submitted by the commission to the board within 60 days after the commission's receipt of the request therefor, except that the commission, upon written request to the board, may be granted an extension of time to prepare the report, if the board finds that the extension is necessary. The board shall give written notice of its decision to the commission within seven days of receiving the request for extension. The notice shall specify the date of termination of any extension granted.

When public lands are reclaimed under this section, the cost of the financial feasibility report shall be a charge against the county. When private lands are reclaimed under this section, the cost of such report shall be a charge against the owner of the lands. If securities are authorized and issued to finance any project authorized by this section, the cost of the feasibility report shall be deemed an incidental expense of the project and the county or owner, as the case may be, shall be repaid for the cost thereof from the proceeds of the sale of such securities.

SEC. 2. Section 38901 of said code is amended to read:

38901. A city may reclaim public and private lands therein by levees, bulkheads, breakwaters, fills, embankments, basins, drains, canals, excavations, sluices, pipes, watergates, pumping

plants, and all works and structures useful therefor. Such work is a local improvement and a municipal affair. The costs of reclamation shall be borne solely by the lands reclaimed.

This section shall not be construed as affecting any public district or public entity now or hereafter established and having similar powers.

On and after the effective date of this paragraph, the legislative body shall not authorize, either directly or indirectly, any project authorized by this section, until a financial feasibility report, containing the information specified in Sections 20042 and 20044 of the Water Code, has first been obtained from the California Districts Securities Commission. The legislative body shall consider such report prior to determining whether any securities shall be authorized but shall not be bound by the commission's findings.

The financial feasibility report required by this section shall be submitted by the commission to the legislative body within 60 days after the commission's receipt of the request therefor, except that the commission, upon written request to the legislative body, may be granted an extension of time to prepare the report, if the legislative body finds that the extension is necessary. The legislative body shall give written notice of its decision to the commission within seven days of receiving the request for extension. The notice shall specify the date of termination of any extension granted.

When public lands are reclaimed under this section, the cost of the financial feasibility report shall be a charge against the city. When private lands are reclaimed under this section, the cost of such report shall be a charge against the owner of the lands. If securities are authorized and issued to finance any project authorized by this section, the cost of the feasibility report shall be deemed an incidental expense of the project and the city or owner, as the case may be, shall be repaid for the cost thereof from the proceeds of the sale of such securities.

CHAPTER 134

An act to amend Sections 70047 and 70047.5 of the Government Code, relating to court reporters.

[Approved by Governor June 1, 1964. Filed with Secretary of State June 3, 1964.]

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

SECTION 1. Section 70047 of the Government Code is amended to read:

70047. In a county with a population of over 295,000 and under 500,000, as determined on the basis of the 1950 federal decennial census each regular official reporter shall be paid an annual salary of ten thousand six hundred dollars ($10,600),

and each pro tempore official reporter shall be paid thirty-seven dollars ($37) a day for the days he actually is on duty under order of the court.

During the hours which the court is open for the transaction of judicial business, the regular official reporter shall perform the duties required by law. When not engaged in the performance of any other duty imposed upon him by law, he shall render stenographic or clerical assistance to the judge of the court to which he is assigned as such judge may direct.

SEC. 2. Section 70047.5 of said code is amended to read:

70047.5. In a county with a population of 147,000 and not over 152,000, as determined by the 1960 federal census, each regular official reporter shall be paid an annual salary of ten thousand five hundred dollars ($10,500), which salary shall include payment for his services in reporting proceedings by the grand jury, the coroner and the district attorney.

Reporters pro tempore shall be paid at the rate of thirty-five dollars ($35) a day for the days they are actually on duty under order of the court, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties.

Regular official reporters shall be entitled to the same privileges with respect to retirement, vacation, sick leave and other benefits allowed to employees of the county.

In such a county the fee required by Section 70053 shall be eight dollars ($8).

CHAPTER 135

An act to amend Section 271 of the Revenue and Taxation Code, relating to welfare exemption.

[Approved by Governor June 1, 1964. Filed with Secretary of State June 3, 1964.]

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

SECTION 1. Section 271 of the Revenue and Taxation Code is amended to read:

271. Any tax or penalty, or interest thereon, for any fiscal year commencing during the calendar year 1964 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 col-

lected. 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.

CHAPTER 136

An act calling a special election to be consolidated with the general election of 1964 and to provide for the submission to the electors of the State at such consolidated election of constitutional amendments proposed by the Legislature at the 1964 First Extraordinary Session, to take effect immediately.

[Approved by Governor June 1, 1964. Filed with Secretary of State June 3, 1964.]

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

SECTION 1. A special election is hereby called to be held throughout the State on the third day of November, 1964. The special election shall be consolidated with the general election to be held on the same date. Such consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. At such consolidated election there shall be submitted to the electors, in addition to such other measures as may be submitted in accordance with law, all constitutional amendments proposed by the Legislature at the 1964 First Extraordinary Session. Except as otherwise provided in this act, all of the provisions of law applicable to the submission of constitutional amendments proposed by the Legislature and to arguments for and against such measures shall apply to the measures submitted pursuant to this act.

SEC. 2. Within five days after final adjournment of the 1964 First Extraordinary Session, the author of any constitutional amendment enacted at that session and one member of the opposite house who voted with the majority on the amendment, shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of the measure. If such a constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within 10 days after the final adjournment of the 1964 First Extraordinary Session.

SEC. 3. Upon the effective date of this act the Secretary of State shall request the Attorney General to prepare a ballot title for the measures submitted pursuant to this act and shall also request the Legislative Counsel to prepare an analysis of said measure in accordance with Section 3566 of the Elections Code. Said title and said analysis shall be filed with the Secretary of State within 10 days after the final adjournment of the 1964 First Extraordinary Session. The measures submitted pursuant to this act shall be designated on the ballots at the election by their ballot titles.

SEC. 4. This act, inasmuch as it provides for the calling of an election, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 137

An act to add Section 54920 to the Government Code, relating to tax levies by junior college districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1964. Filed with Secretary of State June 3, 1964.]

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

SECTION 1. Section 54920 is added to the Government Code, to read:

54920. Notwithstanding the provisions of Sections 54902, 54903 and 54903.1 of this code, any junior college district organized pursuant to Article 3.5 (commencing with Section 25450) of Chapter 2 of Division 18.5 of the Education Code, which formation was completed prior to February 1, 1964, shall be effective for assessment and taxation purposes if the statement and map or plat required by Section 54900 is filed by the district on or before the effective date of this section.

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

This act will permit junior college districts formed prior to February 1, 1964, to levy taxes for the fiscal year commencing July 1, 1964 In order that this act may take effect in time for such districts to assess and levy taxes by July 1, 1964, it is essential that it go into effect immediately.

CHAPTER 138

An act relating to the tidelands and submerged lands granted by the State to the City of Long Beach and the revenues therefrom.

[Approved by Governor June 4, 1964. Filed with Secretary of State June 5, 1964.]

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

SECTION 1. As used in this act:

(a) "Long Beach tidelands" means those certain tide and submerged lands, whether filled or unfilled, heretofore conveyed to the City of Long Beach upon certain trusts and conditions by Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, and Chapter 158, Statutes of 1935.

(b) "Oil revenue" means the net proceeds received by the City of Long Beach from the sale or disposition of oil, gas and other hydrocarbon substances (other than dry gas) derived from, or allocated or assigned to, the Long Beach tidelands, including advance payments, after deducting moneys expended for the extraction and sale or disposition thereof and conducting repressuring operations and for the satisfaction of obligations attributable to such extraction or sale or disposition. "Oil revenue" also includes the net receipts from the sale of property used in such extraction or sale or disposition, the cost of which has been or may be defrayed from proceeds from such hydrocarbon substances. "Oil revenue" shall not include the net proceeds from the sale or disposition of oil, gas and other hydrocarbon substances derived from, or allocated or assigned to, the Alamitos Beach Park Lands.

(c) "Dry gas" means the gas directly produced from wells, which contains one-half ($\frac{1}{2}$) of a gallon or less of recoverable gasoline per 1,000 cubic feet, or from which gasoline has been removed by processing.

(d) "Dry gas revenue" means the reasonable wholesale market value of dry gas derived from, or allocated or assigned to, or attributable to production from, or allocated or assigned to, said Long Beach tidelands and received into the system of the municipal gas department of said City of Long Beach, and the net receipts to the City of Long Beach from the sale of tideland dry gas as such and which is not received into said system.

(e) "Subsidence costs" means costs expended by the City of Long Beach with the prior approval of the State Lands Commission to remedy or protect against (1) the effects of subsidence of the land surface, heretofore or hereafter occurring, within the boundaries of the Long Beach Harbor District (as such boundaries were defined on April 1, 1956) and within the boundaries of the Long Beach tidelands situated outside of said Long Beach Harbor District, and (2) the effects of subsidence of the land surface, hereafter occurring, within any

other portion of the city, which may be attributable, in whole or in part, as determined by the State Lands Commission, to production from the Long Beach tidelands. The cost of repressuring operations shall not be considered a "subsidence cost," but shall be considered a cost of production, which shall be a deductible expense for the purpose of determining "oil revenue" under subdivision (b) of this section. "Subsidence costs" shall not include any costs deductible for the purpose of determining "oil revenue" under subdivision (b) of this section.

(f) The "undeveloped portion of the Long Beach tidelands" means the following described lands:

Beginning at the intersection of the northwesterly line of Block 50 of Alamitos Bay Tract as per map recorded Book 5, page 137 of maps in Official Records of Los Angeles County, with the mean high tide line of San Pedro Bay; thence S. 32° 03′ 00″ W. 18,228.31 feet more or less along the southwesterly prolongation of said northwesterly line of Block 50 to the seaward boundary of the City of Long Beach (as such boundary was defined as of March 1, 1964); thence in a northwesterly direction along said seaward boundary of the City of Long Beach to its intersection with the easterly boundary of the Long Beach Harbor District (as such boundary was defined on April 1, 1956); thence along said easterly boundary N. 17° W. 14,794 feet more or less; thence north 52° 36′ 17″ west 170 feet more or less to the easterly line of the land described as Parcel "A" under that certain contract executed by the City of Long Beach and the Board of Harbor Commissioners of the City of Long Beach, dated March 12, 1947; thence northerly along said easterly line 4,123 feet to the northerly line of said Parcel "A"; thence westerly along said northerly line to the southerly prolongation of the centerline of Pine Avenue 80 feet wide as per map of the Townsite of Long Beach recorded in Book 19, page 91 et seq. Miscellaneous Records of said County; thence northerly along said southerly prolongation to said mean high tide line thence in a southeasterly direction along said mean high tide line to the point of beginning, containing 6,100 acres more or less.

(g) "Person" means and includes any firm, corporation, association, partnership, or natural person.

(h) "Contractors' agreement" means and includes any contract, royalty arrangement or other agreement between the City of Long Beach (or any department, board or agency thereof) and any person or persons relating to the drilling for, developing, extracting, processing, taking or removing of oil, gas and other hydrocarbons derived from, or allocated or assigned to, the undeveloped portion of the Long Beach tidelands or the estimated productive portion thereof (other than unit agreements, unit operating agreements and cooperative agreements authorized by Sections 6879 or 7058 of the Public Resources Code).

(i) "Alamitos Beach Park Lands" means those tidelands and submerged lands, whether filled or unfilled, described in that certain Judgment After Remittitur in The People of the State of California v. City of Long Beach, Case No. 683824 in the Superior Court of the State of California for the County of Los Angeles, dated May 8, 1962, and entered on May 15, 1962 in Judgment Book 4481, at Page 76, of the Official Records of the above entitled court.

SEC. 2. It is hereby found and determined:

(a) Since the enactment of Chapter 29, Statutes of 1956, First Extraordinary Session, exploration has disclosed the existence of additional deposits of oil, gas and other hydrocarbons in and under the Long Beach tidelands which should be developed for the benefit and profit of the State of California.

(b) Such development will result in very substantial augmentations of the oil revenue currently received from the Long Beach tidelands. By reason of such augmentations, as well as previous expenditures of trust revenues for the construction of improvements within the City of Long Beach both within and without the Harbor District of said city, the continued expenditure in the future by the city of oil revenues in the percentage heretofore provided, for the uses and purposes required by law would be economically impracticable, unwise and unnecessary. Economically practicable, wise and necessary expenditures of oil revenue by the City of Long Beach are limited to the purposes hereinafter provided, and to the amounts hereinafter provided to be retained by the City of Long Beach. By reason of the increased amount of oil revenue hereinafter provided to be paid over to the State free from the public trust for navigation, commerce, and fisheries and from such uses, trusts, conditions and restrictions as were imposed by the acts of 1911, 1925, and 1935, it is necessary and desirable that the State have increased control over oil and gas production operations and standards as hereinafter provided

(c) It is likewise imperative that such oil, gas and other hydrocarbons be produced with all measures necessary or proper in the interest of preventing, arresting or ameliorating any subsidence of the surface of any lands in the vicinity, which may be attributable to such production; provided, however, that nothing in this act shall be construed as an admission by the State of California or the City of Long Beach that any such subsidence was in fact caused by such production, nor shall anything in this act be admissible in any proceeding as evidence of such causation.

(d) By Chapter 2000, Statutes of 1957, the Legislature authorized the State Lands Commission to bring any actions necessary to determine the boundaries of the Long Beach tidelands. In response to this legislation, the State of California in 1960 instituted an action against the city in the Superior Court of the State of California, County of Los

Angeles, Action No. 747562, for the purpose of determining said boundaries. The State also concurrently filed a supplementary petition in a pending action between the State of California and the city, Action No. 649466, for the same purpose. In addition to the boundary line claim, the State asserts in each of said actions that certain lands, property, interests in property, and other things of value (which, together with the tidelands claimed are referred to as "litigated lands") held by the City of Long Beach are subject to the tideland trust and owned by the city in a trust capacity. Said actions have been consolidated for trial and are now pending in the Superior Court of the State of California, County of Los Angeles. The City of Long Beach is vigorously defending said actions and asserts various defenses against said claims of the State. The city also claims that the boundary line claim of the State is erroneous and improper and that it acquired and holds all of said litigated lands in its proprietary capacity and that it developed said litigated lands in its municipal capacity including the use of general tax revenues. Under existing circumstances, disposition of said litigation and determination of the respective rights of the State and of the city in the premises cannot be made except through the continuation of extensive, complicated, expensive, and time-consuming litigation, including possibly a lengthy court-supervised accounting Certain proceeds from oil and gas production have been impounded and said impounded funds will remain in a condition of enforced idleness in the absence of a compromise. The continuation of the existing controversies between the State and the city is contrary to the best interests of the people of the State, including the inhabitants of the city. A purpose of statewide interest and benefit will be served by a compromise determination of the boundary line and a compromise determination of the respective rights and interests of the State and city in, and the status of, said litigated lands, together with the oil and gas production from, and the use of, said litigated lands. Such determination will so fix and clarify the respective entitlement of the State and the city as to permit the early termination of the pending litigation by means of stipulations between the city and the State or dismissals, and so far as necessary or appropriate through the entry of court orders, decrees and judgments. Such a disposition of the litigation will bring about a closer cooperation between the people of the State of California and the City of Long Beach so that the time, efforts and money can be spent for urgently needed public purposes and avoid the public detriment incident to protracted litigation between the State and one of its major municipalities. Compromise of the litigation will also avoid the continuation of the collection of the considerable amount of the information, data, and surveys, which does not promote the best interests of the people of the State of California. It is essential to the public interest to resolve the uncertainty which exists as to the true location of the mean high tide line and as

to the exact boundary line between the tide and submerged lands and lands owned by the city in its municipal capacity. It is not the purpose of the compromise hereby authorized to transfer any title but rather, by stipulation, to fix and establish a boundary which is presently uncertain and in doubt. For these, among other reasons, the Legislature finds and declares that the litigation should be compromised as provided in this act and that said compromise is fair, legal and equitable to both the State of California and the City of Long Beach.

SEC. 3. It is hereby ordered that the City of Long Beach and the State Lands Commission are to proceed to prepare a contractors' agreement and any other necessary contracts or agreements for the production of oil, gas and other hydrocarbons from the undeveloped portion of the Long Beach tidelands (or the estimated productive portion thereof), in accordance with good oilfield practice and prevention of land surface subsidence incident thereto.

(a) The contractors' agreement, and any other agreements between the City of Long Beach (or any department, board, or agency thereof) and any person or persons relating to the sale or disposition of oil, gas and other hydrocarbons derived from, or allocated or assigned to, the undeveloped portion of the Long Beach tidelands (with the exception of dry gas after it has been received into the system of the municipal gas department), shall be made and entered into only with the highest responsible bidder or bidders upon competitive bidding and shall be of no effect unless and until approved by the State Lands Commission. All specifications and forms for the purpose of inviting bids in connection therewith shall be approved by the State Lands Commission prior to publication of notice to bidders, and shall provide that the State Lands Commission reserves the right to reject any or all bids. No such agreement shall be modified or amended in any respect without the advance consent of the State Lands Commission to such modification or amendment. Every such agreement made in violation of this subdivision shall be void.

(b) The contractors' agreement may provide for an advance payment by the successful bidder or bidders in amounts and on terms to be fixed by the City of Long Beach subject to the approval of the State Lands Commission. Without limiting the generality of the foregoing, an advance payment may be an oil production payment or an advance royalty payment.

(c) The contractors' agreement, so approved, shall be executed by the City of Long Beach, as trustee for the State of California as to the undeveloped portion of the Long Beach tidelands.

(d) The oil and gas reserves underlying the undeveloped portion of the Long Beach tidelands shall be developed and operated under unitized oil operations by a single field contractor under a contractors' agreement dividing the oil, gas and other hydrocarbon substances assigned or allocated to the undeveloped portion of the Long Beach tidelands into undi-

vided shares as follows: the field contractor shall have an 80 percent share and there shall be five nonoperating contractor's shares of 10 percent, 5 percent, 2½ percent, 1½ percent and 1 percent shares, respectively.

(e) The contractors' agreement shall provide that the field contractor shall offer for sale, by competitive bidding, up to 12½ percent of 100 percent of all oil assigned or allocated to the undeveloped portion of the Long Beach tidelands from the field contractor's 80 percent share of such oil. Said bidding shall be limited to persons other than (1) the field contractor, (2) any of the persons comprising the field contractor, (3) any person owning a controlling interest in, controlled by or under common control of the field contractor, or (4) any person owning a controlling interest in, controlled by or under common control of any person comprising the field contractor. The phrases "owning a controlling interest in," and "controlled by or under common control," as used in this section, shall mean that relationship between two persons resulting from the direct or indirect ownership or control by one person of a majority of the voting securities of the second person or the direct or indirect ownership or control by a third person of a majority of the voting securities of each of such two persons. No bid shall be accepted, however, unless it is equal to or greater than the amount per barrel at which the field contractor accounts for like oil under the terms of the contractors' agreement.

The contractors' agreement shall provide that any agreement of sale between the field contractor and the successful bidder shall be for a fixed term to be determined by the State Lands Commission; that the successful bidder shall commence purchasing oil at a date, determined by the City of Long Beach subject to the approval of the State Lands Commission, not less than 180 days subsequent to the execution of such agreement of sale; and that such agreement of sale shall contain such other reasonable provisions as may be determined by the City of Long Beach subject to the approval of the State Lands Commission.

Said oil shall be offered for competitive bidding not more than 60 days after the State Lands Commission notifies the city to direct the field contractor to offer such oil for bidding. The notice by the State Lands Commission shall specify the amount or amounts of oil to be put out for bid, and such notice may be given whenever any amount of oil less than said 12½ percent is committed by agreement of sale under this subdivision, but in no event more than once in any 12-month period.

(f) The contractors' agreement shall provide that in the event any one person party to the contractors' agreement, or any two or more such persons controlled by or under common control of any one person, shall at any time have, or acquire, the right to receive any percentage over and above 67½ percent of 100 percent of all oil assigned or allocated to the undeveloped portion of the Long Beach tidelands, said person or persons

shall offer all oil in excess of said 67½ percent for sale by competitive bidding. No bid shall be accepted, however, unless it is equal to or greater than the amount per barrel at which the field contractor accounts for like oil under the terms of the contractors' agreement.

The contractors' agreement shall provide that any agreement of sale between said person or persons and the successful bidder shall be for a fixed term to be determined by the State Lands Commission; that the successful bidder shall commence purchasing oil at a date, determined by the City of Long Beach subject to the approval of the State Lands Commission, not less than 180 days subsequent to the execution of such agreement of sale; and that such agreement of sale shall contain such other reasonable provisions as may be determined by the City of Long Beach, subject to the approval of the State Lands Commission.

Said oil in excess of said 67½ percent shall be offered for competitive bidding in an amount or amounts specified by the State Lands Commission not more than 60 days after the State Lands Commission shall determine that said person or persons have the right to receive any percentage over and above such 67½ percent, and notifies the city to direct said person or persons to offer such oil for bidding. The notice by the State Lands Commission may be given whenever the commission makes the aforesaid determination, but in no event more than once in any 12-month period.

For purposes of this subdivision, the percentage of oil allocated or assigned to the undeveloped portion of the Long Beach tidelands which said person or persons have the right to receive shall be computed after first deducting a percentage of such oil equal to 12½ percent times such person's or persons' percentage interest in the field contractor's undivided share of oil. In the event of a joint bid and the awarding of the field contractor's or any nonoperating contractor's share of oil to two or more persons, the interest of each such person and not the joint interest (unless such persons are controlled by or under the common control of any one person) shall be considered in computing the percentage of oil which any person has the right to receive for purposes of this subdivision. Each person party to the contractors' agreement shall furnish to the State Lands Commission each year any and all information required to carry out the purposes of this subdivision. All oil sold by competitive bidding pursuant to subdivisions (e) and (f) hereof shall be accounted for at the price at which the field contractor accounts for oil under the contractors' agreement, and any excess received over said price shall be paid over to the city.

(g) The contractors' agreement shall provide that the field contractor and nonoperating contractors shall, on a cumulative basis throughout the life of the agreement, account for and pay over to the city not less than 16⅔ percent of the value (as determined under the contractors' agreement) of all oil, gas

and other hydrocarbons allocated or assigned to the lands covered by the contractors' agreement.

(h) At any time the value (as determined under the contractors' agreement) of 20 0° A.P.I. gravity crude oil assigned or allocated to the lands covered by the contractors' agreement shall be and remain less than one dollar and fifty cents ($1.50) per barrel, the contractors' agreement, and the unit and unit operating agreement including the lands covered by the contractors' agreement, shall provide that the field contractor shall curtail, limit or suspend production when, and to the extent, required by the city, acting pursuant to the direction of the State Lands Commission.

(i) Any unit or unit operating agreement including the lands covered by the contractors' agreement shall be subject to the prior approval of the State Lands Commission as provided in Sections 6879 and 7058 of the Public Resources Code; and the unit area covered by any present or future unit or unit operating agreement including any portion of the Long Beach tidelands shall not be enlarged so as to include additional tide or submerged lands, nor shall any such agreement be modified or amended in any respect, without the prior approval of the State Lands Commission.

(j) Nothing in this act shall be deemed to entitle the City of Long Beach to receive or retain any of the net proceeds from the sale or disposition of oil, gas (including dry gas) or other hydrocarbons or other minerals derived from or assigned or allocated to the Alamitos Beach Park Lands. The State Lands Commission may lease the Alamitos Beach Park Lands (or the estimated productive portion thereof) for the production of oil, gas and other hydrocarbons in accordance with Section 6827 and other applicable provisions of the Public Resources Code, or in the event the State Lands Commission shall determine that it is in the best interests of the State, it may, in lieu of issuing a lease, offer the Alamitos Beach Park Lands (or the estimated productive portion thereof) for bid under a net profits agreement for the production of oil, gas and other hydrocarbons. Any such net profits agreement relating to the Alamitos Beach Park Lands or any part thereof shall be awarded to the highest responsible bidder upon terms and conditions determined by the State Lands Commission to be in the best interests of the State, and shall provide that the State Lands Commission shall have the unilateral right, without the necessity of obtaining the consent of the successful bidder, to commit said lands to the unit encompassing the undeveloped portion of the Long Beach tidelands. Any net profits agreement relating to the Alamitos Beach Park Lands, or any part thereof, or any lease covering the Alamitos Beach Park Lands or any part thereof, and any unit and unit operating agreements including the Alamitos Beach Park Lands or any part thereof, shall provide that the State Lands Commission, acting for and on behalf of the State of California, shall have the sole right to vote the entire working interest assigned to the Alamitos Beach Park Lands under the unit

and unit operating agreements including such lands. The State Lands Commission, on behalf of the State of California, may negotiate and enter into any unit, unit operating or cooperative agreement for the development of oil, gas and other hydrocarbons, which agreement includes all or part of the Alamitos Beach Park Lands. In carrying out the purposes of this subdivision, the State Lands Commission, on behalf of the State, may exercise any or all powers specified in Section 6829.2 of the Public Resources Code (whether or not the State is a lessor or prospective lessor of the Alamitos Beach Park Lands). In the event the State, under the terms of any net profits agreement relating to the Alamitos Beach Park Lands, has the right to receive in kind any of the oil, gas, or other hydrocarbons allocated or assigned to the Alamitos Beach Park Lands, the State Lands Commission may dispose thereof in accordance with the procedures specified in Section 6815.1 of the Public Resources Code.

(k) Nothing herein shall be deemed to affect or diminish the applicability of either state or federal antitrust laws, or to create any immunity therefrom in favor of any parties to the contractors' agreement, nor shall anything herein affect or diminish the powers and authority of the Supervisor of Oil and Gas under Division 3 (commencing with Section 3000) of the Public Resources Code.

SEC. 4. (a) Until and including the last day of the calendar month in which this act becomes effective, the city shall account for and pay over to the State of California oil revenue and dry gas revenue in accordance with all the provisions of Chapter 29, Statutes of 1956, First Extraordinary Session, as amended by Chapter 1398, Statutes of 1963.

(b) Commencing on the first day of the calendar month following the date on which this act becomes effective, the City of Long Beach shall account for and pay over monthly to the State of California oil revenue and dry gas revenue free from the public trust for navigation, commerce and fisheries and from such uses, trusts, conditions and restrictions as were imposed by said acts of 1911, 1925 and 1935, and the city shall retain, subject to the provisions of this act, the amounts or percentages of oil revenue hereinafter provided.

(c) The City of Long Beach shall account for and pay over monthly to the State Lands Commission for and on behalf of the State of California all dry gas revenue thereafter received by the city.

(d) The city shall retain out of oil revenue each month an amount equal to all subsidence costs thereafter expended by the city and an amount equal to the money thereafter expended by the city in administering oil and gas operations on the Long Beach tidelands (to the extent, if any, such amount is not deductible under Section 1(b) hereof), and shall pay out of oil revenue to the State Lands Commission for and on behalf of the State of California each month an amount equal to the money thereafter expended by the State, as determined

by the Director of Finance, in administering this act and Chapter 29, Statutes of 1956, First Extraordinary Session, including the costs of the audits by the Auditor General pursuant to Section 10 hereof, insofar as such amount pertains to the Long Beach tidelands. The oil revenue remaining after deducting and paying said amounts shall hereafter be referred to as "remaining oil revenue."

(e) All advance payments attributable to the undeveloped portion of the Long Beach tidelands shall be divided equally between the City of Long Beach and the State of California. The City of Long Beach shall account for and pay over monthly to the State Lands Commission for and on behalf of the State of California all other remaining oil revenue, except for the percentages or amounts of remaining oil revenue specified in the following schedule, which percentages or amounts shall be retained by the City of Long Beach:

(1) Until and including December 31, 1967, 50 percent.

(2) During the calendar year 1968, 45 percent or the total amount of nine million dollars ($9,000,000) during said year, whichever is less.

(3) During the calendar year 1969, 40 percent or the total amount of nine million dollars ($9,000,000) during said year, whichever is less.

(4) During the calendar year 1970, 35 percent or the total amount of nine million dollars ($9,000,000) during said year, whichever is less.

(5) During the calendar year 1971, 30 percent or the total amount of nine million dollars ($9,000,000) during said year, whichever is less.

(6) During the calendar year 1972, 25 percent or the total amount of nine million dollars ($9,000,000) during said year, whichever is less.

(7) During the calendar year 1973, and during each calendar year thereafter, to and including 1979, 20 percent or the total amount of nine million dollars ($9,000,000) during each said year, whichever is less.

(8) During the calendar year 1980, and during each calendar year thereafter, to and including 1982, 20 percent or the total amount of eight million dollars ($8,000,000) during each said year, whichever is less.

(9) During the calendar year 1983, 20 percent or the total amount of seven million dollars ($7,000,000) during said year, whichever is less.

(10) During the calendar year 1984, 20 percent or the total amount of six million dollars ($6,000,000) during said year, whichever is less.

(11) During the calendar year 1985, 20 percent or the total amount of five million dollars ($5,000,000) during said year, whichever is less.

(12) During the calendar year 1986, 20 percent or the total amount of four million five hundred thousand dollars ($4,500,000) during said year, whichever is less.

(13) During the calendar year 1987, 20 percent or the total amount of three million four hundred thousand dollars ($3,400,000) during said year, whichever is less.

(14) During the calendar year 1988, and each calendar year thereafter, the total sum of one million dollars ($1,000,000) during each said year.

In the event the execution of the contractors' agreement is delayed beyond December 31, 1964, the city shall retain 50 percent of remaining oil revenue, as provided in subdivision (1) of the above schedule, until and including the last day of the third calendar year following the calendar year in which the contractors' agreement is executed, and the amounts or percentages of remaining oil revenues to be retained by the city as specified in subdivisions (2) to (14), inclusive, of the above schedule shall be deferred accordingly. In the event the total aggregate amount of remaining oil revenue (including advance payments) retained by the city on and after the effective date of this act should reach the sum of two hundred thirty-eight million dollars ($238,000,000) at any date prior to January 1, 1988, the city shall retain during the next calendar year following the date at which such total aggregate sum is reached, and during each calendar year thereafter, the total sum of one million dollars ($1,000,000) out of remaining oil revenue during each said year, in lieu of any amounts which might otherwise be specified in the above schedule in respect to said years.

(f) The contractors' agreement shall include a provision for a "reserve for subsidence contingencies." Such reserve shall accumulate at the rate of two million dollars ($2,000,000) a year, exclusive of interest thereon, commencing from and after the first day of the second month following termination of the right to receive any advance payment from the field contractor and shall continue for a period of 20 years thereafter. Said amounts so accumulated, but not the interest thereon, shall be treated as a cost of oil production under the contractors' agreement and shall be deductible in computing oil revenue.

Said amounts so accumulated, together with interest, shall be impounded by the city in a separate fund and shall be invested in bonds issued by the State of California or, if such bonds are unavailable, then in securities of the United States. Said fund shall be available to indemnify and hold harmless the City of Long Beach, the State of California, and any and all contractors under the contractors' agreement from claims, judgments and costs of defense, arising from subsidence alleged to have occurred as a result of operations under said agreement. Said fund may also be used for the purpose of paying subsidence costs or for conducting repressuring operations in the event there is no oil revenue or the oil revenue is insufficient to pay such costs.

Said fund shall remain impounded until such time as the city and State shall jointly determine that there is no longer any hazard of such claims or judgments or that there is

no potential danger of subsidence, whichever is later; provided, that if the city and State are unable to agree upon such a joint determination, the State Lands Commission may make application to a court of competent jurisdiction for determination by the court as to whether it is necessary to continue the impoundment of said fund.

Upon termination of such impoundment, the money so impounded, including all interest and earnings thereof, shall be distributed to the city (in addition to the amounts specified under subdivision (e) hereof) and the State as follows: an amount equal to 50 percent of all subsidence costs approved and disbursed by the city from the effective date of this act to and including December 31, 1968, shall be distributed and paid to the city; and the balance shall be paid and distributed to the State of California. Nothing herein contained shall constitute a waiver of sovereign immunity by the State of California; nor shall anything herein contained affect in any manner the rights and obligations of the City of Long Beach, the State of California, or the contractors under the contractors' agreement, or any of them, as against any other person or persons, relative to claims, judgments or liability arising from subsidence of the land surface.

SEC. 5. The contractors' agreement, and any unit agreement and unit operating agreement between the City of Long Beach and any other person or persons (including the State) relating to the undeveloped portion of the Long Beach tidelands, or any part thereof, shall include all provisions necessary to assure compliance with the ordinance adopted by the people of the City of Long Beach at the municipal election held on the 27th day of February, 1962, concerning the Offshore Area and Townlot Area therein defined; provided however that the City of Long Beach is hereby authorized and directed to exercise all controls and reservations of authority specified in Sections 4(c), 4(f) and 4(h) of said ordinance, in accordance with all of the provisions of this act and in accordance with plans of operation and development containing the provisions and adopted in accordance with the procedure set forth in this section. Nothing herein shall be construed as affecting the rights and powers of the State Lands Commission under Section 3(j) hereof.

(a) All exploration, development and operation of the undeveloped portion of the Long Beach tidelands, or any part thereof, shall be in accordance with plans of development and operation Said plans shall not cover a period in excess of one year (unless otherwise mutually agreed between the city and the State Lands Commission), and shall specify (unless otherwise mutually agreed between the city and the State Lands Commission) with particularity, in addition to other matters deemed necessary or desirable, the surface and bottom locations of both producing and injection wells to be drilled, drilling schedules, range of rates of production, range of rates and pressures of injection, location and

capacity of facilities, and an itemized budget of intended expenditures relating to the exploration, development and operation of the undeveloped portion of the Long Beach tidelands. Each such plan of development and operation shall be initially adopted by the City of Long Beach and shall be submitted by the city to the State Lands Commission at least 100 days prior to its submission to the participants in any unit agreement covering the undeveloped portion of the Long Beach tidelands. Day-to-day operations shall be the responsibility of the field contractor acting under the direction and control of the city.

(b) The State Lands Commission shall have 45 days after submittal within which to approve such plan or order a hearing to consider a modification of said plan If the commission takes no action upon the plan within 45 days, the plan shall be deemed to be approved If the commission believes that a modification of the plan is necessary, it shall conduct a formal hearing. At such hearing, the city may present evidence in support of its plan. After the hearing, the commission may order modification of the plan in any respect if it finds that such modification is necessary to promote good oil field practice, to prevent waste of oil or gas, to promote the maximum economic recovery of oil and gas, or to conserve reservoir energy in any zone or separate underground source of supply of oil or gas covered in whole or part by the contractors' agreement. Any modification of such plan shall be ordered not less than 30 days prior to the date such plan is to be submitted to the participants in said unit.

(c) In the event the commission orders a modification of the plan after such hearing, the modification shall go into effect unless the city council of the City of Long Beach finds prior to the date such plan is to be submitted to the participants in said unit, after a formal hearing at which the commission may present evidence in support of its modification, that all or specified parts of the plan submitted by the city are required in order to carry out a program of complete pressure maintenance or to prevent, arrest or ameliorate subsidence. In the event the city council makes such a finding, the city shall adopt a plan which includes all subsidence controls which it deems necessary or appropriate, but which will otherwise conform (to the extent consistent with said controls) with the modification ordered by the State Lands Commission. Said plan adopted by the city shall be submitted to the participants in said unit and shall go into effect and stay in effect unless and until, upon application of the commission to a court of competent jurisdiction, the court finds that there is no substantial evidence that the plan adopted by the city council, including all elements inconsistent with the modification ordered by the commission, is necessary either to carry out a program of complete pressure maintenance or to prevent, arrest or ameliorate subsidence In the event of such finding, said plan shall be altered or rescinded, either before or after its submission to the participants, as ordered by the court. In the event the city's plan is

rescinded, the modification ordered by the State Lands Commission shall go into effect.

(d) In the event the city disagrees with the findings of the commission that a modification of the plan is necessary in order to promote good oil field practice, to prevent waste of oil and gas, to promote the maximum economic recovery of oil and gas, or to conserve reservoir energy in any zone or separate underground source of supply of oil or gas covered in whole or part by the contractors' agreement, and the city council does not make the finding referred to in subdivision (c), the modification shall be submitted to the participants in said unit and shall go into effect and stay in effect unless and until, upon application of the city to a court of competent jurisdiction, the court finds that there is no substantial evidence that the modification of the plan is necessary in order to promote good oil field practice, to prevent waste of oil and gas, to promote the maximum economic recovery of oil and gas, or to conserve reservoir energy in any zone or separate underground source of supply of oil or gas covered in whole or in part by the contractors' agreement. In the event of such finding, said modification shall be altered or rescinded, either before or after submission to the participants, as ordered by the court. In the event the modification is rescinded, the plan adopted by the city shall go into effect.

(e) The city shall have the power, upon receipt of any evidence of subsidence or a significant diminution of underground pressure, to order a cessation or curtailment of production until the time such precautions have been taken, which, in the opinion of the city, are completely adequate and sufficient to prevent or arrest any land subsidence or carry out a program of complete pressure maintenance. Unless the city finds that earlier cessation or curtailment is necessary in order to prevent or correct such subsidence, it shall give the State Lands Commission 30 days' notice of such cessation or curtailment. In the event of a dispute between the city and the State Lands Commission over a cessation or curtailment of production ordered by the city under this subdivision, the State may make application to a court of competent jurisdiction for review of such action. Any cessation or curtailment of production by the city shall not be rescinded or modified by the court unless it finds that there is no substantial evidence that such cessation or curtailment is necessary in order to carry out a program of complete pressure maintenance or to prevent, arrest or ameliorate any land surface subsidence.

(f) In order to carry out the purposes of this section and to effect a speedy determination of any disagreement between the city and the commission, the Superior Court of the State of California for the County of Los Angeles (in the event such proceeding is filed in said court) shall give any proceeding filed under this section priority over other civil matters, and any court of competent jurisdiction in which such proceeding is filed shall have the power to issue appropriate temporary

orders. In any proceeding filed under this section for judicial review of any finding made under this section, the State Lands Commission and the city shall be entitled to offer evidence in addition to the evidence offered at the hearing at which the finding was made. Upon application of either the city or the State, and upon good cause, the court may rescind or modify the effectiveness of any modification ordered by the State Lands Commission or any plan or order adopted by the city, pending trial upon the merits.

(g) The City of Long Beach and the State Lands Commission may, without a hearing, mutually agree upon any modification in any plan of development at any time or from time to time. The executive officer or acting executive officer of the State Lands Commission shall have the power to consent to a modification, provided that his consent shall be subject to ratification by the State Lands Commission at its next regular meeting. In the event the State Lands Commission does not ratify the consent of the executive officer or acting executive officer to such modification, neither the City of Long Beach nor the field contractor shall be liable to the State for any actions performed or taken under the consent or authority of the executive officer or acting executive officer.

(h) The City of Long Beach, in exercising its right to vote the working interest in the undeveloped portion of the Long Beach tidelands on any date on or after January 1, 1968, shall vote as directed by the State Lands Commission upon all matters relating to the establishment of equity formula factors and tract assignments of oil, gas and other hydrocarbons produced from the lands covered by the unit and unit operating agreements including the undeveloped portion of the Long Beach tidelands, or any part thereof. Any such unit and unit operating agreements shall provide that all determinations relating to equity formula factors and tract assignments made between the effective date of such agreements and January 1, 1968, and for any subsequent period provided for in such agreements, shall be subject to retroactive adjustment.

SEC. 6. The Legislature hereby finds that the remaining oil revenue hereinabove allocated to the City of Long Beach is needed and can be economically utilized by said city for the fulfillment of the trust uses and purposes described in said acts of 1911, 1925 and 1935 and described as follows in this act, which are hereby found to be matters of state, as distinguished from local, interest and benefit.

(a) The construction, reconstruction, improvement, repair, operation and maintenance of works, lands, waterways, and facilities necessary for the harbor within the boundaries of the harbor district of said city (as said boundaries were defined on April 1, 1956).

(b) The construction, reconstruction, repair, operation and maintenance of streets, roadways, bridges and bridge approaches within the boundaries of, or reasonably necessary to

provide immediate access to, said harbor district (as such boundaries were defined on April 1, 1956).

(c) The construction, reconstruction, repair, operation and maintenance of the bulkheads, piers, earthfills, streets, roadways, bridges, bridge approaches, buildings, structures, recreational facilities, landscaping, parking lots, and other improvements on or adjacent to the Long Beach tidelands or on or adjacent to the Alamitos Beach Park Lands for the benefit and use of said tidelands or the Alamitos Beach Park Lands.

(d) The construction, reconstruction, repair, operation and maintenance of small boat harbors, marine stadiums, maritime museum, marine parks, beaches, waterways, and related facilities, on or adjacent to the Long Beach tidelands or on or adjacent to the Alamitos Beach Park Lands, or on or adjacent to aquatic recreational areas of the aforesaid nature.

(e) The acquisition, filling, improvement, rehabilitation and disposal of lands, which have, prior to January 1, 1964, been damaged by subsidence, located in the City of Long Beach westerly of Alamitos Avenue, easterly of the harbor district and southerly of Ocean Boulevard (as said streets and district now exist).

(f) The acquisition of property or the rendition of services reasonably necessary to the carrying out of the foregoing uses and purposes.

(g) In addition to the foregoing, expenditures for any other use or purpose of state, as distinguished from purely local, interest and benefit which are in fulfillment of those trust uses and purposes described in said acts of 1911, 1925 and 1935, and which are approved in advance by the State Lands Commission.

(h) As to any expenditure of oil revenue for a capital improvement involving an amount in excess of fifty thousand dollars ($50,000) proposed to be made under subdivisions (a) to (f), inclusive, of this section, the City of Long Beach shall file with the State Lands Commission an adequate detailed description of such capital improvement not less than 60 days prior to the time of any disbursement therefor or in connection therewith. Said description shall specify, in addition, the particular subdivision or subdivisions of this section which the city deems applicable and its reasons, if necessary, for regarding such expenditure as being so authorized The commission shall have 60 days after the time of such filing within which to notify the city that such capital improvement is not authorized by any of such subdivisions. In the event the commission so notifies the city, a copy of the opinion of the Attorney General (or other legal counsel of the commission) upon which such disapproval has been based shall be delivered to the city. In the event the commission notifies the city that such capital improvement is not authorized, the city shall not disburse any oil revenue for or in connection with said capital improvement for a period of 30 days following such notice, during which period or afterwards the State Lands Commission may seek

any judicial relief in any court of competent jurisdiction which it deems appropriate.

In order to carry out the purposes of this section and to effect a speedy determination of any disagreement between the city and the commission, the Superior Court of the State of California for the County of Los Angeles (in the event such proceeding is filed in said court) shall give any proceeding filed by the city or State under this section priority over other civil matters.

SEC. 7. It is hereby found and determined that the northerly boundary of the Long Beach tidelands and the Alamitos Beach Park Lands commencing at the westerly city limits and extending easterly to the westerly side of the entrance of Alamitos Bay is as follows:

Beginning at the southwesterly corner of Block 10 of East San Pedro as shown on map of same recorded in Book 52, page 13, et seq., Miscellaneous Records of Los Angeles County, State of California; thence southeasterly along the southeasterly prolongation of the westerly boundary of said Block 10, 100.459 feet to the intersection with the Southerly line of Seaside Boulevard 100 00 feet wide as described in deed from Los Angeles & Salt Lake Railroad Company to City of Long Beach recorded in Book 12355, page 45, Official Records of Los Angeles County, California, said intersection being on the westerly boundary of the City of Long Beach and comprising the true point of beginning of the herein described line;

Thence from said true point of beginning and along the Southerly line of Seaside Boulevard, North 65° 14′ 48″ East 670.796 feet to a point distant South 23° 48′ 21″ East 100.014 feet from Pipe No. 334, set at the Southwest corner of Block 11 of East San Pedro as per map recorded in Book 52, page 13, et seq., Miscellaneous Records of said County; thence North 67° 08′ 30″ East 596 287 feet to a point distant South 21° 03′ 57 5″ East 100.049 feet from Pipe No. 333, set at the Southeast corner of said Block 11; thence North 70° 43′ 35″ East 58 537 feet to a point distant South 20° 13′ 42″ East 100.014 feet from Pipe No 329, set at the Southwest corner of Block 12 of said East San Pedro; thence North 68° 49′ 01″ East 600 282 feet to a point distant South 20° 13′ 42″ East 100 014 feet from Pipe No. 328, set at the Southeast corner of said Block 12; thence North 70° 43′ 35″ East 718.280 feet to a point distant South 19° 16′ 25″ East 100.000 feet from Pipe No. 318, set at the Southwest corner of Block 14 of said East San Pedro; thence North 70° 43′ 01″ East 358.408 feet to a point distant South 19° 16′ 59″ East 100 000 feet from Pipe No. 317, set at the intersection of the Northerly line of Seaside Boulevard with the Westerly line of Henry Ford Avenue as described in deed to City of Long Beach recorded in Book 12312, page 172, of said Official Records; thence continuing North 70° 43′ 01″ East 61.950 feet to a point distant South 19° 16′ 59″ East 100.000 feet from Pipe No 236, set at intersection of the Northerly line of Seaside Boulevard with the Easterly line of said Henry Ford Avenue;

thence continuing North 70° 43′ 01″ East 2879.679 feet to a point distant South 19° 16′ 59″ East 100.000 feet from Pipe No. 260, set at the Southwest corner of Block 19 of said East San Pedro; thence continuing North 70° 43′ 01″ East 201.041 feet to a point distant South 19° 16′ 59″ East 100.000 feet from Pipe No. 264, said point being also at the beginning of a tangent curve, concave to the North, having a radius of 6029.65 feet; thence Northeasterly along said curve a distance of 449.041 feet, to the end of curve at a point distant South 23° 33′ 00″ East 237.50 feet from Pipe No. 267; thence on a tangent to said curve, North 66° 27′ 00″ East 27.046 feet to a point distant South 23° 33′ 00″ East 100.000 feet from Pipe No. 269, set at the Southwest corner of Block 20 of said East San Pedro; thence continuing North 66° 27′ 00″ East 600.000 feet to a point distant South 23° 33′ 00″ East 230.000 feet from Pipe No. 272, set at the Northeast corner of said Block 20; thence continuing North 66° 27′ 00″ East 1217.525 feet to a point on the easterly line of Lot 15 of Tract No. 751, as recorded in Map Book 16, Pages 26-27, Records of said County; (The base of bearings used heretofore is identical with the map entitled "Record of Survey Partly in the City of Los Angeles and Partly in City of Long Beach," by Francis Bates, dated 1937-1940, and filed in Book 51, Pages 1-21, Record of Surveys, Records of said County); thence along said easterly line South 15° 55′ East 197.61 feet, more or less, to the Southeasterly corner thereof; thence Northeasterly 510 feet, more or less, to a point on the westerly boundary of the Long Beach Harbor Entrance Channel, said point being South 23° 33′ East 532 feet measured along last said westerly boundary line from a point on the southerly boundary line of the 100-foot right of way of the Los Angeles and Salt Lake Railroad Company; thence North 23° 33′ West 532 feet along said westerly boundary line of the Long Beach Harbor Entrance Channel to a point on the southerly boundary line of said 100-foot right of way; thence North 66° 27′ East 300 feet along the southerly boundary line of said 100-foot right of way to the intersection with the easterly boundary line of said Long Beach Harbor Entrance Channel; thence South 23° 33′ East 573 feet along last said easterly boundary line to a point; thence northeasterly 83 feet, more or less, to a point 60 feet distant from the southwesterly corner of Block 15, Plat No. 2, Seaside Park, as recorded in Map Book 4, Page 6, Records of said County, said 60 feet being measured along the southerly prolongation of the westerly boundary line of said Block 15; thence northeasterly to a point 65 feet distant from the southeasterly corner of said Block 15 being measured along the southerly prolongation of the easterly boundary line of said Block 15; thence northeasterly to a point 85 feet distant from the southeasterly corner of Block 14 of said Seaside Park being measured southeasterly at right angles to the southerly boundary line of said Block 14; thence northeasterly to a point 57 feet distant from the southwesterly corner of Block

12 of said Seaside Park being measured along the southerly prolongation of the westerly boundary line of said Block 12; thence northeasterly to a point 39 feet distant from the southwesterly corner of Block 10 of said Seaside Park being measured along the southerly prolongation of the westerly boundary line of said Block 10; thence northeasterly to a point 32 feet distant from the southeasterly corner of said Block 10 being measured along the southerly prolongation of the easterly boundary line of said Block 10; thence northeasterly to a point 30 feet distant from the southeasterly corner of Block 9 of said Seaside Park being measured along the southerly prolongation of the easterly boundary line of said Block 9; thence northeasterly to a point 27 feet distant from the southeasterly corner of Block 8 of said Seaside Park being measured along the southerly prolongation of the easterly boundary of said Block 8; thence northeasterly to a point 24 feet distant from the southwesterly corner of Block 6 of said Seaside Park being measured along the southerly prolongation of the westerly boundary of said Block 6; thence northeasterly to a point 28 feet distant from the southeasterly corner of said Block 6 being measured along the southerly prolongation of the easterly boundary of said Block 6; thence northeasterly to a point 27 feet distant from the southeasterly corner of Block 5 of said Seaside Park being measured along the southerly prolongation of the easterly boundary of said Block 5; thence northeasterly to a point 28 feet distant from the southwesterly corner of Block 3 of Plat No. 1, Seaside Park, as recorded in Map Book 3, Page 99, Records of said County, being measured along the southerly prolongation of the westerly boundary of said Block 3; thence northeasterly to the intersection with the southerly prolongation of the westerly right of way line of the Los Angeles County Flood Control District, as established by a Final Judgment had in Superior Court Case No. B-72307, recorded in Book 7714, Page 153, of Official Records of said County, said intersection being 47 feet, measured southerly along the last said prolongation line from the southerly boundary of Block 2 of said Plat No. 1, Seaside Park; thence easterly on a line towards a point on the southerly prolongation of the westerly line of Lot 13, Block 3, Seaside Park Plat No. 3, recorded in Map Book 10, Page 27, Records of said County, said point being southerly thereon 68 feet from the northerly line of Seaside Boulevard, to the easterly line of the Los Angeles County Flood Control right of way; thence northerly along said easterly line 68.39 feet, more or less, to the northerly line of Seaside Boulevard, as shown on said Map of Seaside Park Plat No. 3; thence easterly along said northerly line of Seaside Boulevard North 86° 31′ East 723.67 feet more or less to the westerly line of Golden Avenue; thence southerly 74 feet along the southerly prolongation of the westerly line of Golden Avenue to a point; thence easterly to a point on the southerly prolongation of the westerly line of Mermaid Place distant southerly thereon 66 feet from the

northerly line of Seaside Boulevard; thence easterly, as shown on City of Long Beach City Engineer's Drawing No. B-1774, dated June 9, 1959, to a point on the southerly prolongation of the westerly line of Daisy Avenue distant southerly thereon 72 feet from the northerly line of Seaside Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Magnolia Avenue distant southerly thereon 52 feet from the northerly line of Seaside Boulevard; thence easterly to a point on the southerly prolongation of a line parallel to and 20 feet easterly of the easterly line of Chestnut Place distant southerly thereon 72 feet from the northerly line of Seaside Boulevard; thence easterly to a point 50 feet southerly of the northerly line of Seaside Boulevard and 115 feet westerly of the center line of Cedar Walk, which distances are measured respectively at right angles to, and along Seaside Boulevard; thence easterly to a point on the southerly prolongation of the center line of Cedar Walk distant southerly thereon 85 feet from the easterly prolongation of the northerly line of Seaside Boulevard; thence easterly to a point on the southerly prolongation of the easterly line of Pine Avenue distant southerly thereon 160 feet from the northerly line of Seaside Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Pier Place distant southerly thereon 155 feet from the northerly line of Seaside Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Locust Avenue South distant southerly thereon 146 feet from the northerly line of Seaside Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Collins Way distant southerly thereon 137 feet from the northerly line of Seaside Boulevard, thence easterly to a point on the southerly prolongation of westerly line of Long Beach Boulevard (formerly American Avenue) distant southerly thereon 138 feet from the northerly line of Seaside Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Hart Place distant southerly thereon 143 feet from the northerly line of Seaside Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Elm Way distant southerly thereon 143 feet from the northerly line of Seaside Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Linden Avenue distant southerly thereon 140 feet from the northerly line of Seaside Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Atlantic Way distant southerly thereon 137 feet from the northerly line of Seaside Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Lime Way distant southerly thereon 143 feet from the northerly line of Seaside Boulevard; thence easterly to a point on the southerly prolongation of the easterly line of Alamitos Avenue distant southerly thereon 149 feet from the easterly prolongation of the northerly line of Seaside Boulevard; thence northerly along said easterly line

of Alamitos Avenue to a line prolonged westerly from a point on the southerly prolongation of the westerly line of 2nd Place distant southerly thereon 384 feet from the southerly line of Ocean Boulevard and through a point on the southerly prolongation of the westerly line of 1st Place distant southerly thereon 386 feet from the southerly line of Ocean Boulevard; thence easterly along said westerly prolonged line to said point on the southerly prolongation of the westerly line of 2nd Place; thence easterly to a point on the southerly prolongation of the westerly line of 3rd Place distant southerly thereon 380 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 4th Place distant southerly thereon 377 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 5th Place distant southerly thereon 370 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 6th Place distant southerly thereon 368 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 7th Place distant southerly thereon 371 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 8th Place distant southerly thereon 370 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 9th Place distant southerly thereon 365 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 10th Place distant southerly thereon 370 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 11th Place distant southerly thereon 362 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 12th Place distant southerly thereon 363 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the easterly line of 13th Place distant southerly thereon 359 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 14th Place distant southerly thereon 360 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 15th Place distant southerly thereon 352 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 16th Place (vacated) distant southerly thereon 346 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 17th Place (vacated) distant southerly thereon 334 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line

of 18th Place distant southerly thereon 310 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of westerly line of 19th Place distant southerly thereon 294 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 20th Place distant southerly thereon 285 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Lindero Avenue distant southerly thereon 270 feet from the northerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Molino Avenue distant southerly thereon 260 feet from the northerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Temple Avenue distant southerly thereon 243 feet from the northerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Orizaba Avenue distant southerly thereon 248 feet from the northerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Paloma Avenue distant southerly thereon 241 feet from the northerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Coronado Avenue distant southerly thereon 261 feet from the northerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the easterly line of Redondo Avenue distant southerly thereon 209 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 36th Place distant southerly thereon 325 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 38th Place (vacated) distant southerly thereon 379 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 39th Place distant southerly thereon 395 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the easterly line of Termino Avenue distant southerly thereon 135 feet from the southerly line of Allin Street; thence easterly to a point on the southerly prolongation of the westerly line of 43rd Place distant southerly thereon 186 feet from the southerly line of Allin Street; thence easterly to a point on the southerly prolongation of the westerly line of 45th Place distant southerly thereon 151 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 46th Place distant southerly thereon 144 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 48th Place distant southerly thereon 132 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 50th Place distant southerly thereon 138 feet from

the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 52nd Place distant southerly thereon 131 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of La Verne Place distant southerly thereon 151 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 53rd Place distant southerly thereon 158 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Claremont Place distant southerly thereon 160 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the easterly line of Claremont Place distant southerly thereon 161 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 54th Place distant southerly thereon 160 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Isthmus Place distant southerly thereon 146 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Peninsula Place distant southerly thereon 151 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of 55th Place distant southerly thereon 165 feet from the southerly line of Ocean Boulevard; thence easterly to a point on the southerly prolongation of the westerly line of Balboa Place distant southerly thereon 44 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of Laguna Place distant southerly thereon 48 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of Dana Place distant southerly thereon 54 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 56th Place distant southerly thereon 69 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 57th Place distant southerly thereon 78 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 58th Place distant southerly thereon 86 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 59th Place distant southerly thereon 90 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 60th Place distant southerly thereon 95 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 61st Place distant southerly thereon 92 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 62nd Place

distant southerly thereon 93 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the easterly line of 62nd Place distant southerly thereon 95 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 63rd Place distant southerly thereon 91 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 64th Place distant southerly thereon 93 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 65th Place distant southerly thereon 98 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 66th Place distant southerly thereon 98 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 67th Place distant southerly thereon 100 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 68th Place distant southerly thereon 102 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 69th Place distant southerly thereon 98 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 70th Place distant southerly thereon 101 feet from the southerly line of Seaside Walk; thence easterly to a point on the southerly prolongation of the westerly line of 71st Place distant southerly thereon 132 feet from the southerly line of Seaside Walk (vacated); thence easterly to a point on the southerly prolongation of the westerly line of 72nd Place distant southerly thereon 160 feet from the southerly line of Seaside Walk (vacated).

The aforesaid finding and determination shall not apply to any lands within Alamitos Bay.

All the litigated lands, referred to and described in Section 2(d), held by the city located shoreward of said line are, and shall be deemed to be, uplands held by the city in its proprietary capacity. The Legislature finds and declares that the city acquired all of said litigated lands in its municipal capacity, and not as a trustee. All use value, and all proceeds, including those from the production of oil, gas and other hydrocarbon substances received, or to be received, by the city from, or allocated or assigned to, or attributable to production from or allocated to, said litigated lands shoreward of said line shall be proprietary funds of the city and shall be deemed to be held by the city in its municipal capacity and not as a trustee; and neither the State of California nor the tideland trust shall have any right, title or interest in them. Nothing herein shall be construed as affecting the trust status of any buildings, facilities and other improvements which may have been erected upon said litigated lands by use of tideland trust moneys, or as affecting the trust status of any proceeds or use value of

any such buildings, facilities and other improvements. All lands located seaward of said line within the city limits of the City of Long Beach (as said city limits existed as of January 1, 1964) and westerly of the easterly boundary of the undeveloped portion of the Long Beach tidelands, shall be, and be deemed to be, Long Beach tidelands. All net proceeds from oil, gas and other hydrocarbons received on and after February 1, 1956, and to be received in the future by the City of Long Beach derived from, or allocated or assigned to, or attributable to production from or allocated or assigned to, (1) any lands lying seaward of said line and westerly of the easterly boundary of the undeveloped portion of the Long Beach tidelands, and (2) to the extent hereinafter provided, any lands within the city limits of the City of Long Beach owned by the city and which were purchased or acquired, in whole or in part, by use of tideland trust moneys, shall be, and shall be considered to be, oil revenue and dry gas revenue from the Long Beach tidelands, and the city shall be accountable to the State and to the tideland trust for said proceeds. Whenever any of said lands lying seaward of said line have been developed or operated with lands lying shoreward of said line, the location of the producing interval of any and all wells shall be considered in determining whether the city derives or derived any proceeds of oil, gas and other hydrocarbons from said lands lying seaward of said line. Whenever any of said lands lying seaward of said line are a portion of a tract containing lands lying shoreward of said line under an existing unit or unit operating agreement, the location of the producing interval of wells shall be considered for the purpose of determining the allocation, assignment or attribution of primary production to lands lying seaward of said line, which primary production is based upon the record of wells drilled prior to the execution of the unit and unit operating agreement; and the proceeds of secondary recovery shall be allocated, assigned, and attributed to the respective portions of any said tract based upon the terms, provisions and formulae contained in any such existing unit or unit operating agreement for determining and computing secondary recovery.

All lands, buildings, facilities, and other improvements within the city limits of the City of Long Beach owned by the city and which were purchased or acquired, in whole or in part, by use of tideland trust moneys, and any proceeds from, and use value, for nontrust purposes, of, any such lands, buildings, facilities, and other improvements, shall be, and shall be considered to be, properties and assets of the tideland trust held by the city as trustee for the people of the State of California; except that if the City of Long Beach shows, to the satisfaction of the State Lands Commission, that municipal funds were used, in part, to purchase or acquire any such lands, buildings, facilities, or other improvements, then such lands, buildings, facilities, or other improvements, and any proceeds therefrom, including oil revenue and dry gas revenue, shall be appor-

tioned, in accordance with the relative proportion of municipal funds and tideland trust moneys used, between the city in its general municipal capacity, on the one hand, and the State and the tideland trust, on the other. . Without limiting in any way the generality of the foregoing provision, said provision shall apply to, but not be limited to, the following described lands:

Block 39, Lots 3 through 8, inclusive;

Block 40, Lots 1 through 8, inclusive;

Block 41, Lots 1 through 8, inclusive;

Block 42, Lots 1 through 8, inclusive;

Block 43, Lots 1 through 8, inclusive;

Block 44, Lots 1, 2, East ½ of 6, 7 and East ½ of 9;

Block 45, Lots 1 through 4, inclusive, 7, and 11 through 14, inclusive;

Block 46, Lots 1, 2, 8, 11 and 15;

Block 47, Lots 1, 2, 9, 12, 14 and 15;

Block 48, Lots 3, 4, 6, 7, 8, 13, 14 and 15;

Block 49, Lots 1, 2, 4, 5, 7, 10 and 13;

Block 50, Lots 1, 3, 6, 7, and West ½ of 8, 10 and 13;

Block 51, Lots 4, 10, 11, 12, and the West ½ of 13; according to the map of "Resubdivision of Part of Alamitos Bay Townsite" filed November 18, 1903, in Book 4, pages 75-76, of maps of the county recorder of Los Angeles County.

As one of the purposes of this act is to compromise the dispute between the City of Long Beach and the State of California over the boundaries of the Long Beach tidelands and over the status of said litigated lands held by the city and claimed to be subject to the tideland trust, nothing in this act shall be deemed to affect the boundaries or ownership of any lands or titles held by private persons. Insofar as this act determines the boundaries of the Long Beach tidelands as between the lands owned or held by the city in its proprietary capacity and the Long Beach tidelands, the commission shall survey, monument and plat said boundaries as required by Chapter 2000, Statutes of 1957, in accordance with the finding and determination made in this section.

SEC. 8. The Attorney General and the City of Long Beach are hereby authorized and directed to enter into an appropriate stipulation or stipulations as may be necessary to carry out all the provisions and all the purposes and intents of this act. Said authorization shall include the modification of the existing decree in said Action No. 649466, dated September 7, 1956, insofar as it is in any respect inconsistent or in conflict with any of the provisions and intents or purposes of this act. Said stipulation or stipulations shall also provide for the compromise of the pending litigation between the City of Long Beach and the State of California, referred to in Section 2(d), including the establishment of the boundary line provided for in this act. The court is authorized to accept said stipulation or stipulations and to modify said decree in Action No. 649466 and to enter appropriate orders and decrees

in accordance with any of the provisions and intents or purposes of this act.

Unless (1) the city, within 60 days after the effective date of this act, shall agree to enter into a written stipulation complying in all respects with the findings, determinations, and provisions of Section 7 hereof; and (2) the city, within 30 days after the effective date of this act, shall file in the actions referred to in Section 2(d) hereof a stipulation waiving any and all defenses in said actions arising solely by lapse of time on or after June 1, 1959, including, but not limited to, defenses by way of the statute of limitations, estoppel, and laches, or any of them, which said defenses might otherwise fully ripen or become perfected by law after said date, and stipulating that the time for bringing said actions to trial as specified in Section 583 of the Code of Civil Procedure be extended until March 1, 1970; the legislative findings and determinations as to the boundaries of the Long Beach tidelands and the Alamitos Beach Park Lands and as to the status of the litigated lands made in Section 7 of this act shall be null and void, shall not be admissible in evidence in said actions referred to in Section 2(d) hereof or in any other proceedings, and said actions shall proceed to trial unaffected by said findings and determinations.

No stipulation or stipulations authorized by this act providing for the establishment of the boundary line or the compromise of the pending litigation between the City of Long Beach and the State of California referred to in Section 2(d) hereof shall be executed by the State of California, and no decree or judgment providing for any such compromise shall be entered, prior to the execution of the contractors' agreement by the City of Long Beach with the approval of the State Lands Commission as provided by Section 3 hereof; and the legislative findings and determinations as to the boundaries of the Long Beach tidelands and the Alamitos Beach Park Lands and as to the status of the litigated lands made in Section 7 of this act shall be subject to revocation by the Legislature at any time prior to such execution of the contractors' agreement by the City of Long Beach with the approval of the State Lands Commission

Any decree or judgment entered on the said stipulation or stipulations providing for the compromise of the pending litigation between the City of Long Beach and the State of California, referred to in Section 2(d) hereof, shall be final as to any and all claims, demands or causes of action in said litigation, and shall be a final determination as between the city and the State as to that portion of the landward boundary of the Long Beach tidelands and the Alamitos Beach Park Lands covered by said decree or judgment; otherwise, the powers of the State of California over the Long Beach tidelands, and over the grants evidenced by Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, and Chapter 158, Statutes of 1935, including oil revenue and dry gas revenue received be-

fore or after the effective date of this act and unexpended for purposes authorized by law, and the powers of the State of California over the Alamitos Beach Park Lands as set forth in the Judgment After Remittitur referred to in Section 1(i) hereof and over the grant to the City of Long Beach evidenced by Chapter 1579, Statutes of 1961, are hereby expressly reserved.

SEC. 9. To the extent that the provisions of this act conflict or are inconsistent with any provision in Chapter 29, Statutes of 1956, First Extraordinary Session, as amended by Chapter 1398, Statutes of 1963, or any other act, the provisions of this act shall prevail. Otherwise, the provisions of said Chapter 29, as so amended, or such other act, shall remain in full force and effect.

SEC 10. On or before October 1st of each year, the City of Long Beach shall cause to be made and filed with the State Lands Commission and with the Legislature a detailed statement of all expenditures of oil revenue, other than that required in this act to be paid to the State, including obligations incurred but not yet paid. Said statement shall cover the fiscal year preceding its submission and shall show the project or operation for which each such expenditure or obligation is made or incurred.

Each year the Auditor General shall audit the Long Beach tideland revenues and expenditures and report thereon to the Legislature. For the purposes of accomplishing this audit, the provisions of Section 10527 of the Government Code shall apply to the City of Long Beach.

SEC. 11 The Legislature hereby finds and determines that the provisions of this act are necessary for the public interest and welfare and are of statewide concern The City of Long Beach and the State Lands Commission are hereby authorized and directed to comply herewith, notwithstanding any contrary provisions of the Long Beach City Charter, or any ordinance of the City of Long Beach. 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. 12. The first eleven million dollars ($11,000,000) of oil revenue and dry gas revenue payable to the State of California under this act each year shall be deposited in the California Water Fund

CHAPTER 139

An act to add Chapter 8 (commencing with Section 8700) to Division 1, Title 2 of the Government Code, relating to economic and cultural relations with Baja California, and making an appropriation therefor.

[Approved by Governor June 4, 1964. Filed with Secretary of State June 5, 1964.]

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

SECTION 1. Chapter 8 (commencing with Section 8700) is added to Division 1, Title 2 of the Government Code, to read:

CHAPTER 8. COMMISSION OF THE CALIFORNIAS

8700. There is in the state government a Commission of the Californias, which is referred to in this chapter as the "commission."

8701. The commission consists of 13 members, who shall be appointed by the Governor. The Governor shall select the member to serve as chairman of the commission.

8702. The commission shall further and develop favorable economic and cultural relations with the State of Baja California, Republic of Mexico, and shall cooperate with a similar commission representing the State of Baja California. The commission shall report to the Governor from time to time on the plans and programs which it finds will advance the economic and cultural relations of the two states and which will lead to cooperative advancement of each state's resources.

8703. 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.

8704. 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.

8705. The commission shall also cooperate with any person appointed by the President of the United States to participate in the negotiations as a representative of the United States and to make a report thereon to the Congress.

8706. No agreement or statement of the commission is binding on the State of California until it has been approved by the Governor and the Legislature of this State.

8707. 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 Baja California.

8708. The commission shall cease to exist upon adjournment of the 1965 Regular Session of the Legislature.

SEC. 2. The sum of ten thousand dollars ($10,000) is hereby appropriated from the General Fund to the commission to be used in carrying out the purposes of this chapter.

CHAPTER 140

An act to amend Sections 17027, 17053, 17072, 17203, 17204, 17206, 17216.2, 17254, 17262, 17284, 17416, 17503, 17531, 17532, 17533, 17534, 17535, 17536, 17577, 17837, 17913, 18152, 18162, 18241, 18242, 18243, 18244, 18245, and 18246 of, to add Sections 17120, 17139, 17154, 17176, 17177, 17205.5, 17266, 17527, 17528, 17594, 17617, 18212, 18213, 18214, 18215, 18216, 18217, 18218, 18402.7, 18802.5, and 18802.7 to, and to repeal Sections 17537, 17537.1, 17538, 17539, 17540, 18247, and 18248 of the Revenue and Taxation Code, relating to personal income taxes.

[Approved by Governor June 4, 1964. Filed with Secretary of State June 5, 1964.]

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

SECTION 1. Section 17027 of the Revenue and Taxation Code is amended to read:

17027. For the purpose of applying the provisions of Section 17120, with respect to group-term life insurance purchased for employees, for the purpose of applying the provision of Sections 17138, 17139 and 17140 with respect to accident and health insurance or accident and health plans, for the purpose of applying the provisions of Section 17132(b) with respect to employees' death benefits, and for the purpose of applying the provisions of this part with respect to contributions to or under a stock bonus, pension, profit-sharing, or annuity plan, and with respect to distributions under such a plan, or by a trust forming part of such a plan, the term "employee" shall include a full-time life insurance salesman who is considered an employee for the purpose of Chapter 21 of the Federal Internal Revenue Code, or in the case of services performed before January 1, 1953, who would be considered an employee if his services were performed during 1953.

SEC. 2. Section 17053 of said code is amended to read:

17053. (a) In the case of an individual who has received earned income before the beginning of the taxable year, there shall be allowed as a credit against the tax imposed by this part for the taxable year an amount equal to the amount received by such individual as retirement income (as defined in subsection (c) and as limited by subsection (d)), multiplied by the rate provided in Section 17041 for the first two thousand five hundred dollars ($2,500) of taxable income; but the credit

provided by this section shall not exceed the tax imposed under this part reduced by the credit allowable under Chapter 12 (relating to taxes paid to other states).

(b) For purposes of subsection (a), an individual shall be considered to have received earned income if he has received, in each of any 10 calendar years before the taxable year, earned income (as defined in subsection (g)) in excess of six hundred dollars ($600). A widow or widower whose spouse had received such earned income shall be considered to have received earned income.

(c) For purposes of subsection (a), the term "retirement income" means—

(1) In the case of an individual who has attained the age of 65 before the close of the taxable year, income from—

(A) Pensions and annuities,

(B) Interest,

(C) Rents, and

(D) Dividends, or

(2) In the case of an individual who has not attained the age of 65 before the close of the taxable year, income from pensions and annuities under a public retirement system (as defined in subsection (f)), to the extent included in gross income without reference to this section, but only to the extent such income does not represent compensation for personal services rendered during the taxable year.

(d) For purposes of subsection (a), the amount of retirement income shall not exceed one thousand five hundred twenty-four dollars ($1,524) less—

(1) In the case of any individual, any amount received by the individual as a pension or annuity—

(A) Under Title II of the Social Security Act,

(B) Under the Railroad Retirement Acts of 1935 or 1937, or

(C) Otherwise excluded from gross income, and

(2) In the case of any individual who has not attained the age of 72 before the close of the taxable year—

(A) If such individual has not attained age 62 before the close of the taxable year, any amount of earned income (as defined in subsection (g)) in excess of nine hundred dollars ($900) received by the individual in the taxable year—

(B) If such individual has attained age 62 before the close of the taxable year, the sum of (i) one-half the amount of earned income received by such individual in the taxable year in excess of one thousand two hundred dollars ($1,200) but not in excess of one thousand seven hundred dollars ($1,700), and (ii) the amount of earned income so received in excess of one thousand seven hundred dollars ($1,700).

(e) Subsection (d)(1) shall not apply to any amount excluded from gross income under Sections 17101 to 17112, inclusive (relating to annuities), 17131 to 17135, inclusive (relating to life insurance proceeds), 17138 (relating to compensation for injuries or sickness), 17139 (relating to amounts received under accident and health plans), 17503 to 17507, in-

clusive, (relating to taxability of beneficiary of employees' trust), or 17511 and 17512 (relating to taxation of employee annuities).

(f) For purposes of subsection (c)(2), the term "public retirement system" means a pension, annuity, retirement, or similar fund or system established by the United States, a state, a territory, a possession of the United States, any political subdivision of any of the foregoing, or the District of Columbia.

(g) For purposes of subsections (b) and (d)(2), the term "earned income" has the meaning assigned to such term in Section 911(b) of the Internal Revenue Code of 1954, except that such term does not include any amount received as a pension or annuity.

(h) (1) A husband and wife who make a joint return for the taxable year and both of whom have attained the age of 65 before the close of the taxable year may elect (at such time and in such manner as the Franchise Tax Board by regulations prescribes) to determine the amount of the credit allowed by subsection (a) by applying the provisions of paragraph (2).

(2) If an election is made under paragraph (1) for the taxable year, for purposes of subsection (a)—

(A) If either spouse is an individual who has received earned income within the meaning of subsection (b), the other spouse shall be considered to be an individual who has received earned income within the meaning of such subsection; and

(B) Subsection (d) shall be considered as providing that the amount of the combined retirement income of both spouses shall not exceed two thousand two hundred eighty-six dollars ($2,286), less the sum of the amounts specified in paragraphs (1) and (2) of subsection (d) for each spouse.

(i) No credit shall be allowed under subsection (a) to any nonresident.

SEC. 3. Section 17072 of said code is amended to read:

17072. For purposes of this part, the term "adjusted gross income" means, in the case of an individual, gross income minus the following deductions:

(a) The deductions allowed by this part (other than by Article 7 of this chapter) which are attributable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employee.

(b) (1) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer.

(2) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(3) The deductions allowed by Article 6 (commencing at Section 17201) of Chapter 3 of this part which consist of expenses of transportation paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(4) The deductions allowed by Article 6 (commencing at Section 17201) of Chapter 3 of this part which are attributable to a trade or business carried on by the taxpayer, if such trade or business consists of the performance of services by the taxpayer as an employee and if such trade or business is to solicit, away from the employer's place of business, business for the employer.

(c) The deduction allowed by Section 18151.

(d) The deductions allowed by Article 6 (commencing at Section 17201) of Chapter 3 of this part as losses from the sale or exchange of property.

(e) The deductions allowed by Article 6 (commencing at Section 17201) of Chapter 3 of this part, by Section 17252 (relating to expenses for production of income), and by Section 17681 (relating to depletion) which are attributable to property held for the production of rents or royalties.

(f) In the case of a life tenant of property, or an income beneficiary of property held in trust, or an heir, legatee, or devisee of an estate, the deduction for depreciation allowed by Sections 17208 to 17212, inclusive, and the deduction allowed by Section 17681. Nothing in this section shall permit the same item to be deducted more than once.

(g) The deduction allowed by Section 17266.

SEC. 4. Section 17203 of said code is amended to read:

17203. (a) There shall be allowed as a deduction all interest paid or accrued within the taxable year on indebtedness. However, no deduction shall be allowed to the extent that it is connected with income not taxable under this part. The proper apportionment and allocation of the deduction with respect to taxable and nontaxable income shall be determined under rules and regulations prescribed by the Franchise Tax Board.

(b) (1) If personal property or educational services are purchased under a contract—

(A) Which provides that payment of part or all of the purchase price is to be made in installments; and

(B) In which carrying charges are separately stated but the interest charge cannot be ascertained;

then the payments made during the taxable year under the contract shall be treated for purposes of this section as if they included interest equal to 6 percent of the average unpaid balance under the contract during the taxable year. For purposes of the preceding sentence, the average unpaid balance is the sum of the unpaid balance outstanding on the first day of each month beginning during the taxable year, divided by 12.

For purposes of this paragraph, the term "educational services" means any service (including lodging) which is pur-

chased from an educational institution (as defined in Section 17150(c)) and which is provided for a student of such institution.

(2) In the case of any contract to which paragraph (1) applies, the amount treated as interest for any taxable year shall not exceed the aggregate carrying charges which are properly attributable to such taxable year.

(c) The amendments made in subsection (b) shall apply to payments made during taxable years beginning after December 31, 1963.

SEC. 5. Section 17204 of said code is amended to read:

17204. (a) Except as otherwise provided in this section and Section 17205, the following taxes shall be allowed as a deduction for the taxable year within which paid or accrued:

(1) State and local, and foreign, real property taxes;

(2) State and local personal property taxes;

(3) State and local general sales taxes;

(4) State and local taxes on the sale of gasoline, diesel fuel, and other motor fuels; and

In addition, there shall be allowed as a deduction state and local, and foreign, taxes not described in the preceding sentence which are paid or accrued within the taxable year in carrying on a trade or business or an activity described in Section 17252 (relating to expenses for production of income).

(b) For purposes of this section and Section 17205—

(1) The term "personal property tax" means an ad valorem tax which is imposed on an annual basis in respect of personal property, and for the purpose of allowing a deduction under this part, includes, but is not limited to, fees imposed as an excise tax under Section 10751 of the Revenue and Taxation Code.

(2) (A) The term "general sales tax" means a tax imposed at one rate in respect of the sale at retail of a broad range of classes of items.

(B) In the case of items of food, clothing, medical supplies, and motor vehicles—

(i) The fact that the tax does not apply in respect of some or all of such items shall not be taken into account in determining whether the tax applies in respect of a broad range of classes of items, and

(ii) The fact that the rate of tax applicable in respect of some or all of such items is lower than the general rate of tax shall not be taken into account in determining whether the tax is imposed at one rate.

(C) Except in the case of a lower rate of tax applicable in respect of an item described in subparagraph (B), no deduction shall be allowed under this section for any general sales tax imposed in respect of an item at a rate other than the general rate of tax.

(D) A compensating use tax in respect of an item shall be treated as a general sales tax. For purposes of the preceding

sentence, the term "compensating use tax" means, in respect of any item, a tax which—

(i) Is imposed on the use, storage, or consumption of such item, and

(ii) Is complementary to a general sales tax, but only if a deduction is allowable under subsection (a)(3) in respect of items sold at retail in the taxing jurisdiction which are similar to such item.

(3) A state or local tax includes only a tax imposed by a state, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia.

(4) A foreign tax includes only a tax imposed by the authority of a foreign country.

(5) If the amount of any general sales tax or of any tax on the sale of gasoline, diesel fuel, or other motor fuel is separately stated, then, to the extent that the amount so stated is paid by the consumer (otherwise than in connection with the consumer's trade or business) to his seller, such amount shall be treated as a tax imposed on, and paid by, such consumer.

(c) No deduction shall be allowed for the following taxes:

(1) Taxes paid or accrued to the State under this part;

(2) Taxes on or according to or measured by income or profits paid or accrued within the taxable year imposed by the authority of:

(A) The government of the United States or any foreign country;

(B) Any state, territory, county, city and county, school district, municipality, or other taxing subdivision of any state or territory;

(C) Taxes imposed by authority of the government of the United States includes—

(i) The tax imposed by Section 3101 of the Internal Revenue Code of 1954 (relating to the tax on employee under the Federal Insurance Contributions Act);

(ii) The taxes imposed by Sections 3201 and 3211 of the Internal Revenue Code of 1954 (relating to the taxes on railroad employees and railroad employee representatives); and

(iii) The tax withheld on wages under Section 3402 of the Internal Revenue Code of 1954.

(3) Federal war profits and excess profits taxes.

(4) Estate, inheritance, legacy, succession, and gift taxes;

(5) Taxes computed as an addition to, or as a percentage of, taxes which are not deductible under this section;

(6) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this does not exclude the allowance as a deduction of so much of the taxes assessed against local benefits as is properly allocable to maintenance or interest charges.

(7) Taxes on real property, to the extent that Section 17205 requires such taxes to be treated as imposed on another taxpayer.

SEC. 6. Section 17206 of said code is amended to read:

17206. (a) There shall be allowed as a deduction any loss sustained during the taxable year and not compensated for by insurance or otherwise.

(b) For purposes of subsection (a), the basis for determining the amount of the deduction for any loss shall be the adjusted basis provided in Section 18041 for determining the loss from the sale or other disposition of property.

(c) In the case of an individual, the deduction under subsection (a) shall be limited to—

(1) Losses incurred in a trade or business;

(2) Losses incurred in any transaction entered into for profit, though not connected with a trade or business; and

(3) Losses of property not connected with a trade or business, if such losses arise from fire, storm, shipwreck, or other casualty, or from theft. A loss described in this paragraph shall be allowed only to the extent that the amount of loss to such individual arising from each casualty, or from each theft, exceeds one hundred dollars ($100). For purposes of the one hundred dollars ($100) limitation of the preceding sentence, a husband and wife making a joint return under Section 18402 for the taxable year in which the loss is allowed as a deduction shall be treated as one individual No loss described in this paragraph shall be allowed if, at the time of filing the return, such loss has been claimed for inheritance tax purposes in the inheritance tax return.

(d) Losses from wagering transaction shall be allowed only to the extent of the gains from such transactions.

(e) For purposes of subsection (a), any loss arising from theft shall be treated as sustained during the taxable year in which the taxpayer discovers such loss.

(f) Losses from sales or exchanges of capital assets shall be allowed only to the extent allowed in Section 18152.

(g) (1) If any security which is a capital asset becomes worthless during the taxable year, the loss resulting therefrom shall, for purposes of this part, be treated as a loss from the sale or exchange, on the last day of the taxable year, of a capital asset.

(2) For purposes of this subsection, the term "security" means—

(A) A share of stock in a corporation;

(B) A right to subscribe for, or to receive, a share of stock in a corporation; or

(C) A bond, debenture, note, or certificate, or other evidence of indebtedness, issued by a corporation or by a government or political subdivision thereof, with interest coupons or in registered form.

SEC 7 Section 17216.2 of said code is amended to read:

17216 2. The amount of any charitable contribution taken into account under Sections 17214 and 17215 shall be reduced by the amount which would have been treated as gain to which Section 18211(a) or 18212 applies if the property contributed

had been sold at its fair market value (determined at the time of such contribution).

SEC. 8 Section 17254 of said code is amended to read:

17254 (a) Amounts paid during the taxable year for medicine and drugs which (but for this section) would be taken into account in computing the deduction under Section 17253 shall be taken into account only to the extent that the aggregate of such amounts exceed 1 percent of the adjusted gross income.

(b) Subsection (a) shall not apply to amounts paid for the care of—

(1) The taxpayer and his spouse, if either of them has attained the age of 65 before the close of the taxable year, or

(2) Any dependent described in Section 17253(a)(1).

SEC. 9. Section 17262 of said code is amended to read:

17262 (a) There shall be allowed as a deduction expenses paid during the taxable year by a taxpayer who is a woman or widower, or is a husband whose wife is incapacitated or is institutionalized, for the care of one or more dependents (as defined in subsection (d)(1)), but only if such care is for the purpose of enabling the taxpayer to be gainfully employed.

(b) (1) (A) Except as provided in subparagraph (B), the deduction under subsection (a) shall not exceed six hundred dollars ($600) for any taxable year.

(B) The six-hundred-dollar ($600) limit of subparagraph (A) shall be increased (to an amount not above nine hundred dollars ($900)) by the amount of expenses incurred by the taxpayer for any period during which the taxpayer had two or more dependents.

(2) In the case of a woman who is married and in the case of a husband whose wife is incapacitated, the deduction under subsection (a)—

(A) Shall not be allowed unless the taxpayer and his spouse file a joint return for the taxable year, and

(B) Shall be reduced by the amount (if any) by which the adjusted gross income of the taxpayer and his spouse exceeds six thousand dollars ($6,000).

This paragraph shall not apply, in the case of a woman who is married, to expenses incurred while her husband is incapable of self-support because mentally or physically defective, or, in the case of a husband whose wife is incapacitated, to expenses incurred while his wife is institutionalized if such institutionalization is for a period of at least 90 consecutive days (whether or not within one taxable year) or a shorter period if terminated by her death

(3) Subsection (a) shall not apply to any amount paid to an individual with respect to whom the taxpayer is allowed for his taxable year a deduction under Section 17181 (relating to deductions for personal exemptions).

(c) In the case of a husband whose wife is incapacitated or is institutionalized, the deduction under subsection (a) shall be allowed only for expenses incurred while the wife was in-

capacitated or institutionalized (as the case may be) for a period of at least 90 consecutive days (whether or not within one taxable year) or a shorter period if terminated by her death.

(d) For purposes of this section—

(1) The term "dependent" means a person with respect to whom the taxpayer is entitled to an exemption under Section 17181(d)—

(A) Who has not attained the age of 13 years and who (within the meaning of Sections 17182 to 17185, inclusive) is a son, stepson, daughter, or stepdaughter of the taxpayer; or

(B) Who is physically or mentally incapable of caring for himself.

(2) The term "widower" includes an unmarried individual who is legally separated from his spouse under a decree of divorce or of separate maintenance.

(3) A wife shall be considered incapacitated only (A) while she is incapable of caring for herself because mentally or physically defective, or (B) while she is institutionalized.

(4) A wife shall be considered institutionalized only while she is, for the purpose of receiving medical care or treatment, an inpatient, resident, or inmate of a public or private hospital, sanitarium, or other similar institution.

(5) A woman shall not be considered as married if—

(A) She is legally separated from her spouse under a decree of divorce or of separate maintenance at the close of the taxable year, or

(B) She has been deserted by her spouse, does not know his whereabouts (and has not known his whereabouts at any time during the taxable year), and has applied to a court of competent jurisdiction for appropriate process to compel him to pay support or otherwise to comply with the law or a judicial order, as determined under regulations prescribed by the Franchise Tax Board.

SEC. 10. Section 17284 of said code is amended to read:

17284. (a) No deduction shall be allowed for—

(1) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy.

(2) Any amount paid or accrued on indebtedness incurred or continued to purchase or carry a single premium life insurance, endowment, or annuity contract. Paragraph (2) shall apply in respect of annuity contracts only as to contracts purchased after December 31, 1954.

(3) Except as provided in subsection (c), any amount paid or accrued on indebtedness incurred or continued to purchase or carry a life insurance, endowment, or annuity contract (other than a single premium contract or a contract treated as a single premium contract) pursuant to a plan of purchase which contemplates the systematic direct or indirect borrow-

ing of part or all of the increases in the cash value of such contract (either from the insurer or otherwise).

Paragraph (3) shall apply only in respect of contracts purchased after August 6, 1963.

(b) For purposes of subsection (a)(2), a contract shall be treated as a single premium contract—

(1) If substantially all the premiums on the contract are paid within a period of four years from the date on which the contract is purchased; or

(2) If an amount is deposited after December 31, 1954, with the insurer for payment of a substantial number of future premiums on the contract.

(c) Subsection (a)(3) shall not apply to any amount paid or accrued by a person during a taxable year on indebtedness incurred or continued as part of a plan referred to in subsection (a)(3).

(1) If no part of four of the annual premiums due during the seven-year period (beginning with the date the first premium on the contract to which such plan relates was paid) is paid under such plan by means of indebtedness.

(2) If the total of the amounts paid or accrued by such person during such taxable year for which (without regard to this paragraph) no deduction would be allowable by reason of subsection (a)(3) does not exceed one hundred dollars ($100).

(3) If such amount was paid or accrued on indebtedness incurred because of an unforeseen substantial loss of income or unforeseen substantial increase in his financial obligations, or

(4) If such indebtedness was incurred in connection with his trade or business.

For purposes of applying paragraph (1), if there is a substantial increase in the premiums on a contract, a new seven-year period described in such paragraph with respect to such contract shall commence on the date the first such increased premium is paid.

SEC. 11. Section 17416 of said code is amended to read:

17416. For purposes of Section 17415, the determination of whether gain from the sale or exchange of property would under any provision of this part be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 18182 shall be made without regard to the application of Section 18211(a) and 18212.

SEC. 12. Section 17503 of said code is amended to read:

17503. (a) Except as provided in subsection (b), the amount actually distributed or made available to any distributee by any employees' trust described in Section 17501 which is exempt from tax under Section 17631 shall be taxable to him, in the year in which so distributed or made available, under Sections 17101 to 17112, inclusive, (relating to annuities) except that Section 17105(c) shall not apply. The

amount actually distributed or made available to any distributee shall not include net unrealized appreciation in securities of the employer corporation attributable to the amount contributed by the employee. Such net unrealized appreciation and the resulting adjustments to basis of such securities shall be determined in accordance with regulations prescribed by the Franchise Tax Board.

(b) In the case of an employees' trust described in Section 17501, which is exempt from tax under Section 17631, if the total distributions payable with respect to any employee are paid to the distributee within one taxable year of the distributee on account of the employee's death or other separation from the service, or on account of the death of the employee after his separation from the service, the amount of such distribution, to the extent exceeding the amounts contributed by the employee, which employee contributions shall be reduced by any amounts theretofore distributed to him which were not includable in gross income, shall be considered a gain from the sale or exchange of a capital asset held for more than six months.

Where such total distributions include securities of the employer corporation, there shall be excluded from such excess the net unrealized appreciation attributable to that part of the total distributions which consists of the securities of the employer corporation so distributed. The amount of such net unrealized appreciation and the resulting adjustments to basis of the securities of the employer corporation so distributed shall be determined in accordance with regulations prescribed by the Franchise Tax Board.

(c) For purposes of this section—

(1) The term "securities" means only shares of stock and bonds or debentures issued by a corporation with interest coupons or in registered form

(2) The term "securities of the employer corporation" includes securities of a parent or subsidiary corporation (as defined in subdivisions (e) and (f) of Section 17535) of the employer corporation.

(3) The term "total distributions payable" means the balance to the credit of an employee which becomes payable to a distributee on account of the employee's death or other separation from the service, or on account of his death after separation from the service.

SEC. 13 Section 17531 of said code is amended to read:

17531 (a) If a share of stock is transferred to an individual in a transfer in respect of which the requirements of Sections 17532(a), 17533(a), or 17534(a) are met—

(1) Except as provided in Section 17532(c)(1), no income shall result at the time of the transfer of such share to the individual upon his exercise of the option with respect to such share;

(2) No deduction under Section 24343 (relating to trade or business expenses) shall be allowable at any time to the em-

ployer corporation, a parent or subsidiary corporation of such corporation, or a corporation issuing or assuming a stock option in a transaction to which Section 17535(a) applies, with respect to the share so transferred; and

(3) No amount other than the price paid under the option shall be considered as received by any of such corporations for the share so transferred.

(b) If the transfer of a share of stock to an individual pursuant to his exercise of an option would otherwise meet the requirements of Section 17532(a), 17533(a), or 17534(a) except that there is a failure to meet any of the holding period requirements of Section 17532(a)(1), 17533(a)(1), or 17534(a)(1), then any increase in the income of such individual for the taxable year in which such exercise occurred attributable to such disposition, shall be treated as an increase in income in the taxable year of such individual in which such disposition occurred.

(c) (1) If an option to which this article applies is exercised after the death of the employee by the estate of the decedent, or by a person who acquired the right to exercise such option by bequest or inheritance or by reason of the death of the decedent, the provisions of subsection (a) shall apply to the same extent as if the option had been exercised by the decedent, except that—

(A) The holding period and employment requirements of Sections 17532(a), 17533(a), and 17534(a) shall not apply, and

(B) Any transfer by the estate of stock acquired shall be considered a disposition of such stock for purposes of Sections 17533(c) and 17534(c)(1)

(2) If an amount is required to be included under Section 17532(c)(1) 17533(c), or 17534(c)(1) in gross income of the estate of the deceased employee or of a person described in paragraph (1), there shall be allowed to the estate or such person a deduction with respect to the inheritance tax attributable to the inclusion in the taxable estate of the deceased employee of the net value for inheritance tax purposes of the option For this purpose, the deduction shall be determined under Sections 17836 and 17837 as if the option acquired from the deceased employee were an item of gross income in respect of the decedent under Sections 17831 to 17837, inclusive, and as if the amount includible in gross income under Sections 17532(c)(1), 17533(c), or 17534(c)(1) were an amount included in gross income under Sections 17831 to 17837, inclusive, in respect of such item of gross income.

(3) In the case of a share of stock acquired by the exercise of an option to which paragraph (1) applies—

(A) The basis of such share shall include so much of the basis of the option as is attributable to such share; except that the basis of such share shall be reduced by the excess (if any) of (i) the amount which would have been includible in gross income under Sections 17532(c)(1), 17533(c), or

17534(c)(1) if the employee had exercised the option on the date of his death and had held the share acquired pursuant to such exercise at the time of his death, over (ii) the amount which is includible in gross income under such sections; and

(B) The last sentence of Sections 17532(c)(1), 17533(c), or 17534(c)(1) shall apply only to the extent that the amount includible in gross income under such sections exceeds so much of the basis of the option as is attributable to such share.

SEC. 14. Section 17532 of said code is amended to read:

17532. (a) Subject to the provisions of subsection (c)(1), Section 17531(a) shall apply with respect to the transfer of a share of stock to an individual pursuant to his exercise of a qualified stock option if—

(1) No disposition of such share is made by such individual within the three-year period beginning on the day after the day of the transfer of such share, and

(2) At all times during the period beginning with the date of the granting of the option and ending on the day three months before the date of such exercise, such individual was an employee of either the corporation granting such option, a parent or subsidiary corporation of such corporation, or a corporation or a parent or subsidiary corporation of such corporation issuing or assuming a stock option in a transaction to which Section 17535(a) applies.

(b) For purposes of this article, the term "qualified stock option" means an option granted to an individual after December 31, 1963 (other than a restricted stock option granted pursuant to a contract described in Section 17534(c)(3)(A)), for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations, but only if—

(1) The option is granted pursuant to a plan which includes the aggregate number of shares which may be issued under options, and the employees (or class of employees) eligible to receive options, and which is approved by the stockholders of the granting corporation within 12 months before or after the date such plan is adopted;

(2) Such option is granted within 10 years from the date such plan is adopted, or the date such plan is approved by the stockholders, whichever is earlier;

(3) Such option by its terms is not exercisable after the expiration of five years from the date such option is granted;

(4) Except as provided in subsection (c)(1), the option price is not less than the fair market value of the stock at the time such option is granted;

(5) Such option by its terms is not exercisable while there is outstanding (within the meaning of subsection (c)(2)) any qualified stock option (or restricted stock option) which was granted before the granting of such option, to such individual to purchase stock in his employer corporation or in a corporation which (at the time of the granting of such option) is a

parent or subsidiary corporation of the employer corporation, or in a predecessor corporation of any of such corporations;

(6) Such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him; and

(7) Such individual, immediately after such option is granted, does not own stock possessing more than 5 percent of the total combined voting power or value of all classes of stock of the employer corporation or of its parent or subsidiary corporation; except that if the equity capital of such corporation or corporations (determined at the time the option is granted) is less than $2,000,000, then, for purposes of applying the limitation of this paragraph, there shall be added to such 5 percent the percentage (not higher than 5 percent) which bears the same ratio to 5 percent as the difference between such equity capital and $2,000,000 bears to $1,000,000.

(c) (1) If a share of stock is transferred pursuant to the exercise by an individual of an option which fails to qualify as a qualified stock option under subsection (b) because there was a failure in an attempt, made in good faith, to meet the requirement of subsection (b)(4), the requirement of subsection (b)(4) shall be considered to have been met, but there shall be included as compensation (and not as gain upon the sale or exchange of a capital asset) in his gross income for the taxable year in which such option is exercised, an amount equal to the lesser of—

(A) 150 percent of the difference between the option price and the fair market value of the share at the time the option was granted, or

(B) The difference between the option price and the fair market value of the share at the time of such exercise.

The basis of the share acquired shall be increased by an amount equal to the amount included in his gross income under this paragraph in the taxable year in which the exercise occurred.

(2) For purposes of subsection (b)(5)—

(A) Any restricted stock option which is not terminated before January 1, 1965, and

(B) Any qualified stock option granted after December 31, 1963,

shall be treated as outstanding until such option is exercised in full or expires by reason of the lapse of time. For purposes of the preceding sentence, a restricted stock option granted before January 1, 1964, shall not be treated as outstanding for any period before the first day on which (under the terms of such option) it may be exercised.

(3) For purposes of subsection (b)(7)—

(A) The term "equity capital" means—

(i) In the case of one corporation, the sum of its money and other property (in an amount equal to the adjusted basis of such property for determining gain), less the amount of its indebtedness (other than indebtedness to shareholders), and

(ii) In the case of a group of corporations consisting of a parent and its subsidiary corporations, the sum of the equity capital of each of such corporations adjusted, under regulations prescribed by the Franchise Tax Board, to eliminate the effect of intercorporate ownership and transactions among such corporations;

(B) The rules of Section 17535(d) shall apply in determining the stock ownership of the individual; and

(C) Stock which the individual may purchase under outstanding options shall be treated as stock owned by such individual. If an individual is granted an option which permits him to purchase stock in excess of the limitation of subsection (b)(7) (determined by applying the rules of this paragraph), such option shall be treated as meeting the requirement of subsection (b)(7) to the extent that such individual could if the option were fully exercised at the time of grant, purchase stock under such option without exceeding such limitation. The portion of such option which is treated as meeting the requirement of subsection (b)(7) shall be deemed to be that portion of the option which is first exercised.

(4) If—

(A) An individual who has acquired a share of stock by the exercise of a qualified stock option makes a disposition of such share within the three-year period described in subsection (a) (1), and

(B) Such disposition is a sale or exchange with respect to which a loss (if sustained) would be recognized to such individual,

then the amount which is includible in the gross income of such individual, as compensation attributable to the exercise of such option shall not exceed the excess (if any) of the amount realized on such sale or exchange over the adjusted basis of such share.

(5) If an insolvent individual holds a share of stock acquired pursuant to his exercise of a qualified stock option, and if such share is transferred to a trustee, receiver, or other similar fiduciary, in any proceeding under the Bankruptcy Act or any other similar insolvency proceeding, neither such transfer, nor any other transfer of such share for the benefit of his creditors in such proceeding, shall constitute a "disposition of such share" for purposes of subsection (a)(1)

(6) The requirement of subsection (b)(5) shall be considered to have been met in the case of any option (referred to in this paragraph as "new option") granted to an individual if—

(A) The new option and all outstanding options referred to in subsection (b)(5) are to purchase stock of the same class in the same corporation, and

(B) The new option by its terms is not exercisable while there is outstanding (within the meaning of paragraph (2)) any qualified stock option (or restricted stock option) which was granted, before the granting of the new option, to such

individual to purchase stock in such corporation at a price (determined as of the date of grant of the new option) higher than the option price of the new option.

SEC. 15. Section 17533 of said code is amended to read:

17533. (a) Section 17531(a) shall apply with respect to the transfer of a share of stock to an individual pursuant to his exercise of an option granted after December 31, 1963 (other than a restricted stock option granted pursuant to a plan described in Section 17534(c)(3)(B), under an employee stock purchase plan (as defined in subsection (b)) if—

(1) No disposition of such share is made by him within two years after the date of the granting of the option nor within six months after the transfer of such share to him; and

(2) At all times during the period beginning with the date of the granting of the option and ending on the day three months before the date of such exercise, he is an employee of the corporation granting such option, a parent or subsidiary corporation of such corporation, or a parent or subsidiary corporation of such corporation issuing or assuming a stock option in a transaction to which Section 17535(a) applies.

(b) For purposes of this article, the term "employee stock purchase plan" means a plan which meets the following requirements:

(1) The plan provides that options are to be granted only to employees of the employer corporation or of its parent or subsidiary corporation to purchase stock in any such corporation;

(2) Such plan is approved by the stockholders of the granting corporation within 12 months before or after the date such plan is adopted;

(3) Under the terms of the plan, no employee can be granted an option if such employee, immediately after the option is granted, owns stock possessing 5 percent or more of the total combined voting power or value of all classes of stock of the employer corporation or of its parent or subsidiary corporation. For purposes of this paragraph, the rules of Section 17535(d) shall apply in determining the stock ownership of an individual, and stock which the employee may purchase under outstanding options shall be treated as stock owned by the employee;

(4) Under the terms of the plan, options are to be granted to all employees of any corporation whose employees are granted any of such options by reason of their employment by such corporation, except that there may be excluded—

(A) Employees who have been employed less than two years,

(B) Employees whose customary employment is 20 hours or less per week,

(C) Employees whose customary employment is for not more than five months in any calendar year, and

(D) Officers, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees;

(5) Under the terms of the plan, all employees granted such options shall have the same rights and privileges, except that the amount of stock which may be purchased by any employee under such option may bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of employees, and the plan may provide that no employee may purchase more than a maximum amount of stock fixed under the plan;

(6) Under the terms of the plan, the option price is not less than the lesser of—

(A) An amount equal to 85 percent of the fair market value of the stock at the time such option is granted, or

(B) An amount which under the terms of the option may not be less than 85 percent of the fair market value of the stock at the time such option is exercised;

(7) Under the terms of the plan, such option cannot be exercised after the expiration of—

(A) Five years from the date such option is granted if, under the terms of such plan, the option price is to be not less than 85 percent of the fair market value of such stock at the time of the exercise of the option, or

(B) 27 months from the date such option is granted, if the option price is not determinable in the manner described in subparagraph (A);

(8) Under the terms of the plan, no employee may be granted an option which permits his rights to purchase stock under all such plans of his employer corporation and its parent and subsidiary corporations to accrue at a rate which exceeds twenty-five thousand dollars ($25,000) of fair market value of such stock (determined at the time such option is granted) for each calendar year in which such option is outstanding at any time. For purposes of this paragraph—

(A) The right to purchase stock under an option accrues when the option (or any portion thereof) first becomes exercisable during the calendar year;

(B) The right to purchase stock under an option accrues at the rate provided in the option, but in no case may such rate exceed twenty-five thousand dollars ($25,000) of fair market value of such stock (determined at the time such option is granted) for any one calendar year; and

(C) A right to purchase stock which has accrued under one option granted pursuant to the plan may not be carried over to any other option; and

(9) Under the terms of the plan, such option is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him. For purposes of paragraphs (3) to (9), inclusive, where additional terms are contained in an offering made under a plan, such additional terms shall, with respect to options exercised under such offering, be treated as a part of the terms of such plan.

(c) If the option price of a share of stock acquired by an individual pursuant to a transfer to which subsection (a) applies was less than 100 percent of the fair market value of such share at the time such option was granted, then, in the event of any disposition of such share by him which meets the holding period requirements of subsection (a), or in the event of his death (whenever occurring) while owning such share, there shall be included as compensation (and not as gain upon the sale or exchange of a capital asset) in his gross income, for the taxable year in which falls the date of such disposition or for the taxable year closing with his death, whichever applies, an amount equal to the lesser of—

(1) The excess of the fair market value of the share at the time of such disposition or death over the amount paid for the share under the option, or

(2) The excess of the fair market value of the share at the time the option was granted over the option price.

If the option price is not fixed or determinable at the time the option is granted, then for purposes of this subsection, the option price shall be determined as if the option were exercised at such time. In the case of the disposition of such share by the individual, the basis of the share in his hands at the time of such disposition shall be increased by an amount equal to the amount so includible in his gross income.

SEC. 16. Section 17534 of said code is amended to read:

17534. (a) Section 17531(a) shall apply with respect to the transfer of a share of stock to an individual pursuant to his exercise after December 31, 1950, of a restricted stock option, if—

(1) No disposition of such share is made by him within two years from the date of the granting of the option nor within six months after the transfer of such share to him, and

(2) At the time he exercises such option—

(A) He is an employee of either the corporation granting such option, a parent or subsidiary corporation of such corporation, or a corporation or a parent or subsidiary corporation of such corporation issuing or assuming a stock option in a transaction to which Section 17535(a) applies, or

(B) He ceased to be an employee of such corporations within the three-month period preceding the time of exercise.

(b) For purposes of this article, the term 'restricted stock option' means an option granted after February 26, 1945, and before January 1, 1964 (or, if it meets the requirements of subsection (c)(3), an option granted after December 31, 1963), to an individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations, but only if—

(1) At the time such option is granted—

(A) The option price is at least 85 percent of the fair market value at such time of the stock subject to the option, or

(B) In the case of a variable price option, the option price (computed as if the option had been exercised when granted) is at least 85 percent of the fair market value of the stock at the time such option is granted;

(2) Such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him;

(3) Such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock of the employer corporation or of its parent or subsidiary corporation. This paragraph shall not apply if at the time such option is granted the option price is at least 110 percent of the fair market value of the stock subject to the option, and such option either by its terms is not exercisable after the expiration of five years from the date such option is granted or is exercised within one year after June 6, 1955. For purposes of this paragraph, the provisions of Section 17535(d) shall apply in determining the stock ownership of an individual; and

(4) Such option by its terms is not exercisable after the expiration of 10 years from the date such option is granted, if such option has been granted on or after December 31, 1954.

(c) (1) If no disposition of a share of stock acquired by an individual on his exercise after December 31, 1950, of a restricted stock option is made by him within two years from the date of the granting of the option nor within six months after the transfer of such share to him, but, at the time the restricted stock option was granted, the option price (computed under subsection (b)(1)) was less than 95 percent of the fair market value at such time of such share, then, in the event of any disposition of such share by him, or in the event of his death (whenever occurring) while owning such share, there shall be included as compensation (and not as gain upon the sale or exchange of a capital asset) in his gross income, for the taxable year in which falls the date of such disposition or for the taxable year closing with his death, whichever applies—

(A) In the case of a share of stock acquired under an option qualifying under subsection (b)(1)(A), an amount equal to the amount (if any) by which the option price is exceeded by the lesser of—

(i) The fair market value of the share at the time of such disposition or death, or

(ii) The fair market value of the share at the time the option was granted; or

(B) In the case of stock acquired under an option qualifying under subsection (b)(1)(B), an amount equal to the lesser of—

(i) The excess of the fair market value of the share at the time of such disposition or death over the price paid under the option, or

(ii) The excess of the fair market value of the share at the time the option was granted over the option price (computed as if the option had been exercised at such time).

In the case of a disposition of such share by the individual, the basis of the share in his hands at the time of such disposition shall be increased by an amount equal to the amount so includible in his gross income.

(2) For purposes of subsection (b)(1), the term 'variable price option' means an option under which the purchase price of the stock is fixed or determinable under a formula in which the only variable is the fair market value of the stock at any time during a period of six months which includes the time the option is exercised; except that in the case of options granted after December 31, 1960, such term does not include any such option in which such formula provides for determining such price by reference to the fair market value of the stock at any time before the option is exercised if such value may be greater than the average fair market value of the stock during the calendar months in which the option is exercised.

(3) For purposes of subsection (b), an option granted after December 31, 1963, meets the requirements of this paragraph if granted pursuant to—

(A) A binding written contract entered into before January 1, 1964, or

(B) A written plan adopted and approved before January 1, 1964, which (as of January 1, 1964, and as of the date of the granting of the option)—

(i) Met the requirements of paragraphs (4) and (5) of Section 17533(b), or

(ii) Was being administered in a way which did not discriminate in favor of officers, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees.

SEC. 17. Section 17535 of said code is amended to read:

17535. (a) For purposes of this article, the term "issuing or assuming a stock option in a transaction to which Section 17535(a) applies" means a substitution of a new option for the old option, or an assumption of the old option, by an employer corporation, or a parent or subsidiary of such corporation, by reason of a corporate merger, consolidation, acquisition of property or stock, separation, reorganization, or liquidation, if—

(1) The excess of the aggregate fair market value of the shares subject to the option immediately after the substitution or assumption over the aggregate option price of such shares is not more than the excess of the aggregate fair market value of all shares subject to the option immediately before such substitution or assumption over the aggregate option price of such shares, and

(2) The new option or the assumption of the old option does not give the employee additional benefits which he did not have under the old option.

For purposes of this subsection, the parent-subsidiary relationship shall be determined at the time of any such transaction under the subsection.

(b) For purposes of this article, if stock is received by an individual in a distribution to which Sections 17335, 17336, 17432 to 17439 inclusive, or 18102 (or so much of Section 18081 as relates to Section 18102) apply, and such distribution was made with respect to stock transferred to him on his exercise of such option. A similar rule shall be applied in the case of a series of such distributions.

(c) (1) Except as provided in paragraph (2), for purposes of this article, the term "disposition" includes a sale, exchange, gift, or a transfer of legal title, but does not include—

(A) A transfer from a decedent to an estate or a transfer by bequest or inheritance;

(B) An exchange to Sections 17432 to 17439 inclusive, or 18102 (or so much of Section 18081 as relates to Section 18102) apply; or

(C) A mere pledge or hypothecation.

(2) The acquisition of a share of stock in the name of the employee and another jointly with the right of survivorship or a subsequent transfer of a share of stock into such joint ownership shall not be deemed a disposition, but a termination of such joint tenancy (except to the extent such employee acquires ownership of such stock) shall be treated as a disposition by him occurring at the time such joint tenancy is terminated.

(d) For purposes of this article, in applying the percentage limitations of Sections 17532(b)(7), 17533(b)(3), and 17534(b)(3)—

(1) The individual with respect to whom such limitation is being determined shall be considered as owning the stock owned, directly or indirectly, by or for his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(2) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust, shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries.

(e) For purposes of this article, the term "parent corporation" means any corporation (other than the employer corporation) in an unbroken chain of corporations ending with the employer corporation if, at the time of the granting of the option, each of the corporations other than the employer corporation owns stock possessing 50 percent or more of the total combined voting power of all classes of stock in one of the other corporations in such chain.

(f) For purposes of this article, the term "subsidiary corporation" means any corporation (other than the employer

corporation) in an unbroken chain of corporations beginning with the employer corporation if, at the time of the granting of the option, each of the corporations other than the last corporation in the unbroken chain owns stock possessing 50 percent or more of the total combined voting power of all classes of stock in one of the other corporations in such chain.

(g) In applying subsections (e) and (f) for purposes of Sections 17532(a)(2), 17533(a)(2), and 17534(a)(2), there shall be substituted for the term "employer corporation" wherever it appears in subsections (e) and (f) the term "grantor corporation," or the term "corporation issuing or assuming a stock option in a transaction to which Section 17535(a) applies," as the case may be.

(h) (1) For purposes of this article, if the terms of any option to purchase stock are modified, extended, or renewed, such modification, extension, or renewal shall be considered as the granting of a new option.

(2) (A) In the case of the transfer of stock pursuant to the exercise of an option to which Section 17533 or 17534 applies and which has been so modified, extended, or renewed, then, except as provided in subparagraph (B), the fair market value of such stock at the time of the granting of such option shall be considered as whichever of the following is the highest:

(i) The fair market value of such stock on the date of the original granting of the option,

(ii) The fair market value of such stock on the date of the making of such modification, extension, or renewal, or

(iii) The fair market value of such stock at the time of the making of any intervening modification, extension, or renewal.

(B) Subparagraph (A) shall not apply with respect to a modification, extension, or renewal of a restricted stock option before January 1, 1964 (or after December 31, 1963, if made pursuant to a binding written contract entered into before January 1, 1964), if the aggregate of the monthly average fair market values of the stock subject to the option for the 12 consecutive calendar months before the date of the modification, extension, or renewal, divided by 12, is an amount less than 80 percent of the fair market value of such stock on the date of the original granting of the option or the date of the making of any intervening modification, extension, or renewal, whichever is the highest.

(3) The term "modification" means any change in the terms of the option which gives the employee additional benefits under the option, but such term shall not include a change in the terms of the option—

(A) Attributable to the issuance or assumption of an option under subsection (a);

(B) To permit the option to qualify under Sections 17532(b)(6), 17533(b)(9), and 17534(b)(2); or

(C) In the case of an option not immediately exercisable in full, to accelerate the time at which the option may be exercised.

If a restricted stock option is exercisable after the expiration of 10 years from the date such option is granted, subparagraph (B) shall not apply unless the terms of the option are also changed to make it not exercisable after the expiration of such period.

(i) For purposes of this article, if the grant of an option is subject to approval by stockholders, the date of grant of the option shall be determined as if the option had not been subject to such approval.

SEC. 18. Section 17536 of said code is amended to read:

17536. (a) Except as provided in paragraphs (b) and (c), the amendments made by this act shall apply to taxable years beginning after December 31, 1963.

(b) Section 18802.7 shall apply to stock transferred pursuant to options exercised on or after January 1, 1964.

(c) In the case of an option granted after December 31, 1963, and before January 1, 1965—

(1) Paragraphs (1) and (2) of Section 17532(b) (as added by this act) shall not apply, and

(2) Paragraph (1) of Section 17535(h) (as added by this act) shall not apply to any change in the terms of such option made before January 1, 1965, to permit such option to qualify under paragraphs (3), (4), and (5) of such Section 17532(b).

SEC. 19. Section 17577 of said code is amended to read:

17577. (a) Under regulations prescribed by the Franchise Tax Board, a person who regularly sells or otherwise disposes of personal property on the installment plan may return as income therefrom in any taxable year that proportion of the installment payments actually received in that year which the gross profit, realized or to be realized when payment is completed, bears to the total contract price.

(b) For purposes of subsection (a), the term, "installment plan" includes a revolving credit-type plan which provides that the purchaser of personal property at retail may pay for such property in a series of periodic payments of an agreed portion of the amounts due the seller under the plan, except that such term does not include any such plan with respect to a purchaser who uses his account primarily as an ordinary charge account.

(c) Subsection (b) shall apply in respect of sales made during taxable years beginning after December 31, 1963.

SEC. 20. Section 17837 of said code is amended to read:

17837. For purposes of Section 17836—

(a) The term "inheritance tax" means the tax imposed on the beneficiary of the decedent or any prior decedent under Part 8, Division 2 of this code.

(b) The net value for inheritance tax purposes of all the items described in Section 17831 shall be the excess of the value for inheritance tax purposes of all the items described in Section 17831 over the deductions from the gross estate in respect of claims which represent the deductions described in Section 17835. Such net value shall be determined with respect

to the provisions of Section 17531(c)(2), relating to the deduction for inheritance tax with respect to stock options to which Article 2 of Chapter 5 applies.

(c) The inheritance tax attributable to such net value shall be an amount equal to the excess of the inheritance tax over the inheritance tax computed without including in the gross estate such net value.

SEC. 21. Section 17913 of said code is amended to read:

17913. For purposes of this chapter, the term "unrealized receivables" includes, to the extent not previously includable in income under the method of accounting used by the partnership, any rights (contractual or otherwise) to payment for—

(a) Goods delivered, or to be delivered, to the extent that proceeds therefrom would be treated as amounts received from the sale or exchange of property other than a capital asset; or

(b) Services rendered, or to be rendered.

For purposes of this section and Sections 17891, 17896, 17897, and 17901, such term also includes Section 18211 property (as defined in Section 18211(a)(3)) and Section 18212 property (as defined in Section 18214), but only to the extent of the amount which would be treated as gain to which Section 18211(a) or 18212 would apply if (at the time of the transaction described in this section or Sections 17891, 17896, 17897, and 17901, as the case may be) such property had been sold by the partnership at its fair market value.

SEC. 22. Section 18152 of said code is amended to read:

18152. (a) Losses from sales or exchanges of capital assets shall be allowed only to the extent of the gains from such sales or exchanges, plus the taxable income of the taxpayer or one thousand dollars ($1,000), whichever is smaller. For purposes of this subsection, taxable income shall be computed without regard to gains or losses from sales or exchanges of capital assets and without regard to the deductions provided in Section 17181 (relating to personal exemptions) or any deduction in lieu thereof. If the taxpayer elects to pay the optional tax imposed by Section 17048, "taxable income" as used in this subsection shall be read as "adjusted gross income."

(b) If a taxpayer has a net capital loss for any taxable year beginning after December 31, 1963—

(A) The excess of the net short-term capital loss over the net long-term capital gain for such year shall be a short-term capital loss in the succeeding taxable year, and

(B) The excess of the net long-term capital loss over the net short-term capital gain for such year shall be a long-term capital loss in the succeeding taxable year.

For purposes of this paragraph, in determining such excesses an amount equal to the excess of the sum allowed for the taxable year under this section over the gains from sales or exchanges of capital assets (determined without regard to this sentence) shall be treated as a short-term capital gain in such year.

(c) There shall be treated as a short-term capital loss in the first taxable year beginning after December 31, 1963, any amount which is treated as a short-term capital loss in such year under this part as in effect immediately before the effective date of the amendment of this section at the 1964 First Extraordinary Session of the Legislature.

SEC. 23. Section 18162 of said code is amended to read:

18162. For purposes of this part—

(a) The term "short-term capital gain" means gain from the sale or exchange of a capital asset held for not more than six months, if and to the extent such gain is taken into account in computing gross income.

(b) The term "short-term capital loss" means loss from the sale or exchange of a capital asset held for not more than six months, if and to the extent that such loss is taken into account in computing taxable income.

(c) The term "long-term capital gain" means gain from the sale or exchange of a capital asset held for more than six months, if and to the extent such gain is taken into account in computing gross income.

(d) The term "long-term capital loss" means loss from the sale or exchange of a capital asset held for more than six months, if and to the extent that such loss is taken into account in computing taxable income.

(e) The term "net short-term capital gain" means the excess of short-term capital gains for the taxable year over the short-term capital losses for such year.

(f) The term "net short-term capital loss" means the excess of short-term capital losses for the taxable year over the short-term capital gains for such year.

(g) The term "net long-term capital gain" means the excess of long-term capital gains for the taxable year over the long-term capital losses for such year.

(h) The term "net long-term capital loss" means the excess of long-term capital losses for the taxable year over the long-term capital gains for such year.

(i) The term "net capital gain" means the excess of—

(i) The sum of the gains from sales or exchanges of capital assets, plus taxable income (computed without regard to the deductions provided by Section 17181, relating to personal exemptions or any deduction in lieu thereof) of the taxpayer or one thousand dollars ($1,000), whichever is smaller, over

(ii) The losses from such sales or exchanges.

For purposes of this subparagraph, taxable income shall be computed without regard to gains or losses from sales or exchanges of capital assets. If the taxpayer elects to pay the optional tax under Section 17048, the term "taxable income" as used in this subparagraph shall be read as "adjusted gross income."

(j) The term "net capital loss" means the excess of the losses from sales or exchanges of capital assets over the sum allowed under Section 18152(a).

SEC. 24. Section 18241 of said code is amended to read:

18241. If an eligible individual has averageable income for the computation year, and if the amount of such income exceeds three thousand dollars ($3,000), then the tax imposed by Section 17041 for the computation year which is attributable to averageable income shall be five times the increase in tax under such section which would result from adding 20 percent of such income to the sum of—

(1) 133⅓ percent of average base period income, and

(2) The amount (if any) of the average base period capital gain net income.

SEC. 25. Section 18242 of the said code is amended to read:

18242. (a) For purposes of this article—

(1) The term "averageable income" means the amount (if any) by which adjusted taxable income exceeds 133⅓ percent of average base period income.

(2) If—

(A) The average base period capital gain net income, exceeds

(B) The capital gain net income for the computation year, then the term "averageable income" means the amount determined under paragraph (1), reduced by an amount equal to such excess.

(b) For purposes of this article, the term "adjusted taxable income" means the taxable income for the computation year, decreased by the sum of the following amounts:

(1) The amount (if any) of the capital gain net income for the computation year.

(2) (A) The amount of net income attributable to an interest in property where such interest was received by the taxpayer as a gift, bequest, devise, or inheritance during the computation year or any base period year. This paragraph shall not apply to gifts, bequests, devises, or inheritances between husband and wife if they make a joint return for the computation year.

(B) Unless the taxpayer otherwise establishes to the satisfaction of the Franchise Tax Board, the amount of net income for any taxable year attributable to an interest described in subparagraph (A) shall be deemed to be 6 percent of the fair market value of such interest (as determined in accordance with the provisions of the Inheritance or Gift Tax Laws, as the case may be).

(C) This paragraph shall apply only if the sum of the net incomes attributable to interests described in subparagraph (A) exceeds three thousand dollars ($3,000).

(D) For purposes of this paragraph, the term "net income" means, with respect to any interest, the excess of—

(i) Items of gross income attributable to such interest, over

(ii) The deductions properly allocable to or chargeable against such items.

For purposes of computing such net income, capital gains and losses shall not be taken into account.

(3) The amount (if any) by which the gains from wagering transactions for the computation year exceed the losses from such transactions.

(c) For purposes of this article—

(1) The term "average base period income" means one-fourth of the sum of the base period incomes for the base period.

(2) The base period income for any taxable year is the taxable income for such year decreased (but not below zero) by the capital gain net income.

If the decrease provided by paragraph (2) of subsection (b) applies to the computation year, the taxable income shall be decreased under the rules of such paragraph (2) (other than the limitation contained in subparagraph (C) thereof).

(d) For purposes of this article—

(1) The term "capital gain net income" means the amount equal to 50 percent of the excess of the net long-term capital gain over the net short-term capital loss

(2) The term "average base period capital gain net income" means one-fourth of the sum of the capital gain net incomes for the base period. For purposes of the preceding sentence, the capital gain net income for any base period year shall not exceed the base period income for such year computed without regard to the decrease in the capital gain net income required by subsection (c)(2).

(e) For purposes of this article—

(1) The term "computation year" means the taxable year for which the taxpayer chooses the benefits of this article.

(2) The term "base period" means the four taxable years immediately preceding the computation year.

(3) The term "base period year" means any of the four taxable years immediately preceding the computation year.

(4) The term "joint return" means the return of a husband and wife made under Section 18402.

SEC. 26. Section 18243 of the said code is amended to read:

18243. (a) Except as otherwise provided in this section, for purposes of this article the term "eligible individual" means any individual who is a resident of this State throughout the computation year.

(b) For purposes of this article, an individual shall not be an eligible individual for the computation year if, at any time during such year or the base period, such individual was a nonresident.

(c) (1) For purposes of this article, an individual shall not be an eligible individual for the computation year if, for any base period year, such individual (and his spouse) furnished less than one-half of his support.

(2) Paragraph (1) shall not apply to any computation year if—

(A) Such year ends after the individual attained age 25 and, during at least four of his taxable years beginning after he attained age 21 and ending with his computation year, he was not a full-time student.

(B) More than one-half of the individual's adjusted taxable income for the computation year is attributable to work performed by him in substantial part during two or more of the base period years, or

(C) The individual makes a joint return for the computation year and not more than 25 percent of the aggregate adjusted gross income of such individual and his spouse for the computation year is attributable to such individual.

In applying subparagraph (C), amounts which constitute earned income (within the meaning of Section 911(b) of the Internal Revenue Code of 1954) and are community income under community property laws applicable to such income shall be taken into account as if such amounts did not constitute community income.

(d) For purposes of this section, the term "student" means, with respect to a taxable year, an individual who during each of five calendar months during such taxable year—

(1) was a full-time student at an educational institution (as defined in Section 17150(c)); or

(2) Was pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational institution (as defined in Section 17150(c)) or of a state or political subdivision of a state.

SEC. 27. Section 18244 of the said code is amended to read:

18244. (a) This article shall apply to the taxable year only if the taxpayer chooses to have the benefits of this article for such taxable year. Such choice may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this part for the taxable year.

(b) If the taxpayer chooses the benefits of this article for the taxable year, Section 17048 (relating to the optional tax table), shall not apply to him for such year.

(c) (1) Paragraphs (2), (3), and (4) of this subsection shall apply in the case of any individual who was married for any base period year or the computation year; except that—

(A) Such paragraphs shall not apply in respect of a base period year if—

(i) Such individual and his spouse make a joint return for the computation year, and

(ii) Such individual was not married to any other spouse for such base period year, and

(B) Paragraph (4) shall not apply in respect of the computation year if the individual and his spouse make a joint return for such year.

(2) For purposes of this article, the base period income of an individual for any base period year shall not be less than 50 percent of the base period income which would result from combining his income and deductions for such year—

(A) With the income and deductions for such year of the individual who is his spouse for the computation year, or

(B) If greater, with the income and deductions for such year of the individual who was his spouse for such base period year.

(3) For purposes of this article, the capital gain net income of any individual for any base period year shall not be less than 50 percent of the capital gain net income which would result from combining his capital gain net income for such year (determined without regard to this paragraph) with the capital gain net income for such year (similarly determined) of the individual with whom he is required by paragraph (2) to combine his income and deductions for such year.

(4) In the case of amounts which constitute earned income (within the meaning of Section 911(b) of the Internal Revenue Code of 1954) and are community income under community property laws applicable to such income—

(A) The amount taken into account for any base period year for purposes of determining base period income shall not be less than the amount which would be taken into account if such amounts did not constitute community income, and

(B) The amount taken into account for purposes of determining adjusted taxable income for the computation year shall not exceed the amount which would be taken into account if such amounts did not constitute community income.

(5) For purposes of this subsection, Section 17173 shall apply in determining whether an individual is married for any taxable year.

(d) In the case of a joint return, the three thousand dollars ($3,000) figure contained in Section 18241 shall be applied to the aggregate averageable income, and the three thousand dollars ($3,000) figure contained in Section 18242(b)(2)(C) shall be applied to the aggregate net incomes.

(e) In the case of any taxpayer who has capital gain net income for the computation year, the tax imposed by Section 17041 for the computation year which is attributable to the amount of such net income shall be computed—

(A) By adding so much of the amount thereof as does not exceed average base period capital gain net income above 133⅓ percent of average base period income, and

(B) By adding the remainder (if any) of such net income above the 20 percent of the averageable income as taken into account for purposes of computing the tax imposed by Section 17041 (and above the amounts (if any) referred to in subsection (f)(1)).

(f) (1) The tax imposed by Section 17041 for the computation year which is attributable to the amounts subtracted from taxable income under paragraphs (2) and (3) of Section

18242(b) shall equal the increase in tax under Section 17041 which results from adding such amounts above the 20 percent of the averageable income as taken into account for purposes of computing the tax imposed thereon by Section 17041.

(2) Except as otherwise provided in this article, the order and manner in which items of income shall be taken into account in computing the tax imposed by this part on the income of any eligible individual to whom Section 18241 applies for any computation year shall be determined under regulations prescribed by the Franchise Tax Board.

(g) In the case of any computation year or base period year which is a short taxable year, this article shall be applied in the manner provided in regulations prescribed by the Franchise Tax Board.

SEC. 28. Section 18245 of said code is amended to read:

18245. The Franchise Tax Board shall prescribe such regulations as may be necessary to carry out the purposes of this article.

SEC. 29. Section 18246 of said code is amended to read:

18246. If, in a taxable year beginning after December 31, 1963, an individual or partnership receives or accrues compensation from an employment (as defined by Section 18241(b) as in effect immediately before the effective date of the amendment of this section at the 1964 First Extraordinary Session of the Legislature) and the employment began before February 6, 1963, the tax attributable to such compensation may, at the election of the taxpayer, be computed under the provisions of Sections 18241 and 18248 as in effect immediately before the effective date of the amendment of those sections at the 1964 First Extraordinary Session of the Legislature. If a taxpayer so elects (at such time and in such manner as the Franchise Tax Board by regulations prescribes), he may not choose for such taxable year the benefits provided by Article 1 (commencing with Section 18241) of Chapter 15 of this part (relating to income averaging) as provided for by the Legislature at the 1964 First Extraordinary Session.

SEC. 30. Section 17120 is added to said code, to read:

17120. (a) There shall be included in the gross income of an employee for the taxable year an amount equal to the cost of group-term life insurance on his life provided for part or all of such year under a policy (or policies) carried directly or indirectly by his employer (or employers); but only to the extent that such cost exceeds the sum of—

(1) The cost of fifty thousand dollars ($50,000) of such insurance, and

(2) The amount (if any) paid by the employee toward the purchase of such insurance.

(b) Subsection (a) shall not apply to—

(1) The cost of group-term life insurance on the life of an individual which is provided under a policy carried directly or indirectly by an employer after such individual has terminated his employment with such employer and either has

reached the retirement age with respect to such employer or is disabled (within the meaning of Section 17255(c)(3), determined without regard to Section 17255(c)(4) thereof),

(2) The cost of any portion of the group-term life insurance on the life of an employee provided during part or all of the taxable year of the employee under which—

(A) The employer is directly or indirectly the beneficiary; or

(B) A person described in Section 17214 is the sole beneficiary,

for the entire period during such taxable year for which the employee receives such insurance.

(c) For purposes of this section and Section 18802.5, the cost of group-term insurance on the life of an employee provided during any period shall be determined on the basis of uniform premiums (computed on the basis of five-year age brackets) prescribed by regulations by the Franchise Tax Board. In the case of an employee who has attained age 64, the cost prescribed shall not exceed the cost with respect to such individual if he were age 63.

(d) In applying this section to a taxable year beginning before May 1, 1964, if paragraph (2) (B) of such section applies with respect to an employee for the period beginning May 1, 1964, and ending with the close of his first taxable year ending after April 30, 1964, such paragraph (2) (B) shall be treated as applying with respect to such employee for the period beginning January 1, 1964, and ending April 30, 1964.

SEC. 30.5 Section 17139 is added to said code, to read:

17139. (a) Except as otherwise provided in this section, amounts received by an employee through accident or health insurance for personal injuries or sickness shall be included in gross income to the extent such amounts (1) are attributable to contributions by the employer which were not includible in the gross income of the employee, or (2) are paid by the employer.

(b) Except in the case of amounts attributable to (and not in excess of) deductions allowed under Sections 17253 to 17258, inclusive, (relating to medical, etc., expenses) for any prior taxable year, gross income does not include amounts referred to in subsection (a) if such amounts are paid, directly or indirectly, to the taxpayer to reimburse the taxpayer for expenses incurred by him for the medical care (as defined in Section 17257) of the taxpayer, his spouse, and his dependents (as defined in Sections 17182 to 17185, inclusive).

(c) Gross income does not include amounts referred to in subsection (a) to the extent such amounts—

(1) Constitute payment for the permanent loss or loss of use of a member or function of the body, or the permanent disfigurement, of the taxpayer, his spouse, or a dependent (as defined in Sections 17182 to 17185, inclusive), and

(2) Are computed with reference to the nature of the injury without regard to the period the employee is absent from work.

(d) Gross income does not include amounts referred to in subsection (a) if such amounts constitute wages or payments in lieu of wages for a period during which the employee is absent from work on account of personal injuries or sickness; but this subsection shall not apply to the extent that such amounts exceed a weekly rate of one hundred dollars ($100). The preceding sentence shall not apply to amounts attributable to the first 30 calendar days in such period, if such amounts are at a rate which exceeds 75 percent of the regular weekly rate of wages of the employee (as determined under regulations prescribed by the Franchise Tax Board). If amounts attributable to the first 30 calendar days in such period are at a rate which does not exceed 75 percent of the regular weekly rate of wages of the employee, the first sentence of this subsection (1) shall not apply to the extent that such amounts exceed a weekly rate of seventy-five dollars ($75), and (2) shall not apply to amounts attributable to the first 7 calendar days in such period unless the employee is hospitalized on account of personal injuries or sickness for at least 1 day during such period. If such amounts are not paid on the basis of a weekly pay period, the Franchise Tax Board shall by regulations prescribe the method of determining the weekly rate at which such amounts are paid.

(e) For purposes of this section and Section 17138—

(1) Amounts received under an accident or health plan for employees, and

(2) Amounts received from a sickness and disability fund for employees maintained under the law of a state, a territory, or the District of Columbia,

shall be treated as amounts received through accident or health insurance.

(f) For purposes of Section 17253 (relating to medical, dental, etc., expenses) amounts excluded from gross income under subsection (c) or (d) shall not be considered as compensation (by insurance or otherwise) for expenses paid for medical care.

SEC. 31. Section 17154 is added to said code, to read:

17154. (a) At the election of the taxpayer, gross income does not include gain from the sale or exchange of property if—

(1) The taxpayer has attained the age of 65 before the date of such sale or exchange, and

(2) During the eight-year period ending on the date of the sale or exchange, such property has been owned and used by the taxpayer as his principal residence for periods aggregating five years or more.

(b) (1) If the adjusted sales price of the property sold or exchanged exceeds twenty thousand dollars ($20,000), subsection (a) shall apply to that portion of the gain which bears the same ratio to the total amount of such gain as twenty thousand dollars ($20,000) bears to such adjusted sales price. For purposes of the preceding sentence, the term "adjusted

sales price" has the meaning assigned to such term by Section 18092(a) (determined without regard to subsection (d)(7) of this section).

(2) Subsection (a) shall not apply to any sale or exchange by the taxpayer if an election by the taxpayer or his spouse under subsection (a) with respect to any other sale or exchange is in effect.

(c) An election under subsection (a) may be made or revoked at any time before the expiration of the period for making a claim for credit or refund of the tax imposed by this part for the taxable year in which the sale or exchange occurred, and shall be made or revoked in such manner as the Franchise Tax Board shall by regulations prescribe. In the case of a taxpayer who is married, an election under subsection (a) or a revocation thereof may be made only if his spouse joins in such election or revocation.

(d) (1) For purposes of this section, if—

(A) Property is held by a husband and wife as joint tenants, tenants by the entirety, or community property,

(B) Such husband and wife make a joint return under Section 18402(b) for the taxable year of the sale or exchange, and

(C) One spouse satisfies the age, holding, and use requirements of subsection (a) with respect to such property,

then both husband and wife shall be treated as satisfying the age, holding, and use requirements of subsection (a) with respect to such property.

(2) For purposes of this section, in the case of an unmarried individual whose spouse is deceased on the date of the sale or exchange of property, if—

(A) The deceased spouse (during the eight-year period ending on the date of the sale or exchange) satisfied the holding and use requirements of subsection (a)(2) with respect to such property, and

(B) No election by the deceased spouse under subsection (a) is in effect with respect to a prior sale or exchange,

then such individual shall be treated as satisfying the holding and use requirements of subsection (a)(2) with respect to such property.

(3) For purposes of this section, if the taxpayer holds stock as a tenant-stockholder (as defined in Sections 17264 and 17265) in a cooperative housing corporation (as defined in such sections), then—

(A) The holding requirements of subsection (a)(2) shall be applied to the holding of such stock, and

(B) The use requirements of subsection (a)(2) shall be applied to the house or apartment which the taxpayer was entitled to occupy as such stockholder.

(4) For purposes of this section, the destruction, theft, seizure, requisition, or condemnation of property shall be treated as the sale of such property.

(5) In the case of property only a portion of which, during the eight-year period ending on the date of the sale or exchange, has been owned and used by the taxpayer as his principal residence for periods aggregating five years or more, this section shall apply with respect to so much of the gain from the sale or exchange of such property as is determined, under regulations prescribed by the Franchise Tax Board, to be attributable to the portion of the property so owned and used by the taxpayer.

(6) In the case of any sale or exchange, for purposes of this section—

(A) The determination of whether an individual is married shall be made as of the date of the sale or exchange; and

(B) An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

(7) In applying Sections 18082 to 18090.2, inclusive, (relating to involuntary conversions) and 18091 to 18100, inclusive (relating to sale or exchange of residence), the amount realized from the sale or exchange of property shall be treated as being the amount determined without regard to this section, reduced by the amount of gain not included in gross income pursuant to an election under this section.

(e) This section shall apply to dispositions after December 31, 1963, in taxable years ending after such date.

SEC. 32. Section 17176 is added to said code, to read:

17176. For purposes of this part, the term "change of election with respect to the standard deduction" means—

(a) A change of an election to take (or not to take) the standard deduction; or

(b) A change of an election to pay (or not to pay) the tax under Section 17048.

SEC. 33. Section 17177 is added to said code, to read:

17177. In the case of a taxpayer who chooses to have the benefits of Article 1 (commencing with Section 18241) of Chapter 15 (relating to income averaging) of this part for the taxable year—

(a) Section 17174 shall not apply for such taxable year, and

(b) The standard deduction shall be allowed if the taxpayer so elects in his return for such taxable year.

The Franchise Tax Board shall by regulations prescribe the manner of signifying such election in the return. If the taxpayer on making his return fails to signify, in the manner so prescribed, his election to take the standard deduction, such failure shall be considered his election not to take the standard deduction.

SEC. 34. Section 17205.5 is added to said code, to read:

17205.5. For purposes of Sections 17204 and 17205, amounts paid or accrued, to compensate the Atomic Energy Commission for municipal-type services, by any owner of real property within any community (within the meaning of Sec-

tion 21B of the Atomic Energy Community Act of 1955) shall be treated as state real property taxes paid or accrued. For purposes of this subsection, the term "owner" includes a person who holds the real property under a leasehold of 40 or more years and a person who has entered into a contract to purchase under Section 61 of the Atomic Energy Community Act of 1955. Sections 17204 and 17205 shall not apply to a sale by the United States of property with respect to which this section applies.

SEC. 35 Section 17266 is added to said code, to read:

17266 (a) There shall be allowed as a deduction moving expenses paid or incurred during the taxable year in connection with the commencement of work by the taxpayer as an employee at a new principal place of work

(b) (1) For purposes of this section, the term "moving expenses" means only the reasonable expenses—

(A) Of moving household goods and personal effects from the former residence to the new residence, and

(B) Of traveling (including meals and lodging) from the former residence to the new place of residence.

(2) In the case of any individual other than the taxpayer, expenses referred to in paragraph (1) shall be taken into account only if such individual has both the former residence and the new residence as his principal place of abode and is a member of the taxpayer's household.

(c) No deduction shall be allowed under this section unless—

(1) The taxpayer's new principal place of work—

(A) Is at least 20 miles farther from his former residence than was his former principal place of work, or

(B) If he had no former principal place of work, is at least 20 miles from his former residence,

(C) His former residence and new place of residence are located within this State, and

(2) During the 12-month period immediately following his arrival in the general location of his new principal place of work, the taxpayer is a full-time employee, in such general location, during at least 39 weeks.

(d) (1) Subsection (c)(2) shall not apply to any item to the extent that the taxpayer receives reimbursement or other expense allowable from his employer for such item.

(2) If a taxpayer has not satisfied the condition of subsection (c)(2) before the time prescribed by law (including extensions thereof) for filing the return for the taxable year during which he paid or incurred moving expenses which would otherwise be deductible under this section, but may still satisfy such condition, then such expenses may (at the election of the taxpayer) be deducted for such taxable year notwithstanding subsection (c)(2).

(3) If—

(A) For any taxable year moving expenses have been deducted in accordance with the rule provided in paragraph (2), and

(B) The condition of subsection (c) (2) is not satisfied by the close of the subsequent taxable year,

then an amount equal to the expenses which were so deducted shall be included in gross income for such subsequent taxable year.

(e) No deduction shall be allowed under this section for any item to the extent that the taxpayer receives reimbursement or other expense allowance for such item which is not included in his gross income

(f) The Franchise Tax Board shall prescribe such regulations as may be necessary to carry out the purposes of this section.

SEC. 36. Section 17527 is added to said code, to read:

17527. (a) For purposes of applying this article with respect to a pension, profit-sharing, or stock bonus plan described in Section 17501, an annuity plan described in Section 17511, of a domestic corporation (i.e., a corporation created or organized within the United States), an individual who is a citizen of the United States and who is an employee of a foreign subsidiary (as defined in Section 3121(*l*)(8) of the Internal Revenue Code of 1954) of such domestic corporation shall be treated as an employee of such domestic corporation, if—

(1) Such domestic corporation has entered into an agreement under Section 3121(*l*) of the Internal Revenue Code of 1954 which applies to the foreign subsidiary of which such individual is an employee;

(2) The plan of such domestic corporation expressly provides for contributions or benefits for individuals who are citizens of the United States and who are employees of its foreign subsidiaries to which an agreement entered into by such domestic corporation under Section 3121(*l*) of the Internal Revenue Code of 1954 applies; and

(3) Contributions under a funded plan of deferred compensation (whether or not a plan described in Section 17501 or 17511) are not provided by any other person with respect to the remuneration paid to such individual by the foreign subsidiary.

(b) (1) For purposes of applying paragraphs (c)(2) and (d) of Section 17501 with respect to an individual who is treated as an employee of a domestic corporation under subsection (a)—

(A) If such individual is an officer, shareholder, or person whose principal duties consist in supervising the work of other employees of a foreign subsidiary of such domestic corporation, he shall be treated as having such capacity with respect to such domestic corporation, and

(B) The determination of whether such individual is a highly compensated employee shall be made by treating such individual's total compensation (determined with the application of paragraph (2) of this subsection) as compensation paid

by such domestic corporation and by determining such individual's status with regard to such domestic corporation.

(2) For purposes of applying paragraph (e) of Section 17501 with respect to an individual who is treated as an employee of a domestic corporation under subsection (a)—

(A) The total compensation of such individual shall be the remuneration paid to such individual by the foreign subsidiary which would constitute his total compensation if his services had been performed for such domestic corporation, and the basic or regular rate of compensation of such individual shall be determined under regulations prescribed by the Franchise Tax Board; and

(B) Such individual shall be treated as having paid the amount paid by such domestic corporation which is equivalent to the tax imposed by Section 3101 of the Internal Revenue Code of 1954.

(c) For purposes of applying Section 17503(b) and Section 17511(a) with respect to an individual who is treated as an employee of a domestic corporation under subsection (a), such individual shall not be considered as separated from the service of such domestic corporation solely by reason of the fact that—

(1) The agreement entered into by such domestic corporation under Section 3121(*l*) of the Internal Revenue Code of 1954 which covers the employment of such individual is terminated under the provisions of such section.

(2) Such individual becomes an employee of a foreign subsidiary with respect to which such agreement does not apply,

(3) Such individual ceases to be an employee of the foreign subsidiary by reason of which he is treated as an employee of such domestic corporation, if he becomes an employee of another corporation controlled by such domestic corporation, or

(4) The provision of the plan described in subsection (a)(2) is terminated.

(d) For purposes of applying Sections 17513 to 17523, inclusive, with respect to contributions made to or under a pension, profit-sharing, stock bonus or annuity plan by a domestic corporation, or by another corporation which is entitled to deduct its contributions under Section 17516(b), on behalf of an individual who is treated as an employee of such domestic corporation under subsection (a)—

(1) Except as provided in paragraph (2), no deduction shall be allowed to such domestic corporation or to any other corporation which is entitled to deduct its contributions under such sections,

(2) There shall be allowed as a deduction to the foreign subsidiary of which such individual is an employee an amount equal to the amount which (but for paragraph (1)) would be deductible under Sections 17513 to 17523, inclusive, by the domestic corporation if he were an employee of the domestic corporation, and

(3) Any reference to compensation shall be considered to be a reference to the total compensation of such individual (determine with the application of subsection (b)(2)).

Any amount deductible by a foreign subsidiary under this subsection shall be deductible for its taxable year with or within which the taxable year of such domestic corporation ends.

(e) An individual who is treated as an employee of a domestic corporation under subsection (a) shall also be treated as an employee of such domestic corporation for purposes of Section 17132 (relating to employees' death benefits).

SEC. 37. Section 17528 is added to said code, to read:

17528. (a) (1) For purposes of applying this article with respect to a pension, profit-sharing, or stock bonus plan described in Section 17501, or an annuity plan described in Section 17511, of a domestic parent corporation (i.e., a corporation created or organized within the United States) an individual who is a citizen of the United States and who is an employee of a domestic subsidiary (within the meaning of paragraph (2)) of such domestic parent corporation shall be treated as an employee of such domestic parent corporation, if—

(A) The plan of such domestic parent corporation expressly provides for contributions or benefits for individuals who are citizens of the United States and who are employees of its domestic subsidiaries; and

(B) Contributions under a funded plan of deferred compensation (whether or not a plan described in Section 17501 or 17511) are not provided by any other person with respect to the remuneration paid to such individual by the domestic subsidiary.

(2) For purposes of this section—

(A) A corporation shall be treated as a domestic subsidiary for any taxable year only if—

(i) Such corporation is a domestic corporation (i.e., created or organized within the United States) 80 percent or more of the outstanding voting stock of which is owned by another domestic corporation;

(ii) Ninety-five percent or more of its gross income for the three-year period immediately preceding the close of its taxable year which ends on or before the close of the taxable year of such other domestic corporation (or for such part of such period during which the corporation was in existence) was derived from sources without the United States; and

(iii) Ninety percent or more of its gross income for such period (or such part) was derived from the active conduct of a trade or business. If for the period (or part thereof) referred to in clauses (ii) and (iii) such corporation has no gross income, the provisions of clauses (ii) and (iii) shall be treated as satisfied if it is reasonable to anticipate that, with respect to the first taxable year thereafter for which such corporation

has gross income, the provisions of such clauses will be satisfied.

(B) The domestic parent corporation of any domestic subsidiary is the domestic corporation which owns 80 percent or more of the outstanding voting stock of such domestic subsidiary.

(b) (1) For purposes of applying paragraphs (c)(2) and (d) of Section 17501 with respect to an individual who is treated as an employee of a domestic parent corporation under subsection (a)—

(A) If such individual is an officer, shareholder, or person whose principal duties consist in supervising the work of other employees of a domestic subsidiary, he shall be treated as having such capacity with respect to such domestic parent corporation; and

(B) The determination of whether such individual is a highly compensated employee shall be made by treating such individual's total compensation (determined with the application of paragraph (2) of this subsection) as compensation paid by such domestic parent corporation and by determining such individual's status with regard to such domestic parent corporation.

(2) For purposes of applying paragraph (e) of Section 17501 with respect to an individual who is treated as an employee of a domestic parent corporation under subsection (a), the total compensation of such individual shall be the remuneration paid to such individual by the domestic subsidiary which would constitute his total compensation if his services had been performed for such domestic parent corporation, and the basic or regular rate of compensation of such individual shall be determined under regulations prescribed by the Franchise Tax Board.

(c) For purposes of applying Section 17503(b) and Section 17511(a) with respect to an individual who is treated as an employee of a domestic parent corporation under subsection (a), such individual shall not be considered as separated from the service of such domestic parent corporation solely by reason of the fact that—

(1) The corporation of which such individual is an employee ceases, for any taxable year, to be a domestic subsidiary within the meaning of subsection (a)(2)(A),

(2) Such individual ceases to be an employee of a domestic subsidiary of such domestic parent corporation, if he becomes an employee of another corporation controlled by such domestic parent corporation, or

(3) The provision of the plan described in subsection (a)(1)(A) is terminated.

(d) For purposes of applying Sections 17513 to 17523, inclusive, with respect to contributions made to or under a pension, profit-sharing, stock bonus, or annuity plan by a domestic parent corporation (i.e., a corporation created or organized within the United States), or by another corporation which is

entitled to deduct its contributions under Section 17516(b) on behalf of an individual who is treated as an employee of such domestic corporation under subsection (a)—

(1) Except as provided in paragraph (2), no deduction shall be allowed to such domestic parent corporation or to any other corporation which is entitled to deduct its contributions under such sections,

(2) There shall be allowed as a deduction to the domestic subsidiary of which such individual is an employee an amount equal to the amount which (but for paragraph (1)) would be deductible under Sections 17513 to 17523, inclusive by the domestic parent corporation if he were an employee of the domestic parent corporation, and

(3) Any reference to compensation shall be considered to be a reference to the total compensation of such individual (determined with the application of subsection (b)(2)).

Any amount deductible by a domestic subsidiary under this subsection shall be deductible for its taxable year with or within which the taxable year of such domestic parent corporation ends.

(e) An individual who is treated as an employee of a domestic parent corporation under subsection (a) shall also be treated as an employee of such domestic parent corporation for purposes of applying Section 17132 (relating to employees' death benefits).

SEC. 38. Section 17594 is added to said code, to read:

17594. If—

(a) The taxpayer contests an asserted liability,

(b) The taxpayer transfers money or other property to provide for the satisfaction of the asserted liability,

(c) The contest with respect to the asserted liability exists after the time of the transfer, and

(d) But for the fact that the asserted liability is contested, a deduction would be allowed for the taxable year of the transfer (or for an earlier taxable year),

then the deduction shall be allowed for the taxable year of the transfer.

SEC. 39. Section 17617 is added to said code, to read:

17617. (a) For purposes of this part, in the case of any contract for the sale or exchange of property there shall be treated as interest that part of a payment to which this section applies which bears the same ratio to the amount of such payment as the total unstated interest under such contract bears to the total of the payments to which this section applies which are due under such contract.

(b) For purposes of this section, the term "total unstated interest" means, with respect to a contract for the sale or exchange of property, an amount equal to the excess of—

(1) The sum of the payments to which this section applies which are due under the contract, over

(2) The sum of the present values of such payments and the present values of any interest payments due under the con-

tract. For purposes of paragraph (2), the present value of a payment shall be determined, as of the date of the sale or exchange, by discounting such payment at the rate, and in the manner, provided in regulations prescribed by the Franchise Tax Board. Such regulations shall provide for discounting on the basis of six-month brackets and shall provide that the present value of any interest payment due not more than six months after the date of the sale or exchange is an amount equal to 100 percent of such payment.

(c) (1) Except as provided in subsection (f), this section shall apply to any payment on account of the sale or exchange of property which constitutes part or all of the sales price and which is due more than six months after the date of such sale or exchange under a contract—

(A) Under which some or all of the payments are due more than one year after the date of such sale or exchange, and

(B) Under which, using a rate provided by regulations prescribed by the Franchise Tax Board for purposes of this subparagraph, there is total unstated interest.

Any rate prescribed for determining whether there is total unstated interest for purposes of subparagraph (B) shall be at least 1 percentage point lower than the rate prescribed for purposes of subsection (b)(2).

(2) For purposes of this section, an evidence of indebtedness of the purchaser given in consideration for the sale or exchange of property shall not be considered a payment, and any payment due under such evidence of indebtedness shall be treated as due under the contract for the sale or exchange.

(d) In the case of a contract for the sale or exchange of property under which the liability for, or the amount or due date of, any portion of a payment cannot be determined at the time of the sale or exchange, this section shall be separately applied to such portion as if it (and any amount of interest attributable to such portion) were the only payments due under the contract; and such determinations of liability, amount, and due date shall be made at the time payment of such portion is made.

(e) If the liability for, or the amount or due date of, any payment (including interest) under a contract for the sale or exchange of property is changed, the "total unstated interest" under the contract shall be recomputed and allocated (with adjustment for prior interest (including unstated interest) payments) under regulations prescribed by the Franchise Tax Board.

(f) (1) This section shall not apply to any payment on account of the sale or exchange of property if it can be determined at the time of such sale or exchange that the sales price cannot exceed three thousand dollars ($3,000).

(2) In the case of the purchaser, the tax treatment of amounts paid on account of the sale or exchange of property shall be made without regard to this section if any such

amounts are treated under Section 17203(b) as if they included interest.

(3) In the case of the seller, the tax treatment of any amounts received on account of the sale or exchange of property shall be made without regard to this section if no part of any gain on such sale or exchange would be considered as gain from the sale or exchange of a capital asset or property described in Sections 18181 and 18182.

(4) This section shall not apply to any payment made pursuant to a transfer described in Section 18192 (relating to sale or exchange of patents).

(5) This section shall not apply to any amount the liability for which depends in whole or in part on the life expectancy of one or more individuals and which constitutes an amount received as an annuity to which Sections 17101 to 17108, inclusive, apply.

(g) The amendments made by this section shall apply to payments made after December 31, 1963, on account of sales or exchanges of property occurring after June 30, 1963, other than any sale or exchange made pursuant to a binding written contract (including an irrevocable written option) entered into before July 1, 1963.

SEC. 40. Section 18212 is added to said code, to read:

18212. (a) Except as otherwise provided in Sections 18212 to 18218, inclusive, if Section 18212 property is disposed of after December 31, 1963, the applicable percentage of the lower of—

(1) The additional depreciation (as defined in Section 18213(a)) in respect of the property, or

(2) The excess of—

(i) The amount realized (in the case of a sale, exchange, or involuntary conversion), or the fair market value of such property (in the case of any other disposition), over

(ii) The adjusted basis of such property,

shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in Section 18181 and 18182. Such gain shall be recognized notwithstanding any other provisions of this part.

(b) For purposes of paragraph (1), the term "applicable percentage" means 100 percent minus one percentage point for each full month the property was held after the date on which the property was held 20 full months.

SEC. 41. Section 18213 is added to said code, to read:

18213. For purposes of Sections 18212 to 18218, inclusive—

(a) The term "additional depreciation" means, in the case of any property, the depreciation adjustments in respect of such property; except that, in the case of property held more than one year, it means such adjustments only to the extent that they exceed the amount of the depreciation adjustments which would have resulted if such adjustments had been determined for each taxable year under the straight line method of adjustment. For purposes of the preceding

sentence, if a useful life (or salvage value) was used in determining the amount allowed as a deduction for any taxable year, such life (or value) shall be used in determining the depreciation adjustments which would have resulted for such year under the straight line method.

(b) In the case of a lessee, in determining the depreciation adjustments which would have resulted in respect of any building erected (or other improvement made) on the leased property, or in respect of any cost of acquiring the lease, the lease period shall be treated as including all renewal periods For purposes of the preceding sentence—

(1) The term "renewal period" means any period for which the lease may be renewed, extended, or continued pursuant to an option exercisable by the lessee, but

(2) The inclusion of renewal periods shall not extend the period taken into account by more than two-thirds of the period on the basis of which the depreciation adjustments were allowed.

(c) The term "depreciation adjustments" means, in respect of any property, all adjustments attributable to periods after December 31, 1963, reflected in the adjusted basis of such property on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other person for exhaustion, wear and tear, obsolescence, or amortization (other than amortization under Section 17212). For purposes of the preceding sentence, if the taxpayer can establish by adequate records or other sufficient evidence that the amount allowed as a deduction for any period was less than the amount allowable, the amount taken into account for such period shall be the amount allowed.

SEC. 42. Section 18214 is added to said code, to read:

18214. For purposes of Sections 18212 to 18218, inclusive, the term "Section 18212 property" means any real property (other than Section 18211 property, as defined in Section 18211(a)(3)) which is or has been property of a character subject to the allowance for depreciation provided in Sections 17208 to 17212, inclusive.

SEC. 43. Section 18215 is added to said code, to read:

18215. (a) Section 18212 shall not apply to a disposition by gift.

(b) Except as provided in Sections 17831 to 17837, inclusive, (relating to income in respect of a decedent), Section 18212 shall not apply to a tranfer at death.

(c) If the basis of property in the hands of a transferee is determined by reference to its basis in the hands of the transferor by reason of the application of Sections 17431, 17481, 17881, 17891 or Sections 24502, 24521, 24551, or 24571 of the Bank and Corporation Tax Law, then the amount of gain taken into account by the transferor under Section 18212(a) shall not exceed the amount of gain recognized to the transferor on the transfer of such property (determined without regard to Sections 18212 to 18218, inclusive). This paragraph

shall not apply to a disposition to an organization which is exempt from the tax imposed by this part or the Bank and Corporation Tax Law.

(d) (1) If property is disposed of and gain (determined without regard to Sections 18212 to 18218, inclusive) is not recognized in whole or in part under Sections 18081 or 18082 to 18090.2, inclusive, then the amount of gain taken into account by the transferor under Section 18212(a) shall not exceed the greater of the following:

(i) The amount of gain recognized on the disposition (determined without regard to Sections 18212 to 18218, inclusive), increased as provided in subparagraph (2), or

(ii) The amount determined under subparagraph (3).

(2) With respect to any transaction, the increase provided by this subparagraph is the amount equal to the fair market value of any stock purchased in a corporation which (but for this paragraph) would result in nonrecognition of gain under Section 18083.

(3) With respect to any transaction, the amount determined under this subparagraph shall be the excess of—

(i) The amount of gain which would (but for this paragraph) be taken into account under Section 18212(a), over

(ii) The fair market value (or cost in the case of a transaction described in Sections 18082(c) to 18086, inclusive), of the Section 18212 property acquired in the transaction.

(4) In the case of property purchased by the taxpayer in a transaction described in Sections 18082(c) to 18086, inclusive, in applying the last sentence of Section 18088, such sentence shall be applied—

(i) First solely to Section 18212 properties and to the amount of gain not taken into account under Section 18212(a) by reason of this paragraph, and

(ii) Then to all purchased properties to which such sentence applies and to the remaining gain not recognized on the transaction as if the cost of the Section 18212 properties were the basis of such properties computed under clause (i).

In the case of property acquired in any other transaction to which this paragraph applies, rules consistent with the preceding sentence shall be applied under regulations prescribed by the Franchise Tax Board.

(5) In the case of any transaction described in Section 18081 or 18082 to 18090.2, inclusive, the additional depreciation in respect of the Section 18212 property acquired which is attributable to the Section 18212 property disposed of shall be an amount equal to the amount of the gain which was not taken into account under Section 18212(a) by reason of the application of this paragraph.

(e) Under regulations prescribed by the Franchise Tax Board, rules consistent with paragraphs (c) and (d) of this section and with Sections 18216 and 18217 shall apply in the case of transactions described in Section 18121 (relating to gain from sale or exchange to effectuate policies of FCC)

or Sections 18131 to 18134, inclusive (relating to exchanges in obedience to SEC orders).

(f) (1) For purposes of Sections 18212 to 18218, inclusive, the basis of Section 18212 property distributed by a partnership to a partner shall be deemed to be determined by reference to the adjusted basis of such property to the partnership.

(2) In respect of any property described in subparagraph (1), the additional depreciation attributable to periods before the distribution by the partnership shall be—

(i) The amount of the gain to which Section 18212 would have applied if such property had been sold by the partnership immediately before the distribution at its fair market value at such time and the applicable percentage for the property had been 100 percent, reduced by

(ii) If Section 17912 applied to any part of such gain, the amount of such gain to which Section 17912 would have applied if the applicable percentage for the property had been 100 percent.

(g) Section 18212 shall not apply to a disposition of—

(1) Property to the extent used by the taxpayer as his principal residence (within the meaning of Sections 18091 to 18100, inclusive, relating to sale or exchange of residence), and

(2) Property in respect of which the taxpayer meets the age and ownership requirements of Section 17154 (relating to gains from sale or exchange of residence of individual who has attained the age of 65) but only to the extent that he meets the use requirements of such section in respect of such property.

SEC. 44. Section 18216 is added to said code, to read:

18216. For purposes of determining the applicable percentage under Sections 18212 to 18218, inclusive, the provisions of Sections 18163 to 18170, inclusive, shall not apply, and the holding period of Section 18212 property shall be determined under the following rules:

(a) The holding period of Section 18212 property shall be deemed to begin—

(1) In the case of property acquired by the taxpayer, on the day after the date of acquisition, or

(2) In the case of property constructed, reconstructed, or erected by the taxpayer, on the first day of the month during which the property is placed in service.

(b) If the basis of property acquired in a transaction described in paragraph (a), (b), (c), or (e) of Section 18215 is determined by reference to its basis in the hands of the transferor; then the holding period of the property in the hands of the transferee shall include the holding period of the property in the hands of the transferor.

(c) If the basis of property acquired in a transaction described in paragraph (g) of Section 18215 is determined by reference to the basis in the hands of the taxpayer of other property, then the holding period of the property acquired shall include the holding period of such other property.

SEC. 45. Section 18217 is added to said code, to read:

18217. (a) If, in the case of a disposition of Section 18212 property, the property is treated as consisting of more than one element by reason of paragraph (c), then the amount taken into account under Section 18212(a) in respect of such Section 18212 property as gain from the sale or exchange of property which is neither a capital asset nor property described in Sections 18181 and 18182 shall be the sum of the amounts determined under paragraph (b).

(b) For purposes of paragraph (a), the amount taken into account for any element shall be the amount determined by multiplying—

(1) The amount which bears the same ratio to the lower of the amounts specified in subparagraph (1) or (2) of Section 18212(a) for the Section 18212 property as the additional depreciation for such element bears to the sum of the additional depreciation for all elements, by

(2) The applicable percentage for such element.

For purpose of this paragraph, determinations with respect to any element shall be made as if it were a separate property.

(c) In applying this section in the case of any Section 18212 property, there shall be treated as a separate element—

(1) Each separate improvement,

(2) If, before completion of Section 18212 property, units thereof (as distinguished from improvements) were placed in service, each such unit of Section 18212 property, and

(3) The remaining property which is not taken into account under subparagraphs (1) and (2).

(d) For purposes of this section—

(1) The term "separate improvement" means each improvement added during the 36-month period ending on the last day of any taxable year to the capital account for the property, but only if the sum of the amounts added to such account during such period exceeds the greatest of—

(i) Twenty-five percent of the adjusted basis of the property,

(ii) Ten percent of the adjusted basis of the property, determined without regard to the adjustments provided in paragraphs (b) and (c) of Section 18052, or

(iii) Five thousand dollars ($5,000).

For purposes of clauses (i) and (ii), the adjusted basis of the property shall be determined as of the beginning of the first day of such 36-month period, or of the holding period of the property (within the meaning of Section 18216), whichever is the later.

(2) Improvements in any taxable year shall be taken into account for purposes of subparagraph (A) only if the sum of the amounts added to the capital account for the property for such taxable year exceeds the greater of—

(i) Two thousand dollars ($2,000), or

(ii) One percent of the adjusted basis referred to in subparagraph (1)(ii), determined, however, as of the beginning of such taxable year.

For purposes of Sections 18212 to 18218, inclusive, if the amount added to the capital account for any separate improvement does not exceed the greater of clause (i) or (ii), such improvement shall be treated as placed in service on the first day, of a calendar month, which is closest to the middle of the taxable year.

(3) The term "improvement" means, in the case of any Section 18212 property, any addition to capital account for such property after the initial acquisition or after completion of the property.

SEC. 46. Section 18218 is added to said code, to read:

18218. (a) The Franchise Tax Board shall prescribe such regulations as it may deem necessary to provide for adjustments to the basis of property to reflect gain recognized under Section 18212.

(b) Sections 18212 to 18218, inclusive, shall apply notwithstanding any other provision of this part.

SEC. 47. Section 18402.7 is added to said code, to read.

18402.7. For purposes of Sections 18401 and 18402, gross income shall be computed without regard to the exclusion provided for in Section 17154 (relating to sale of residence by individual who has attained age 65).

SEC. 48. Section 18802.5 is added to said code, to read:

18802.5. (a) Every employer who during any calendar year provides group-term life insurance on the life of an employee during part or all of such calendar year under a policy (or policies) carried directly or indirectly by such employer shall make a return according to the forms or regulations prescribed by the Franchise Tax Board, setting forth the cost of such insurance and the name and address of the employee on whose life such insurance is provided, but only to the extent that the cost of such insurance is includible in the employee's gross income under Section 17120(a). For purposes of this section, the extent to which the cost of group-term life insurance is includible in the employee's gross income under Section 17120(a) shall be determined as if the employer were the only employer paying such employee remuneration in the form of such insurance.

(b) Every employer making a return under subsection (a) shall furnish to each employee whose name is set forth in such return a written statement showing the cost of the group-term life insurance shown on such return. The written statement required under the preceding sentence shall be furnished to the employee on or before January 31 of the year following the calendar year for which the return under subsection (a) was made.

SEC. 49. Section 18802.7 is added to said code, to read

18802.7 (a) Every corporation—

(1) Which in any calendar year transfers a share of stock to any person pursuant to such person's exercise of a qualified stock option or a restricted stock option, or

(2) Which in any calendar year records (or has by its agent recorded) a transfer of the legal title of a share of stock—

(A) Acquired by the transferor pursuant to his exercise of an option described in Section 17533(c) (relating to special rule where option price is between 85 percent and 100 percent of value of stock), or

(B) Acquired by the transferor pursuant to his exercise of a restricted stock option described in Section 17534(c)(1) (relating to options under which option price is between 85 percent and 95 percent of value of stock),

shall, for such calendar year, make a return at such time and in such manner, and setting forth such information, as the Franchise Tax Board may by regulations prescribe. For purposes of the preceding sentence, any option which a corporation treats as a qualified stock option, a restricted stock option, or an option granted under an employee stock purchase plan, shall be deemed to be such an option A return is required by reason of a transfer described in paragraph (2) of a share only with respect to the first transfer of such share by the person who exercised the option.

(b) Every corporation making a return under subsection (a) shall furnish to each person whose name is set forth in such return a written statement setting forth such information as the Franchise Tax Board may by regulations prescribe. The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made.

(c) Any corporation which transfers any share of stock pursuant to the exercise of an option described in subsection (a)(2) shall identify such stock in a manner adequate to carry out the purposes of this section.

SEC. 50. Section 17537 of said code is repealed.

SEC 51. Section 17537.1 of said code is repealed.

SEC. 52 Section 17538 of said code is repealed.

SEC. 53. Section 17539 of said code is repealed.

SEC. 54. Section 17540 of said code is repealed

SEC. 55. Section 18247 of said code is repealed.

SEC. 56. Section 18248 of said code is repealed.

CHAPTER 141

An act relating to assistance for construction of public schools through the State Building Aid Fund, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 4, 1964. Filed with Secretary of State June 5, 1964.]

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

SECTION 1. The Director of Finance is hereby authorized to loan to the State School Building Aid Fund to be expended pursuant to Chapter 10 (commencing with Section 19551) of Division 14 of the Education Code any or all of the following:

(a) An amount not in excess of four million four hundred thousand dollars ($4,400,000) of the amount appropriated by Item 409.5 of the Budget Act of 1964.

(b) An amount not in excess of ten million dollars ($10,000,000) from the special reserve account provided for by Section 19.5 of the Budget Act of 1964, and if the director finds such amount to be less than ten million dollars ($10,000,000), an amount sufficient when added to such amount to equal ten million dollars ($10,000,000) may be loaned from the General Fund, which amount is hereby appropriated.

SEC. 2. All sums allocated under the provisions of this act shall be repaid to the appropriate fund from which they were loaned by the State School Building Aid Fund in full, plus interest at the rate of 4 percent per annum on the unpaid balances compounded and computed annually by the Director of Finance from the proceeds of the sale of bonds authorized by the State School Building Aid Bond Law of 1964. If the State School Building Aid Bond Law of 1964 fails of passage in the Legislature or at the 1964 general election, such repayment and interest shall be paid to the School Land Fund from the General Fund pursuant to appropriations by the Legislature.

SEC. 3. No loans shall be made pursuant to this act after November 3, 1964.

SEC. 4. This act is an urgency measure necessary to 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 State School Building Aid Bond Law of 1964 will be submitted to the electorate for approval at the general election in November, 1964, and it is essential that funds be available for apportionment by the State to school districts pursuant to the State School Building Aid Law of 1952 to insure

that acquisition of school sites and construction of school buildings keep pace with the needs of California's public school system until funds for such purposes are available under the State School Building Aid Bond Law of 1964.

CHAPTER 142

An act to amend Sections 14214, 14218, and to add Sections 14219, 14664.5, and 14694 9 to the Education Code, relating to school district retirement plans, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 4, 1964. Filed with Secretary of State June 5, 1964.]

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

SECTION 1. Section 14214 of the Education Code is amended to read:

14214. For the purpose of providing funds not to exceed the amount which may be necessary to make the contributions to the Permanent Fund and the Retirement Annuity Fund required by any school district under this article, district taxes may be levied and collected annually by the respective districts 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 taxes for school district purposes. A school district which maintains a local retirement system may combine into one rate, the tax rate fixed under this section and the tax rate fixed to provide funds for such system, but the funds provided by the rate authorized by this section shall be segregated in the district's accounts, from the funds provided by the rate for the local system, as soon as possible after the receipt of the tax funds.

SEC. 2. Section 14218 of said code is amended to read:

14218. (a) At the beginning of each fiscal year the retirement system shall pay to each local district maintaining a local retirement system the following amounts:

(1) From the Teachers' Retirement Fund, an amount equal to the difference with respect to all service rendered by persons whose retirement is effective prior to July 1, 1947, and with respect to service rendered prior to July 1, 1944, by persons whose retirement is effective after June 30, 1947, and one-half the difference with respect to service rendered after June 30, 1944, by persons whose retirement is effective after June 30, 1947, between the benefits paid from the Teachers' Retirement Fund during the preceding year to persons who are entitled to receive benefits from the local retirement system and the benefits which would have been paid during the

preceding year to those persons if they were not entitled to receive benefits from the local retirement system.

(2) From the Teachers' Retirement Fund, an amount equal to the difference between the death benefits paid from the Teachers' Retirement Fund during the preceding year on account of persons who qualified for death benefits under the local retirement system, and the death benefit which would have been paid during the preceding year on account of such persons if they had not qualified for death benefits from the local retirement system, all regardless of elections of survivor allowances under Section 14366.

(b) The amounts paid under subdivision (a) of this section by the retirement system to each local district maintaining a local retirement system shall be reflected in the records of the system as having been made from the Retirement Annuity Fund and they shall not be used to reduce the contributions required of members of the local retirement system or to increase the benefits payable by the local retirement system, but shall be applied to reduce the cost of support of the local retirement system to the taxpayers of the local district maintaining the local retirement system.

(c) The State shall contribute annually to the Teachers' Retirement Fund the amounts required to be paid from said fund under subdivision (a) of this section.

This section shall not apply to a local retirement system established under Chapter 5 (commencing with Section 14501)

SEC. 2.5. Section 14219 is added to said code, to read:

14219. (a) At the beginning of each fiscal year the retirement system shall pay to each local district maintaining a local retirement system under Chapter 5 (commencing with Section 14501) the following amounts:

(1) From the Teachers' Retirement Fund, an amount (i) equal to the difference with respect to all service rendered by persons whose retirement is effective prior to July 1, 1947, and with respect to service rendered prior to July 1, 1944, by persons whose retirement is effective after June 30, 1947, and (ii) equal to one-half the difference with respect to service rendered after June 30, 1944, by persons whose retirement is effective after June 30, 1947, and prior to February 1, 1965, and (iii) equal to all the difference, minus the portions of the allowances which would have been provided under this retirement system by accumulated annuity contributions if there had been no local retirement system, with respect to service rendered after June 30, 1944, by persons whose retirement is effective after January 31, 1965, between the retirement allowances paid from the Teachers' Retirement Fund during the preceding year to or on account of persons who are entitled to receive retirement allowances from the local retirement system, and the retirement allowances which would have been paid during the preceding year to or on account of those persons if they were not entitled to receive retirement allowances from the local retirement system.

(2) From the Teachers' Retirement Fund, an amount equal to the difference between the death benefits paid from the Teachers' Retirement Fund during the preceding year on account of persons who qualified for death benefits under the local retirement system, and the death benefit which would have been paid during the preceding year on account of such persons if they had not qualified for death benefits from the local retirement system, all regardless of elections of survivor allowances under Section 14366.

(b) The amounts paid under subdivision (a) of this section by the retirement system to each local district maintaining a local retirement system shall be reflected in the records of the system as having been made from the Retirement Annuity Fund and they shall not be used to reduce the contributions required of members of the local retirement system or to increase the benefits payable by the local retirement system, but shall be applied to reduce the cost of support of the local retirement system to the taxpayers of the local district maintaining the local retirement system.

(c) The State shall contribute annually to the Teachers' Retirement Fund the amounts required to be paid from said fund under subdivision (a) of this section.

The local district maintaining a local retirement system shall defray any actual and necessary expenses of the state retirement system in bringing the accounts of local members up to date for the purposes of the utilization of the provisions of this section by the local district in order to maintain the local district's retirement system. The local district shall defray any actual and necessary expenses incurred in maintaining these accounts on a year-to-year basis. These expenses shall be defrayed from the accumulated contributions by the local district to the local retirement system.

SEC. 2.7. Section 14664.5 is added to said code, to read:

14664.5. Notwithstanding any other provision of this chapter the member in the local retirement system shall contribute, on substantially the same basis and at substantially the same total rate, contributions as he would have under the State Teachers' Retirement System based on sex and age as of July 1, 1944, or later date of entry into the local retirement system.

SEC. 3. Section 14694.9 is added to said code, to read:

14694.9. The alternative course of action offered by subdivision (b) of Section 14694.8 provides that the member electing that course shall receive from the unified or junior college district retirement system, the annuity provided by his accumulated contributions as a member of such unified or junior college district retirement system, and also receive from such district retirement system a retirement allowance as defined in Section 13820, equal to that portion of such allowance which is provided by the State Teachers' Retirement System formulae based only on such district retirement system service minus (1) the retirement salary, as defined in Section 13819, which is based on such district retirement system service, and (2) the

annuity which would have been provided by the contributions which the member would have made to the Retirement Annuity Fund of such State Teachers' Retirement System if there had been no district retirement system. Further, such member shall receive from the State Teachers' Retirement System, the retirement salary as defined in Section 13819, based on his district retirement system service plus the retirement allowance as defined in Section 13820, provided by the State Teachers' Retirement System on the basis of all credited service other than service credited under the district retirement system.

The amendment of subdivision (b) of Section 14694.8 effected by adding this section at the 1964 First Extraordinary Session of the Legislature does not constitute a change in, but is declaratory of the preexisting law.

SEC. 3.5. The State Teachers' Retirement System and each of the local retirement systems operating under the District Retirement Salary Plan (commencing with Education Code Section 14501) shall study jointly reduction of administrative costs and the evolution of more efficient procedures to effect reciprocal exchanges of service data for employees transferring in certificated employment between different districts.

The State Teachers' Retirement System shall report jointly with the local systems to the Governor and the Legislature no later than the fifth legislative day of the 1965 General Session. Such report shall include recommendations for any changes in the law deemed appropriate by those making the study.

SEC. 3.7. Sections 2, 2.5, 2.7, and 3 of this act shall become operative on February 1, 1965, if, and only if, at an election, a proposal to adopt the modifications of the District Retirement Salary Plan, which this act would make operative, is approved by a majority of the active members of both of the retirement systems who vote on the proposal. The election shall be conducted jointly by the governing boards of the school districts served by the retirement systems, who shall certify the final vote to the executive officer of the State Teachers' Retirement System and to retirement boards of the affected retirement systems.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into effect immediately. The facts constituting such necessity are: In order that this simplification of tax structure may become effective at the beginning of the fiscal year and to permit the setting of the necessary tax rate for inclusion in the fiscal year budget it is necessary that this act take effect immediately. The study called for by this act may require statutory implementation of the findings which result and should commence as soon as possible prior to the 1965 General Session.

CHAPTER 143

An act to provide for meeting the building needs of the State by the adoption of a general construction program, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California, and by providing for the handling and disposition of said funds, making an appropriation therefor, and providing for the submission of the measure to the people at a special election to be consolidated with the 1964 general election.

[Approved by Governor June 9, 1964. Filed with Secretary of State June 9, 1964.]

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

SECTION 1. This act shall be known and may be cited, as the State Construction Program Bond Act of 1964.

SEC. 2. The purpose of this act is to provide the necessary funds to meet the major building construction, equipment and site acquisition needs for the state government, including junior colleges. At least fifty million dollars ($50,000,000) of the bonds authorized to be issued under this act shall be used only for building construction, equipment and site acquisition for public junior colleges.

Proceeds of the bonds authorized to be issued under this act, in an amount or amounts which the Legislature shall determine, shall be used for site acquisitions for new institutions of public higher education which institutions are approved or authorized by the Legislature subsequent to the adoption of this act by the people.

SEC. 3. Bonds in the total amount of three hundred eighty million dollars ($380,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in Section 2 of this act. Said bonds shall be known and designated as State Construction Program bonds and, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California are hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

SEC. 4. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, such sum in addition to the ordinary revenues of the State as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

SEC. 5. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this act, as said principal and interest become due and payable.

(b) The sum of seventy-five thousand dollars ($75,000) to be used as a revolving fund to pay the expenses incurred by the State Treasurer in preparing and advertising the sale or prior redemption of bonds issued pursuant to this act, to defray expenses incurred by the State Construction Program Committee pursuant to Government Code Section 16758, and for the payment of legal services upon approval of the State Board of Control, pursuant to Government Code Section 16760.

(c) Such sum as is necessary to carry out the provisions of Section 8 of this act, which sum is appropriated without regard to fiscal years.

SEC. 6. The proceeds of bonds issued and sold pursuant to this act, together with interest earned thereon, if any, shall be deposited in the State Construction Program Fund. The money in the fund may be expended only for the purposes specified in this act and only pursuant to appropriation by the Legislature in the manner hereinafter prescribed.

SEC. 7. A section shall be included in the budget bill for each fiscal year bearing the caption State Construction Bond Act Program. Said section shall contain proposed appropriations only for the program contemplated by this act, and no funds derived from the bonds authorized by this act may be expended pursuant to an appropriation not contained in said section of the Budget Act. The Department of Finance, which is hereby designated as the board for the purposes of this act, shall annually total the Budget Act appropriations referred to in this section and, pursuant to Section 16730 of the Government Code, request the State Construction Program Committee to cause bonds to be issued and sold in quantities sufficient to carry out the projects for which such appropriations were made.

SEC. 8. For the purposes of carrying out the provisions of this act the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this act. Any amounts withdrawn shall be deposited in the State Construction Program Fund. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this act, together with interest at the rate of interest fixed in the bonds so sold.

SEC. 9. The bonds authorized by this act shall be prepared, executed, issued, sold, paid and redeemed as provided in the State General Obligation Bond Law (Chapter 4 of Part 3, Division 4, Title 2 of the Government Code), and all of the

provisions of said law are applicable to said bonds and to this act, and are hereby incorporated in this act as though set forth in full herein.

SEC. 10. The State Construction Program Committee is hereby created The committee shall consist of the Governor, the State Controller, the State Treasurer, the Director of Finance, and the Director of General Services For the purpose of this act the State Construction Program Committee shall be "the committee" as that term is used in the State General Obligation Bond Law.

SEC. 11. Out of the first money realized from the sale of bonds issued pursuant to this act there shall be redeposited to the credit of the appropriation made by subdivision (b) of Section 5 of this act such sums as have been expended for the purposes specified in said subdivision (b) of Section 5. The amounts so redeposited may be used for the same purposes whenever additional sales of bonds are made pursuant to this act. When all the bonds authorized by this act have been sold, the unexpended and unobligated balance of the appropriation made by subdivision (b) of Section 5 of this act, shall revert to the General Fund.

SEC. 12. Sections 1 to 11 of this act shall take effect upon the adoption by the people of the State Construction Program Bond Act of 1964, as set forth in Sections 1 to 11 of this act. Sections 12 to 19 of this act contain provisions relating to and necessary for the submission of the State Construction Program Bond Act of 1964 to the people and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 13. A special election is hereby called to be held throughout the State on the third day of November, 1964. The special election shall be consolidated with the general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act, and only one form of ballot and ballot pamphlet shall be used. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 14. At the special election called by this act there shall be submitted to the electors Sections 1 to 11 of this act.

SEC. 15. Upon the effective date of this section, the author of the measure submitted pursuant to this act and two members of the other house who voted with the majority on the measure, shall be appointed by the presiding officers of the respective houses to draft the arguments for the adoption of the measure. If the measure is not adopted unanimously by the house in which it originated, one member of the house in which it originated, who voted against it, shall be appointed by the

presiding officer of that house to write an argument against. it. If there are no negative votes on the measure in the house in which it originated, the presiding officer of that house shall appoint some qualified person to draft an argument against it. Each argument shall consist of not more than 500 words and shall be submitted to the Secretary of State on or before the fifth day after this section takes effect.

SEC. 16. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act.

SEC. 17. All ballots at said election shall have printed thereon in bold face type and in a square thereof, the words: "For bonds to provide state college, junior college and university facilities, and to provide funds to meet the building needs of the State, including facilities to care for mentally retarded and mentally ill and narcotics control, correctional and forest fire fighting facilities." In the square immediately below the square containing such words there shall be printed on said ballot in bold face type the words: "Against bonds to provide state college, junior college and university facilities, and to provide funds to meet the building needs of the State, including facilities to care for mentally retarded and mentally ill and narcotics control, correctional and forest fire fighting facilities." In each square containing the language specified above, immediately below that language and enclosed in parentheses, there shall be printed, in 8-point type, the words: "This act provides for a bond issue of three hundred eighty million dollars ($380,000,000)." Opposite the words: "For bonds to provide state college, junior college and university facilities, and to provide funds to meet the building needs of the State, including facilities to care for mentally retarded and mentally ill and narcotics control, correctional and forest fire fighting facilities," and the language immediately following such statement, and "Against bonds to provide state college, junior college and university facilities, and to provide funds to meet the building needs of the State, including facilities to care for mentally retarded and mentally ill and narcotics control, correctional and forest fire fighting facilities," and the language immediately following such statement, there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act. Those voting for said bonds shall do so by placing a cross opposite the words: "For bonds to provide state college, junior college and university facilities, and to provide funds to meet the building needs of the State, including facilities to care for mentally retarded and mentally ill and narcotics control, correctional and forest fire fighting facilities" and those

voting against said bonds shall do so by placing a cross opposite the words: "Against bonds to provide state college, junior college and university facilities, and to provide funds to meet the building needs of the State, including facilities to care for mentally retarded and mentally ill and narcotics control, correctional and forest fire fighting facilities"; provided that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, the use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The measure shall appear on the ballot and in the ballot pamphlets in substantially the following form:

FOR BONDS TO PROVIDE STATE COLLEGE, JUNIOR COLLEGE AND UNIVERSITY FACILITIES, AND TO PROVIDE FUNDS TO MEET THE BUILDING NEEDS OF THE STATE, INCLUDING FACILITIES TO CARE FOR MENTALLY RETARDED AND MENTALLY ILL AND NARCOTICS CONTROL, CORRECTIONAL AND FOREST FIRE FIGHTING FACILITIES. (This act provides for a bond issue of three hundred eighty million dollars ($380,000,000).)	
AGAINST BONDS TO PROVIDE STATE COLLEGE, JUNIOR COLLEGE AND UNIVERSITY FACILITIES, AND TO PROVIDE FUNDS TO MEET THE BUILDING NEEDS OF THE STATE, INCLUDING FACILITIES TO CARE FOR MENTALLY RETARDED AND MENTALLY ILL AND NARCOTICS CONTROL, CORRECTIONAL AND FOREST FIRE FIGHTING FACILITIES. (This act provides for a bond issue of three hundred eighty million dollars ($380,000,000).)	

The Governor of this State shall include the submission of the measure to the people, as aforesaid, in his Proclamation calling for said election.

SEC. 18. If it appears that the measure shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against the measure then the same shall be and become void.

SEC. 19. Upon the effective date of this section the Secretary of State shall request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code.

CHAPTER 144

An act to amend Sections 68200, 68201, 68202, 68500.5, 68841, 68891, 69140, 75101, 75102, and 75103 of, and to add Sections 68203 and 68204 to, and to repeal Section 68205 of, the Government Code, relating to judicial salaries and making an appropriation therefor.

[Approved by Governor June 15, 1964. Filed with Secretary of State June 15, 1964.]

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

SECTION 1. Section 68200 of the Government Code is amended to read:

68200. The annual salary of the Chief Justice of the Supreme Court is thirty-four thousand dollars ($34,000).

SEC. 2. Section 68201 of said code is amended to read:

68201. The annual salary of each of the following justices is the amount indicated opposite the name of the office:

(a) Associate Justice of the Supreme Court, thirty-two thousand dollars ($32,000).

(b) Justice of district court of appeal, thirty thousand dollars ($30,000).

SEC. 3. Section 68202 of said code is amended to read:

68202 The annual salary of each of the following judges is the amount indicated opposite the name of the office:

(a) Judge of the superior court, twenty-five thousand dollars ($25,000).

(b) Judge of a municipal court, twenty-three thousand dollars ($23,000).

SEC. 4. Section 68203 is added to said code, to read:

68203. On September 1, 1968, and on September 1 of each fourth year thereafter the salary of each justice and judge named in Sections 68200 to 68202, inclusive, shall be increased by that amount which is produced by multiplying the then current salary of each justice or judge by the percentage by which the figure representing per capita personal income in California as compiled and reported by the United States Department of Commerce has increased between the calendar year which precedes September 1 of the fourth year preceding the designated date of adjustment and the calendar year which immediately precedes the designated date of adjustment.

SEC. 5. Section 68204 is added to said code, to read:

68204. The justices and judges named in Sections 68200 to 68202, inclusive, and the Attorney General shall not be deemed to be state officers for the purposes of Section 11570.

SEC. 6. Section 68205 of said code is repealed.

SEC. 7. Section 68500.5 of said code is amended to read:

68500.5. The annual salary of the Administrative Director of the Courts is thirty thousand dollars ($30,000) and shall be paid out of appropriations for the support of the Judicial Council. He shall have the same qualifications as required by Section 23 of Article VI of the Constitution for a justice of the district court of appeal.

SEC. 8. Section 68841 of said code is amended to read:

68841. The annual salary of the Clerk of the Supreme Court and ex officio Secretary of the Judicial Council is twenty-two thousand dollars ($22,000).

SEC. 9. Section 68891 of said code is amended to read:

68891. The annual salary of the reporter of the decisions of the Supreme Court and of the district courts of appeal is nineteen thousand five hundred dollars ($19,500). The salaries of the assistants shall be established subject to approval of the Department of Finance as provided in Section 18004 of the Government Code. Each of the persons so appointed shall serve in full-time employment.

SEC. 10. Section 69140 of said code is amended to read:

69140. Each district court of appeal may appoint and employ a clerk who shall receive an annual salary as follows:

(a) Clerk of the first and second appellate districts: eighteen thousand dollars ($18,000).

(b) Clerk of the third, fourth, and fifth appellate districts: sixteen thousand five hundred dollars ($16,500).

SEC. 11. Section 75101 of said code is amended to read:

75101. The State Controller shall at the end of each month ascertain the aggregate amount of the annual salaries of all positions established by law as justices of the Supreme Court and of the district courts of appeal and judges of the superior courts and municipal courts, and out of the State General Fund he shall transfer monthly commencing with the salaries for the month of July 1964 into the Judges' Retirement Fund a sum equal to 8 percent of one-twelfth of the aggregate amount of such salaries.

SEC. 12. Section 75102 of said code is amended to read:

75102 The State Controller shall at the end of each month commencing with the salary for the month of July 1964 deduct 8 percent from the monthly salary of each Justice of the Supreme Court and of the district courts of appeal and of the portion paid by the State of the monthly salary of each judge of the superior court and shall cause this amount to be paid into the Judges' Retirement Fund.

SEC. 13. Section 75103 of said code is amended to read:

75103. The auditor of each county shall deduct 8 percent from the portion paid by such county of the monthly salary, commencing with the monthly salary for the month of July 1964 of each judge of the superior court and municipal court,

and cause this amount to be paid into the Judges' Retirement Fund.

SEC. 14. There is hereby appropriated the sum of two million four hundred thirty-five thousand two hundred twenty dollars ($2,435,220) from the General Fund to the Department of Finance for salary increases, to be allocated by the Department of Finance to the several agencies in such amounts as will defray, during the 1964-1965 fiscal year, the State's share of the cost, including retirement contributions, of the increases in compensation provided for in this act.

CHAPTER 145

An act to repeal Articles 1 (commencing with Section 11550) and 3 (commencing with Section 11570) of Chapter 6, Part 1, Division 3, Title 2, of, and to add Sections 1323 and 1774.5 to, and Article 1 (commencing with Section 11550) to Chapter 6, Part 1, Division 3, Title 2 of, the Government Code, and to amend Sections 12000, 12001, 12051, 12801, 12903, 13976, 15003, and 10204 of, the Government Code, Sections 8005 of the Business and Professions Code, Sections 1156, 1705, and 3800 of the Harbors and Navigation Code, Section 21203 of the Public Utilities Code, and Section 164.1 of the Military and Veterans Code, relating to state officers and their compensation, and making an appropriation therefor.

[Approved by Governor June 15, 1964. Filed with Secretary of State June 15, 1964.]

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

SECTION 1. Section 1323 is added to the Government Code, to read:

1323. In addition to any other statutory provisions requiring confirmation by the Senate of officers appointed by the Governor, including Section 1322, the appointment by the Governor of any officer, or any member of a board or commission, whose salary is provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of this code is subject to confirmation by the Senate. This section shall not apply to any officer, or any member of a board or commission, whose manner of appointment is provided for in the Constitution.

SEC. 1.5 Section 1774.5 is added to said code, to read:

1774.5. Whenever the appointment by the Governor of a person to a public office is subject to confirmation by the Senate, and the Senate refuses to confirm the appointment at the session described in Section 1774, such person may not be granted an interim appointment to the same office for which the Senate refused to confirm him. If he is

holding that office at the time of adjournment of the Senate, the office shall become vacant on such adjournment, and he shall not be eligible to continue to discharge the duties of the office notwithstanding the provisions of Section 1302, and no warrant shall be drawn by the State Controller for the payment of any salary or expenses of such person attributable to the discharge of the duties of the office after such adjournment.

SEC. 2. Article 1 (commencing with Section 11550) of Chapter 6 of Part 1 of Division 3 of Title 2 of said code is repealed.

SEC. 3. Article 1 (commencing with Section 11550) is added to Chapter 6 of Part 1 of Division 3 of Title 2 of said code, to read:

Article 1. Salaries of Specified Positions

11550. An annual salary of thirty thousand three hundred nineteen dollars ($30,319) shall be paid to each of the following:

(a) Director of Finance.

11551. An annual salary of twenty-seven thousand five hundred dollars ($27,500) shall be paid to each of the following:

(a) Administrator of the Health and Welfare Agency.

(b) Administrator of Highway Transportation.

(c) Administrator of the Resources Agency.

(d) Administrator of the Youth and Corrections Agency.

11552. An annual salary of twenty-six thousand dollars ($26,000) shall be paid to each of the following:

(a) Director of Mental Hygiene.

(b) Director of Public Health.

11553. An annual salary of twenty-five thousand dollars ($25,000) shall be paid to each of the following:

(a) Lieutenant Governor.

(b) Secretary of State.

(c) State Controller.

(d) State Treasurer.

(e) Superintendent of Public Instruction.

(f) Each member of the Public Utilities Commission.

11554. An annual salary of twenty-four thousand five hundred dollars ($24,500) shall be paid to each of the following:

(a) Director of Employment.

(b) Director of Public Works.

(c) Director of Social Welfare.

(d) Director of Water Resources.

(e) Superintendent of Banks.

(f) Commissioner of Corporations.

(g) Insurance Commissioner.

(h) Savings and Loan Commissioner.

11555. An annual salary of twenty-three thousand five hundred dollars ($23,500) shall be paid to each of the following:

(a) Director of Agriculture.
(b) Director of Corrections.
(c) Director of Industrial Relations.
(d) Director of Motor Vehicles.
(e) Director of Youth Authority.
(f) Director of General Services.

11556. An annual salary of twenty-two thousand five hundred dollars ($22,500) shall be paid to each of the following:

(a) Director of Alcoholic Beverage Control.
(b) Director of Conservation.
(c) Director of Fish and Game.
(d) Director of Parks and Recreation.
(e) Commissioner of the California Highway Patrol.
(f) Real Estate Commissioner.
(g) Director of Veterans Affairs.
(h) Director of Rehabilitation.
(i) Executive Officer of the Franchise Tax Board.

11557. An annual salary of twenty-one thousand five hundred dollars ($21,500) shall be paid to each of the following:

(a) Director of California Disaster Office.
(b) Director of Professional and Vocational Standards.

11557.5. An annual salary of twenty-one thousand dollars ($21,000) shall be paid to each of the following:

(a) State Architect.

11558. An annual salary of twenty thousand five hundred dollars ($20,500) shall be paid to each of the following:

(a) Each member of the Adult Authority.
(b) Each member of the Board of Equalization.
(c) Each member of the Industrial Accident Commission.
(d) Each member of the State Water Rights Board.
(e) Each member of the Unemployment Insurance Appeals Board.
(f) Each member of the Youth Authority.
(g) Deputy Director of the Department of Justice.
(h) Deputy Director of Employment.

11558.2. An annual salary of twenty thousand dollars ($20,000) shall be paid to each of the following:

(a) Commissioner of the Economic Development Agency.

11558.5. An annual salary of nineteen thousand five hundred dollars ($19,500) shall be paid to each of the following:

(a) State Printer.
(b) Labor Commissioner.
(c) Chief of Division of Industrial Safety.

11559. An annual salary of eighteen thousand dollars ($18,000) shall be paid to each of the following:

(a) State Fire Marshal.
(b) Consumer Counsel

11559.5. An annual salary of fifteen thousand five hundred dollars ($15,500) shall be paid to each of the following:

(a) State Librarian.
(b) Chief of the Division of Industrial Welfare.
(c) Chief of the Division of Housing.

(d) Director of Aeronautics.

11560. An annual salary of fourteen thousand dollars ($14,000) shall be paid to each of the following:

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

(b) Secretary of the California Horse Racing Board.

11561. An annual salary of eight thousand dollars ($8,000) shall be paid to each of the following:

(a) Each member of the State Personnel Board.

11562. An annual salary of seven thousand five hundred dollars ($7,500) 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.

11563. In addition to the salaries provided for them elsewhere in this article, an annual amount of five hundred dollars ($500) shall be paid to each of the following:

(a) President of the Public Utilities Commission.

(b) Chairman of the Adult Authority.

(c) Chairman of the Alcoholic Beverage Control Appeals Board.

(d) Chairman of the Board of Barber Examiners.

(e) Chairman of the Board of Equalization.

(f) Chairman of the Industrial Accident Commission.

(g) Chairman of the Unemployment Insurance Appeals Board.

(h) Chairman of the Water Rights Board

SEC. 4. Article 3 (commencing with Section 11570) of Chapter 6 of Part 1 of Division 3 of Title 2 of said code is repealed.

SEC. 5. Section 12000 of said code is amended to read:

12000 The annual salary of the Governor is forty-four thousand one hundred dollars ($44,100).

SEC. 6. Section 12001 of said code is amended to read:

12001. The Governor may appoint and fix the salaries of such secretaries and other personnel as he deems necessary for his office. No salary fixed under this section shall exceed sixteen thousand five hundred dollars ($16,500) annually, except the salary of the Executive Secretary to the Governor shall not exceed twenty-four thousand five hundred dollars ($24,500) annually, and the salaries of five secretaries to the Governor shall not exceed twenty thousand dollars ($20,000) annually.

SEC. 7. Section 12051 of said code is amended to read:

12051. The Consumer Counsel shall receive a salary as provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of this code.

SEC. 8 Section 12801 of said code is amended to read:

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 appointment of each administrator is subject to

confirmation by the Senate. The annual salary of each administrator is provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of this code.

SEC. 9. Section 12903 of said code is amended to read:

12903. The Director of General Services is appointed by and holds office at the pleasure of the Governor. The appointment of the director is subject to confirmation by the Senate. The annual salary of the director is provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of this code.

SEC. 10. Section 13976 of said code is amended to read:

13976. The agency is under the supervision of an executive officer known as the Administrator of Highway Transportation. The administrator shall be appointed by the Governor, subject to confirmation by the Senate, and shall hold office at the pleasure of the Governor. The annual salary of the administrator is provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of this code. 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.

SEC. 11. Section 15003 of said code is amended to read:

15003. There is in the Department of Justice the office of deputy director. The deputy director shall be appointed by the Attorney General. The annual salary of the deputy director is provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of this code.

The deputy director shall be a civil executive officer and shall be exempt from civil service.

SEC. 12. Section 10204 of said code is amended to read:

10204. The annual salary of the Legislative Counsel is twenty-five thousand dollars ($25,000). The Legislative Counsel shall be repaid all actual expenses incurred or paid by him in the discharge of his duties.

SEC. 13. Section 8005 of the Business and Professions Code is amended to read:

8005. The Certified Shorthand Reporters Board is charged with the executive functions necessary for effectuating the purposes of this chapter. It may appoint such committees as it deems necessary or proper. The board may appoint, prescribe the duties, and fix the salary, which in no event shall exceed three thousand seven hundred dollars ($3,700) per annum, of an executive secretary, who may be employed on a part-time basis. The board may also employ such other employees as may be necessary, subject to civil service and other provisions of law.

SEC. 14. Section 1156 of the Harbors and Navigation Code is amended to read:

1156. The Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun may appoint and fix the compensation of a secretary and such other employees as

may be necessary. The secretary shall receive such compensation as may be fixed by the board at not to exceed six hundred twenty-five dollars ($625) a month.

SEC. 15. Section 1705 of the Harbors and Navigation Code is amended to read:

1705. The annual salary of each member of the San Francisco Port Authority is one thousand five hundred dollars ($1,500).

The authority shall fix the compensation of its officers and employees other than the commissioners. When salaries or compensation are due for services rendered in connection with any work which is payable from the proceeds of the sale of bonds, such salaries or compensation shall be paid out of the proceeds of these bonds. All other salaries and compensation shall be paid out of the San Francisco Harbor Improvement Fund.

An ex officio officer or consulting engineer shall not receive any compensation, except traveling and other incidental expenses.

SEC. 16. Section 3800 of the Harbors and Navigation Code is amended to read:

3800. The Board of Harbor Commissioners for Humboldt Bay hereby created consists of three members who shall be appointed by the Governor, by and with the consent and advice of the Senate, State of California. The term of office of each member is four years. Appointments to fill vacancies shall be for the unexpired term. In making his appointments the Governor shall designate one of the appointees to act as ex officio surveyor of the port and secretary of the board. The annual salary of the member of the board who is ex officio surveyor of the port and secretary of the board is one thousand eight hundred dollars ($1,800). The annual salary of each of the other members is five hundred dollars ($500).

The board is hereby vested with the power, duty and responsibility of controlling the Port of Eureka. The port shall be in charge of the surveyor of the port.

SEC. 17. Section 21203 of the Public Utilities Code is amended to read:

21203. The Director of Aeronautics shall devote his entire time to the functions of his office and shall not be actively engaged in any other business, profession, vocation, or employment. He shall receive an annual salary as provided in Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code, and shall be reimbursed for all traveling and other expenses necessarily incurred by him in the discharge of his functions.

SEC. 18. Section 164.1 of the Military and Veterans Code is amended to read:

164.1. The Adjutant General shall be paid the same pay and allowances as is received by a lieutenant general in the Army of the United States and shall be paid in the same manner and at the same time as other state officers.

SEC. 19. The salaries for the positions covered by this act which were in effect on January 1, 1964 shall remain in effect until July 1, 1964 at which time the provisions of this act shall become operative.

SEC. 20. There is hereby appropriated to the Department of Finance for payment of the salary increases required by this act the following amounts:

(a) For officers whose compensation or a portion thereof is payable from the General Fund, the sum of one hundred sixty-eight thousand one hundred dollars ($168,100), to be allocated by the Department of Finance to the several state offices, boards, bureaus, commissions, departments, and other state agencies, in augmentation of appropriations for support, in such amounts as will defray the cost, including retirement contributions, of increases in compensation provided for in this act.

(b) For officers whose compensation, or a portion thereof, is payable from special funds, there shall be allocated from each special fund from which such officers are paid an amount sufficient to pay for the increase in compensation, including retirement contributions, for each such officer in accordance with this act, which amount is to be made available by executive order of the Department of Finance to the several state offices, boards, bureaus, commissions, departments, and other state agencies in augmentation of their respective appropriations for support

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CHAPTER 146

An act to add Section 11563.5 to the Government Code, relating to the State Board of Barber Examiners.

[Approved by Governor June 15, 1964. Filed with Secretary of State June 15, 1964.]

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

SECTION 1. Section 11563.5 is added to the Government Code, to read:

11563.5. An annual salary of eight thousand four hundred dollars ($8,400) 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 147

An act to amend and renumber Section 8202.3, as contained in Section 6 of Chapter 2017 of the Statutes of 1963, of the Elections Code, relating to party central committees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1964. Filed with Secretary of State June 17, 1964.]

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

SECTION 1. Section 8202.3 of the Elections Code, as contained in Section 6 of Chapter 2017 of the Statutes of 1963, is amended and renumbered to read:

8202.35. Each delegate to the state convention shall appoint to membership on the state central committee one voter of the same sex as the delegate and two voters of the opposite sex, which appointments when so made shall be absolute. A "holdover" delegate to the state convention of a political party with which there are affiliated more than 3,200,000 voters or a nominee delegate to such a convention from a district represented by an incumbent officeholder affiliated with the same party as the nominee delegate may appoint, without regard to sex, two additional voters to membership on the state central committee A "holdover" delegate to the state convention of a political party with which there are affiliated less than 3,200,000 voters or a nominee delegate to such a convention from a district represented by an incumbent officeholder affiliated with the same party as the nominee delegate may appoint, without regard to sex, five additional voters to membership on the state central committee.

Appointments to the state central committee of a party in which there are affiliated more than 3,200,000 registered voters shall expire annually, and new appointments shall be made in accordance with this section.

SEC. 2. This act shall not affect the membership of state central committees existing on the effective date of this act, but shall apply only to committees formed after the effective date of this act.

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

In order that this act may operate with respect to state central committees to be formed in 1964, it is essential that it go into effect immediately.

CHAPTER 148

An act to add Chapter 15.6 (commencing with Section 19911) to Division 14 of the Education Code, to provide for the preparation, issuance and sale of state bonds to create a fund to provide aid to school districts of the State; defining the powers and duties of state officers in respect to the administration of the provisions hereof; providing ways and means for the payment of the interest of such bonds as such interest falls due, and also for the payment and discharge of the principal of such bonds as such principal matures; appropriating money for the purpose of carrying out this chapter; and providing for the submission of the measure to the people at a special election to be consolidated with the 1964 general election.

[Approved by Governor June 17, 1964. Filed with Secretary of State June 17, 1964.]

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

SECTION 1. Chapter 15.6 (commencing with Section 19911) is added to Division 14 of the Education Code, to read:

CHAPTER 15.6. STATE SCHOOL BUILDING AID BOND LAW OF 1964

19911. This act may be cited as the State School Building Aid Bond Law of 1964.

19912. The State General Obligation Bond Law is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter, and the provisions of that law are included in this chapter as though set out in full in this chapter. All references in this chapter to "herein" shall be deemed to refer both to this chapter and such law.

19913. As used in this chapter, and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "Committee" means State School Building Finance Committee, created by Section 19510.

(b) "Board" means State Allocation Board.

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

19914. For the purpose of creating a fund to provide aid to school districts of the State in accordance with the provisions of the State School Building Aid Law of 1952, including Section 19557 of the Education Code, and of all acts amendatory thereof and supplementary thereto, and to provide funds to repay any money advanced or loaned to the State School Building Aid Fund under any act of the Legislature, together with interest provided for in that act, the committee shall be and is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California,

in the aggregate amount of two hundred sixty million dollars ($260,000,000) in the manner provided herein, but not in excess thereof.

19915. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

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

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

19916. All money deposited in the fund under Section 19611 of this code and pursuant to the provision of Part 2, commencing with Section 16300, of Division 4, Title 2, of the Government Code, shall be available only for transfer to the General Fund, as provided in Section 19915. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

19917. Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the revolving fund established in subdivision (b) of Section 19918 such sums as have been expended for the purposes specified in subdivision (b) of Section 19918 which funds may be used for the same purpose and repaid in the same manner whenever additional sales are made. Whenever all the bonds authorized by this chapter have been sold, the amount remaining in the revolving fund established by subdivision (b) of Section 19918 shall revert to the unappropriated surplus in the General Fund.

19918. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) The sum of seventy-five thousand dollars ($75,000) to be used as a revolving fund to pay the expenses incurred by the State Treasurer in having the bonds prepared and in advertising their sale or their prior redemption, for expenses incurred by the committee pursuant to Government Code Section 16758, and for legal services, upon approval of the State Board of Control, pursuant to Government Code Section 16760.

(c) Such sum as is necessary to carry out the provisions of Section 19919, which sum is appropriated without regard to fiscal years.

19919. For the purposes of carrying out the provisions of this chapter the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund to be allocated by the board in accordance with this chapter Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this chapter.

19920. Upon request of the board, supported by a statement of the apportionments made and to be made under Sections 19551 to 19689, inclusive, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. A sufficient number of bonds authorized under this chapter shall be issued and sold so that seventy million dollars ($70,000,000) will be available for apportionment on December 5, 1964, or as soon thereafter as such bonds can be issued and sold, and so that twelve million dollars ($12,000,000) will become available for apportionment on January 5, 1965 and a like amount on the fifth day of each month thereafter until a total of two hundred sixty million dollars ($260,000,000) has become available for apportionment. However, if the board determines that an additional three million dollars ($3,000,000) is necessary, a sufficient number of bonds authorized under this chapter shall be issued and sold so that fifteen million dollars ($15,000,000), rather than twelve million dollars ($12,000,000), will become available for apportionment on the fifth day of any month after January, 1965. Successive issues of bonds may be authorized and sold to make such apportionments progressively, and it shall

not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

19921. In computing the net interest cost under Section 16754 of the Government Code, interest shall be computed from the date of the bonds or the last preceding interest payment date, whichever is latest, to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, such computation to be made on a 360-day year basis.

19922. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer.

19923 All proceeds from the sale of the bonds herein authorized deposited in the fund, as provided in Section 16757 of the Government Code, except those derived from premium and accrued interest, shall be available for the purpose herein provided, but shall not be available for transfer to the General Fund pursuant to Section 19915 to pay principal and interest on bonds

19924. With respect to the proceeds of bonds authorized by this chapter, all the provisions of Section 19551 to 19689, inclusive, shall apply except

(a) Any reference in Sections 19551 to 19689, inclusive, to "Section 16.5, Article XVI of the Constitution of this State" shall be deemed a reference to this chapter

(b) Any reference in Sections 19551 to 19689, inclusive, to "Section 19704" shall be deemed a reference to "Section 19915"

19925. Out of the first money realized from the sale of bonds under this act, there shall be repaid any moneys advanced or loaned to the State School Building Aid Fund under any act of the Legislature, together with interest provided for in that act.

SEC. 2. Section 1 of this act shall take effect upon the adoption by the people of the State School Building Aid Bond Law of 1964, as set forth in Section 1 of this act. Sections 2 to 9 of this act contain provisions relating to and necessary for the submission of the State School Building Aid Bond Law of 1964 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. A special election is hereby called to be held throughout the State on the third day of November, 1964. The special election shall be consolidated with the general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot and ballot pamphlet shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 4. At the special election called by this act there shall be submitted to the electors Section 1 of this act.

SEC. 5. Upon the effective date of this section, the author of the measure submitted pursuant to this act and two members of the other house who voted with the majority on the measure, shall be appointed by the presiding officers of the respective houses to draft the arguments for the adoption of the measure. If the measure is not adopted unanimously by the house in which it originated, one member of the house in which it originated, who voted against it, shall be appointed by the presiding officer of that house to write an argument against it. If there are no negative votes on the measure in the house in which it originated, the presiding officer of that house shall appoint some qualified person to draft an argument against it. Each argument shall consist of not more than 500 words and shall be submitted to the Secretary of State on or before the fifth day after this section takes effect.

SEC. 6. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act.

SEC. 7. All ballots at said election shall have printed thereon and in a square thereof, the words: "For the State School Building Aid Bond Law of 1964," and in the same square under said words the following in eight-point type: "This act provides for a bond issue of two hundred sixty million dollars ($260,000,000) to provide capital outlay for construction or improvement of public schools." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the State School Building Aid Bond Law of 1964," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of two hundred sixty million dollars ($260,000,000) to provide capital outlay for construction or improvement of public schools." Opposite the words "For the State School Building Aid Bond Law of 1964," and "Against the State School Building Aid Bond Law of 1964," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words, "For the State School Building Aid Bond Law of 1964," and those voting against the said act shall do so by placing a cross opposite the words "Against the State School Building Aid Bond Law of 1964." Provided, that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by

means thereof, shall be deemed to comply with the provisions of this section. The Governor of this State shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said election.

SEC. 8. The votes cast for or against the State School Building Aid Bond Law of 1964 shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SEC. 9. Upon the effective date of this section the Secretary of State shall request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code.

CHAPTER 149

An act to amend Section 6651 5 of the Elections Code, relating to the conduct of elections.

[Approved by Governor June 25, 1964. Filed with Secretary of State June 25, 1964.]

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

SECTION 1. Section 6651.5 of the Elections Code is amended to read:

6651.5. Any person nominated by a party at the direct primary election for a partisan office may be appointed to fill a vacancy on the general election ballot for any other partisan office, as provided in Section 6655, and in such case his appointment shall constitute a vacancy on the general election ballot for the office for which he was nominated. The vacancy thus arising shall be filled in the manner prescribed in Section 6655.

CHAPTER 150

An act to amend Section 6655 of the Elections Code, relating to conduct of elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1964. Filed with Secretary of State June 25, 1964.]

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

SECTION 1. Section 6655 of the Elections Code is amended to read:

6655. Vacancies permitted to be filled may, in the case of legislative offices, be filled by the county central committee or committees of the party in which the vacancy occurs, in the county or counties comprising the legislative district of the deceased candidate. In the case of all other district or state offices requiring party nomination, except congressional offices, the vacancies may be filled by the state central committee of the party.

Vacancies permitted to be filled may, in the case of congressional offices, be filled by those members of the state central committee of the party, who reside in the congressional district in which the vacancy occurs, and who were registered to vote in that district at the time the vacancy occurred, acting together with the members of the county central committee or committees of the party residing in that congressional district.

References in this section to state and county central committees shall be construed to refer to the newly elected or selected state and county central committees, unless the organizational meetings of such committees are held in January following the general 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:

In order to fill vacancies on the ballot at the general election on November 3, 1964 it is necessary that this act take effect immediately.

CHAPTER 151

An act to amend Section 75090 of, and to add Section 75090.1 to, the Government Code, relating to benefits and contributions of judges under the Judges' Retirement System.

[Approved by Governor June 25, 1964. Filed with Secretary of State June 25, 1964.]

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

SECTION 1. Section 75090 of the Government Code is amended to read:

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 becomes a judge after the effective date of the amendment to this section made at the 1964 First Extraordinary Session may elect to come within this article within six months after becoming a judge or three months after notice is mailed to him by the State Controller by registered mail. 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 reelection may be made at any time after such revocation.

SEC. 2. Section 75090.1 is added to said code, to read:

75090.1. Any person who is a judge on the effective date of this section may elect to come within the provisions of this article on or before December 1, 1964, provided he pays into the Judges' Retirement Fund a sum equal to the amount which would have been deducted from his salary under Section 75092 had he made the election within the applicable time limitation in Section 75090 as it read prior to the effective date of this section.

CONCURRENT AND JOINT RESOLUTIONS
AND
CONSTITUTIONAL AMENDMENTS

FIRST EXTRAORDINARY SESSION

1964

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

ADOPTED AT THE 1964 FIRST EXTRAORDINARY SESSION OF THE LEGISLATURE

CHAPTER 1

Senate Concurrent Resolution No. 2—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 fifth day of November, 1963.

[Filed with Secretary of State February 11, 1964]

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

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 ten (10) 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 ten (10) 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 "News Call Bulletin," 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 "News Call Bulletin," 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;

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 fifth day of November, 1963, the said ten (10) 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 fifth day of November, 1963, 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 "News Call Bulletin," 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 20th day of November, 1963, duly certify to the board of supervisors the results of said general election as determined from the canvass of the returns thereof;

WHEREAS, At said general election so held on the fifth day of November, 1963, four (4) 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 E, F, G, and J, and six (6) other charter amendments submitted at said general election, to wit, charter amendments designated as Propositions A, B, C, D, H, and I, 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 E

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 165.1.5 thereto, relating to increasing retirement allowances of miscellaneous officers and employees retired prior to July 1, 1947.

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 5, 1963, a proposal to amend the charter of said city and county by adding Section 165.1.5 thereto, reading as follows:

Section 165.1 5. Every retirement allowance payable by the San Francisco City and County Employees Retirement System, for time commencing on the effective date of this section, hereby designated as the first day of the month next following its ratification by the Legislature, to or on account of any person who was retired prior to July 1, 1947, as a member of said system under section 165, is hereby increased by the amount of $25 per month, provided such member was entitled to be credited under the retirement system with at least twenty years of service upon which the retirement allowance was determined at retirement. If the member was entitled to be credited with less than twenty years of service, then said monthly increase shall be an amount which shall bear the same ratio to $25, that the service with which the member was entitled to be credited at the effective date of his retirement, bears to twenty years. This section does not give any member retired prior to the effective date hereof, or his successor in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for the time prior to said effective date. If a member elected at retirement to have his retirement allowance modified under option 2 or 3, provided by ordinance, and if both he and his beneficiary are living on said effective date, the increase in his allowance shall be modified under the option elected at retirement, and on the basis of current ages, mortality tables and interest rates. If the beneficiary of such a person who elected at retirement to have his allowance modified under one of said options is not living on said effective date or if the retired member is not living on said effective date and the beneficiary is receiving the modified retirement allowance, then the allowance shall be increased as provided herein for persons who did not elect an option.

The increase in the retirement allowance shall be apportioned between service rendered prior to the entry of the member into the retirement system and service rendered as a member, in the same proportion that such prior and current service respectively, bears to the total service credited at retirement. Contributions to the retirement necessary for the payment of the increases in the retirement allowances provided in this section, shall be provided, with respect to the portion of the benefit based on service rendered as members, from the reserves held by the retirement system on account of miscellaneous members, the necessary amont being transferred upon said effective date, from said reserves to the reserves held by the retirement system to meet the obligations on account of benefits that have been granted and on account of prior service of members.

The contribution being required of the city currently, as percentages of salaries of persons who are members under section 165.2 shall be increased to percentages determined by the actuary as necessary to replace the reserves so transferred. Contributions to the retirement system necessary for the pay-

ment of said increases with references to prior service, shall be paid to the system by the city and county by annual appropriations. provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases.

Proposition F

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 36.3 thereto, relating to parity in compensation for members of the Police and Fire Departments, and amending Sections 38 and 38.1 thereof, relating to provisions dealing with the Division of Fire Prevention and Investigation, and the Salvage Corps.

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 5, 1963, a proposal to amend the charter of said city and county by adding Section 36.3 thereto, and amending Sections 38 and 38.1 to read as follows:

Section 36.3. The rate of compensation fixed pursuant to the provisions of Section 35.5.1 of the charter for police officers, police patrol drivers and women protective officers for the fourth year of service and thereafter and the rate of compensation fixed pursuant to the provisions of Section 36.2 of the charter for firemen for the fourth year of service and thereafter shall be the same. Such rate shall not exceed the highest rate of compensation paid, whether it be paid to police officers, patrolmen or firemen, in the cities included in the certified report of the civil service commission submitted to the board of supervisors pursuant to the provisions of the aforesaid sections of the charter.

On ratification of this section, the board of supervisors shall have power and it shall be its duty to adjust by ordinance the rate of compensation fixed for firemen for the fourth year of service and thereafter for the fiscal year 1963-1964 so that it shall be the same rate of compensation as that fixed for police officers, police patrol drivers and women protective officers for the fourth year of service and thereafter for the said fiscal year. Such ordinance shall adjust the rates of compensation for other members of the fire department for the said fiscal year by corresponding percentage adjustments in the manner provided by Section 36 2 of the charter.

The board shall have power and it shall be its duty, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance for the fiscal year 1963-1964 to include the provisions necessary for paying said rates of compensation from July 1, 1963.

For all purposes of the retirement system, the expression "rates of compensation" as used in this section shall mean

"salary attached to the rank" as used in Section 169, and "compensation earnable" as used in Section 171.1.1.

For all purposes of the retirement system, the first adjustment of rates of compensation made by the board of supervisors after the effective date of this section shall be the rates of compensation for the members affected for the remainder of the fiscal year 1963-1964 following the month in which the ordinance making such adjustment becomes effective, and the rates of compensation set forth in the annual salary ordinance at the beginning of the fiscal year 1963-1964 shall be the rates of compensation for said retirement purposes for the period from the beginning of the said fiscal year through said month.

The provisions of this section shall only apply to persons who are members of the fire department and the police department on or after the effective date of this section.

Division of Fire Prevention and Investigation

Fire Prevention

Section 38. The chief of department shall have jurisdiction under the management of the fire commission, of the division of fire prevention and investigation consisting of the bureau of fire prevention and public safety and the bureau of fire investigation. He shall hold the assistant chief of department, division of fire prevention and investigation, to the responsibility and authority for enforcement of laws and statutes of the State of California, and the charter and ordinances of the City and County of San Francisco, pertaining to matters of fire prevention and fire investigation.

The bureau of fire prevention and public safety shall inspect all structures and premises to determine whether or not compliance is being had with statutes and ordinances relative to fire prevention, fire protection and firespread control, and the protection of persons and property from fire. It shall enforce said statutes and ordinances and shall report violations to departments having jurisdiction.

The bureau of fire prevention and public safety shall examine the application, plans and specifications for the erection, and for alterations or repairs estimated to exceed $1,000 in cost, of any structure or premises subject to the statutes and ordinances referred to in this section. The bureau of fire prevention and public safety shall by written report, filed with the superintendent of building inspection, approve such plans and specifications, or report to said superintendent the particulars wherein non-compliance exists, and upon modification of the application, plans and and specifications to comply therewith, the bureau shall inform said superintendent of its approval. No permit for alteration or repair exceeding $1,000 in cost, or for erection, shall be issued unless said approval is given.

Any structure or premises wherein there exists any violation of statutes and ordinances referred to in this section, or which is maintained or used in such manner as to endanger persons or property by hazard of fire, explosion or panic and any structure or premises hereafter constructed, altered or repaired in violation of said statutes and ordinances is hereby declared to be a public nuisance, and it shall be the duty of the bureau of fire prevention and public safety to prosecute abatement proceedings.

Salvage Corps

Section 38.1. On the effective date of this amendment the officers and members of the salvage corps shall cease to be a separate division of the fire department and shall thereafter become part of the divisions, battalions, bureaus and companies or other units of the fire department, to which they are or may be assigned. Each officer or member of the salvage corps in the civil service classifications of captain, salvage corps; lieutenant, salvage corps; and fireman, salvage corps; shall be transferred, without competitive examination, to his relative position of captain, lieutenant and fireman respectively, by his dates of appointment for seniority in and to such ranks, and shall be entitled to all rights thereof as provided in this charter. Officers and members heretofore retired or pensioned as officers or members of the salvage corps shall be considered to have been retired or pensioned from their equivalent ranks of captain, lieutenant, or fireman respectively.

Proposition G

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Sections 172.1, 172.1.6, and 172.1.11 thereof to provide for membership in the Health Service System by employees of the Parking Authority of the City and County of San Francisco.

The Board of Supervisors of the City and County of San Francisco submits to the qualified electors of said city and county at an election to be held therein on November 5, 1963, a proposal to amend the Charter of said city and county by amending Sections 172.1, 172.1.6, and 172.1.11 thereof to read as follows:

Health Service System

Section 172.1. A health service system is hereby established as a department of the city and county government and shall be subject to section 172.1 and sections 172.1.1, 172.1.2, 172.1.3, 172.1.4, 172.1.5, 172.1.6, 172.1.7, 172.1.8, 172.1.9, 172.1.10, 172.1.11, 172.1.12, 172.1.13, 172.1.14, and 172.1.15. Said system shall be administered by a board to be known as the health service board. The members of the system shall consist of all employees, which shall include officers, of the city and county, of the San Francisco Unified School District, and of the Park-

ing Authority of the City and County of San Francisco who are members of the retirement system. Any employee who adheres to the faith or teachings of any recognized religious sect, denomination or organization and, in accordance with its creed, tenets or principles, depends for healing upon prayers in the practice of religion shall be exempt from the system upon filing annually with the health service board an affidavit stating such adherence and dependence and disclaiming any benefits under the system. The health service board shall have the power to exempt any person whose annual compensation exceeds six thousand dollars ($6,000) and any person who has otherwise provided for adequate medical care.

Section 172.1.6. Each plan may make provision for the participation in the benefits of the system by the dependents of members, retired city and county employees, temporary city and county employees, such other dependents of deceased and retired city and county employees as the board of supervisors may authorize by ordinance, teachers and other employees of the San Francisco Unified School District retired under the San Francisco City and County Employees' Retirement System and resigned employees of the city and county and resigned teachers and employees of the school district whose resignations occur after June 15, 1955, and within thirty days immediately prior to the date on which, but for their resignations, they would have become retired members of the said retirement system, on whose relinquishment of retirement allowances as permitted by the charter occurs after such date and resigned employees of the San Francisco Unified School District not otherwise included. A resigned employee or teacher is one whose employment has terminated other than by retirement, discharge or death or who has relinquished retirement allowances. The purpose of empowering the health service board to make provision for the participation in the benefits of the system to the aforementioned resigned teachers and employees of the San Francisco Unified School District is to enable them, subject to the health service board's exercise of its power, to participate in the benefits of the system after transferring to the State Teachers' Retirement System from the San Francisco City and County Employees' Retirement System. The purpose of empowering the health service board to make provision for participation in the benefits of the system by the aforementioned resigned employees of the city and county and other resigned employees of the San Francisco Unified School District is to permit the health service board to have power to treat them the same as it treats resigned teachers and employees of the San Francisco Unified School District.

As used in this section, and for the purpose of this section, the terms "city and county employees" and "employees of the city and county" shall include officers and employees of the Parking Authority of the City and County of San Francisco.

Section 172.1.11. There is hereby created a health service system fund. The costs of the health service system shall be borne by the members of the system and retired persons, the City and County of San Francisco because of its members and retired persons and because of the members and retired persons of the Parking Authority of the City and County of San Francisco, and the San Francisco Unified School District because of its members and retired persons A retired person as used in this paragraph means a former member of the health service system retired under the San Francisco City and County Employees' Retirement System.

The city and county and the school district shall each contribute to the health service system fund amounts sufficient for the following purposes, and subject to the following limitations:

(a) All funds necessary to efficiently administer the Health Service System;

(b) Matching contributions for the fiscal year commencing July 1, 1962, and each fiscal year thereafter, equal to the amounts contributed thereto by members of the system, provided, however, that the total amount contributed by the city and county and the school district to the health service system fund in each fiscal year, for this purpose, shall not exceed an amount equal to the tax yield that can be produced in each fiscal year by six cents in the tax rate on each one hundred dollars ($100.00) valuation of the real and tangible personal property assessed in and subject to taxation by the city and county and the school district.

(c) Monthly contributions required from retired members participating in the system shall be equal to the monthly contributions required from members in the system; provided, however, that for the fiscal year commencing July 1, 1962, and for each fiscal year thereafter, the city and county and the school district shall contribute funds sufficient to defray the difference in cost to the system in providing the same health coverage to retired members as is provided for active employee members thereof.

The city and county and the San Francisco Unified School District shall not contribute to the health service system fund any sums, except as hereinbefore set forth, on account of participation in the benefits of the system by members' dependents, retired persons' dependents, persons who retired and elected not to receive benefits from San Francisco City and County Employees' Retirement System and resigned employees and teachers defined in section 172.1.6.

It shall be the duty of the board of supervisors and of the board of education annually to appropriate to the health service system fund such amounts as are necessary to cover the obligation of the city and county and of the San Francisco Unified School District hereby imposed. Contributions to the health service system fund of the city and county and of the

school district shall be charged against the general fund or the school, utility, bond or other special fund concerned.

Proposition J

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 166, 167, 168.1.7, 169 and 170 thereof, relating to death benefits for retired members of the Police Department and Fire Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 5, 1963, a proposal to amend the Charter of said city and county by amending Sections 166, 167, 168.1.7, 169, and 170 thereof, so that the same shall read as follows:

Present Police Department Members

Section 166. Persons who are members of the police department on the 8th day of January, 1932, shall become members of the retirement system on that date, subject to the following provisions in addition to the provisions contained in sections 158 and 163, both inclusive, of this charter:

(a) Any member of the department who has arrived or shall arrive at the age of sixty-two years, and who has completed thirty years of continuous service as an active member of the department next preceding his retirement, may retire from service at his option, provided that retirement shall be compulsory at the age of seventy years. Such retired member shall receive a monthly pension, payable throughout his life, equal to one-half of the amount of the monthly salary attached to the rank held by him three years prior to the date of his retirement, hereinafter referred to in this section and section 167 as a "pension."

Before the first payment of the pension is made, such retired member may elect to receive the actuarial equivalent of his pension, partly in a pension to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar elections by other members of the retirement system, including the character and amount of such other benefits.

(b) Any member of the department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, may be retired upon a monthly pension, as defined in subdivision (a), of this section, payable throughout his life. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

(c) The family of any member of the department who may be killed or injured while in the performance of his duties, and who shall have died within three (3) years from the date of such injury as a result of such injury, shall receive the following benefits and the receipt by such member of a pension under this section during his lifetime shall not bar said family from such benefits:

First, should the decedent leave a widow to whom he was married prior to the date of the injury resulting in death, such widow shall, as long as she may live and remain unmarried, be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his said injury; provided, however, that should said widow die, leaving a child or children under the age of sixteen years, said pension shall continue to such child or such children collectively until the youngest child arrives at the age of sixteen years.

Second, should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such child or children collectively shall receive a monthly pension equal to one-half of the salary attached to the rank held by their father at the time of his said injury until the youngest attains the age of sixteen years.

Third, should the decedent leave no widow and no orphan child or children, but leave a parent or parents depending solely upon him for support, such parents, so depending, shall collectively receive a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his said injury during such time as the retirement board may unanimously determine its necessity.

(d) A sum equal to the contributions, with interest, made by persons who become members of the retirement system under this section to any other pension fund shall be paid by the city and county to the retirement system. Each member of the department shall contribute two dollars ($2) per month to the retirement system to be applied on the cost of the benefits at death and retirement provided under this section. Should a member be separated from city service through any cause other than death or retirement, then such contributions with interest shall be refunded to him under such conditions as may be fixed by the board of supervisors for the refund of contributions of other members of the retirement system.

(e) When any member of the department shall die from natural causes and before retirement, there shall be paid to his estate or beneficiary a death benefit, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for payment of which shall be determined in the manner prescribed by the board of supervisors for the payment of a

similar death benefit upon the death of other retired members.

(f) In addition to the other contributions required of the city and county under the retirement system, the city and county shall contribute to the retirement system during each fiscal year a sum which, together with the members' contributions provided for in subdivision (d) of this section, shall be equal to the liabilities accruing under the retirement system because of the service rendered during such year by persons becoming members on the 8th day of January, 1932, under this section. If, subsequent to such fiscal year, it shall be determined that such contributions by the city and county, together with the members' contributions, was not sufficient to meet such liability, then the city and county shall make such additional contributions as may be necessary to make up the deficit.

(g) No benefits shall be provided under the retirement system for, nor shall any contribution be required of, persons who become members of the retirement system under this section, in addition to the benefits specifically provided and contributions specifically required in such section.

That portion of any pension payable because of the death or retirement of any of such persons which is provided by contributions of the city and county shall be reduced, in the manner fixed by the board of supervisors, by the amount of any benefits payable to or on account of such person, under the workmen's compensation insurance and safety law of the State of California.

(h) Persons who were members of the police department on the 8th day of January, 1932, shall have the option, to be exercised in writing on or before the 1st day of January, 1936, of becoming members of the retirement system under the provisions of section 168, which applies to persons who become members of the department after the 8th day of January, 1932. If such persons shall affirmatively exercise such option within the time specified, then on and after the first day of the month next following such affirmative action, referred to hereinafter in this subdivision (h) as "effective date," they shall not receive any benefit or make any contribution under this section, but on and after said effective date shall be members of the retirement system and shall receive benefits and make contributions on the same basis as persons who become members of the department after the 8th day of January, 1932, provided that a pension for each person affirmatively exercising such option shall be payable on account of service rendered to the city and county prior to said effective date, by such members' contributions made prior to such effective date, with interest, and by contributions of the city and county, which pension shall be the same percentage regardless of the age of retirement, of his final compensation, as defined by the board of supervisors, for each year of such service, as

the contributions of the member and the city and county are calculated to provide upon retirement at age sixty-two for each year of service rendered as a member of the retirement system.

Present Retired Members and Present Beneficiaries, Police Department

Section 167. Any member of the police department who shall have been retired and shall be receiving a pension on the 8th day of January, 1932, and any widow, child, children or parents of a deceased member of the department who shall be receiving a pension on the 8th day of January, 1932, shall continue to receive such pension, subject to the provisions of section 166 governing the payment of pensions. Such pension shall be paid by the retirement system, but no other benefits shall be provided for such retired members, widows, children or parents, except that upon the death of any such member who is receiving a pension under this section and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which shall be determined in the manner prescribed by the board of supervisors.

Section 168 1.7. If a member of the police department shall die, before retirement, from causes other than an injury received in, or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under section 168.1.4 or 168.1.5 preceding, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for payment of which shall be determined in the manner prescribed by the board of supervisors for the payment of a similar benefit upon the death of other retired members.

Present Members of Fire Department

Section 169. Persons who are members of the fire department on the 8th day of January, 1932, shall become members of the retirement system on that date, subject only to the following provisions, in addition to the provisions contained in sections 158 to 163, both inclusive, of this charter:

(a) Any member of the fire department who shall have completed twenty-five years of continuous service as a member of the fire department next preceding the date of his retirement, or any member of the fire department who shall have reached the age of fifty-five years and shall have completed twenty years of continuous service as a member of the fire department next preceding the date of his retirement, may

retire from service at his option. Any member of the fire department who shall become physically disabled by reason of any bodily injury received in the performance of his duty may be retired from service on satisfactory proof thereof. The retirement board, by unanimous vote, may retire from service any aged, disabled or infirm member of the fire department who has arrived at the age of sixty years and who has completed twenty years of continuous service as a member of the department next preceding such age, who may be ascertained to be, by reason of such age, infirmity or other disability, unfit for the performance of his duties. Such retired member shall receive a monthly pension, payable throughout his life, equal to one-half the amount of the salary attached to the rank held by him three years prior to the date of his retirement hereinafter referred to as "pension" in this and the following sections; provided that where such retirement is based on disability alone, in case the disability of such member shall cease, his pension shall cease, and he shall be restored to service in the rank he occupied at the time of his retirement. Should any said retired member die leaving a widow, who shall have been married to the decedent at least one year prior to the date of his retirement, such widow shall, as long as she may live and remain unmarried, be paid said pension; provided, further, that should said widow die leaving a child or children under the age of sixteen years, said pension shall continue to be paid such child or such children collectively until the youngest child arrives at the age of sixteen years; and provided, further, that should said retired member die leaving no widow but leaving an orphan child or children under the age of sixteen years, such child or children collectively shall receive said pension until the youngest child attains the age of sixteen years.

(b) The family of any member of the fire department who shall die as a result of any injury received during the performance of his duty, or from sickness clearly, unmistakably and directly caused by and resulting from the discharge of such duty, or while eligible to a pension on account of years of service in the department, or who has served twenty consecutive years in the department and attained the age of fifty-five years, shall receive the following benefits:

First, should the decedent leave a widow to whom he was married prior to the date of the injury resulting in death, his widow shall, as long as she may live and remain unmarried, be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his said injury, provided, however, that should said widow die, leaving a child or children under the age of sixteen years, said pension shall continue to such child or children collectively until the youngest child arrives at the age of sixteen years.

Second, should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such

child or such children collectively shall receive said pension until the youngest child attains the age of sixteen years.

Third, should the decedent leave no widow and no orphan child or children, but leave a parent or parents dependent solely upon him for support, such parents so depending shall collectively receive said pension during such time as the retirement board may unanimously determine its necessity.

(c) When any member of the department shall die from natural causes and before retirement, and when no pension is payable to his widow or children, there shall be paid to his estate or beneficiary a death benefit, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for payment of which shall be determined in the manner prescribed by the board of supervisors for the payment of a similar death benefit upon the death of other retired members.

(d) In addition to the other contributions required of the city and county under the retirement system, the city and county shall contribute to the retirement system during each fiscal year a sum which shall be equal to the liabilities accruing under the retirement system because of service rendered during such year by persons becoming members on the 8th day of January, 1932, under this section. If, subsequent to such fiscal year, it shall be determined that such contribution by the city and county was not sufficient to meet such liability, then the city and county shall much such additional contribution as may be necessary to make up the deficit.

(e) No benefits shall be provided under the retirement system for, nor shall any contributions be required of, persons who become members of the retirement system under this section, in addition to the benefits specifically provided and contributions specifically required in such section. Any pension payable because of the death or retirement of any of such persons shall be reduced in the manner fixed by the board of supervisors, by the amount of any benefits payable to or on account of such person, under the workmen's compensation insurance and safety law of the State of California.

(f) Persons who are members of the fire department on the 8th day of January, 1932, shall have the option, to be exercised in writing on or before the 1st day of July, 1932, of becoming members of the retirement system under the provisions of section 171, which applies to persons who become members of the department after the 8th day of January, 1932. If such persons shall affirmatively exercise such option within the time specified, then they shall not receive any benefit under this section, but shall become members of the retirement system and shall receive benefits and make contri-

butions on the same basis as persons who become members of the department after the 8th day of January, 1932, provided that a pension for each person affirmatively exercising such option shall be payable on account of service rendered to the city and county prior to the 8th day of January, 1932, by contributions of the city and county, which pension shall be the same percentage, regardless of the age of retirement, of his final compensation, as defined by the board of supervisors, for each year of such service, as the contributions of the member and the city and county are calculated to provide upon retirement at age fifty-five for each year of service rendered as a member of the retirement system.

Present Retired Members and Present Beneficiaries
Fire Department

Section 170. Any member of the fire department who shall have been retired on or after January 21, 1925, or prior to January 1, 1900, and shall be receiving a pension on the 8th day of January, 1932, and any widow, child, children or parents of a deceased member of the department who shall be receiving a pension on the 8th day of January, 1932, shall continue to receive such pension subject to the provisions of section 169 governing the payment of pensions to retired members, widows, children and parents. Any member of the fire department who shall have been retired on or after the 1st day of January, 1900, and prior to the 21st day of January, 1925, and shall be receiving a pension on the 8th day of January, 1932, shall continue to receive such pension throughout his life, subject to the provisions of section 169 governing the payment of pensions granted because of disability incurred in the performance of duty, including the payment of such pension to widows, children and parents of deceased members who had been retired because of such disability. Such pensions shall be paid by the retirement system, but no other benefits shall be provided for such retired members, widows, children or parents; except that upon the death of any such member who is receiving a pension under this section and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which shall be determined in the manner prescribed by the board of supervisors.

State of California }
City and County of San Francisco } ss.

This is to certify that we, Peter Tamaras, 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 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 fifth day of November, One Thousand Nine Hundred and Sixty-Three; 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 ninth day of December, One Thousand Nine Hundred and Sixty-Three.

PETER TAMARAS
(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:
THOMAS M. O'CONNOR, City Attorney

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 a part of the Charter of the City and County of San Francisco.

CHAPTER 2

Assembly Concurrent Resolution No. 2—Relative to the death of John Fitzgerald Kennedy

[Filed with Secretary of State February 13, 1964.]

WHEREAS, The members became greatly shocked and deeply saddened, as were all Americans, upon learning of the tragic death of the 34th President of the United States, John Fitzgerald Kennedy, in Dallas, Texas, on November 22, 1963; and

WHEREAS, This vigorous and dedicated leader of our nation unceasingly devoted himself to the progress of this country and to the betterment of mankind throughout the world; and

WHEREAS, He was a native of Brookline, Massachusetts, born there on May 29, 1917, as the second son of Mr. and Mrs. Joseph P. Kennedy; and

WHEREAS, His academic achievements included graduating cum laude from Harvard University in 1940, and the authorship of two superb literary works, Why England Slept, and

Profiles in Courage, the latter a Pulitzer Prize selection for biography, and

WHEREAS, During World War II, he distinguished himself and his homeland as a naval officer and commanding officer of a PT boat, receiving the Purple Heart and the Navy and Marine Corps medals as a result of his actions; and

WHEREAS, President Kennedy honorably served in the House of Representatives of the Congress of the United States as a representative from Massachusetts from 1947 to 1953, and became a United States Senator from that state in 1953, serving in that capacity until his election to the presidency of the United States in November 1960; and

WHEREAS, Taking the reins of government with a firm but gentle hand, he steered our nation toward new frontiers of peace, prosperity, and the common bond of brotherhood with all people and championed the causes of world progress, understanding, and freedom; and

WHEREAS, His untimely demise at the hands of an assassin profoundly saddened not only the American people, but also the people of the world and their leaders who deeply felt the loss of a great statesman and world leader; and

WHEREAS, His determination to succeed, his constant practice of his moral and spiritual principles, and his indefatigable efforts toward meeting the challenge presented by an increasingly complex domestic and world society, will long be remembered by the people of the United States and of the world; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members, as individuals and as duly elected representatives of the people of California, express their grief and sadness over the loss of President Kennedy, and extend to his widow, Jacqueline Bouvier Kennedy, their children, Caroline and John, Jr., his bereaved parents, Mr. and Mrs. Joseph P. Kennedy, and all the members of the family, the deepest of sympathies, and wish that each might, with renewed courage, conviction, and constancy of faith, continue to exhibit the exemplary life so indelibly imprinted upon the hearts of all people everywhere by their husband, father, son, and brother; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Mrs. Jacqueline Bouvier Kennedy, Caroline Kennedy, John F. Kennedy, Jr., and Mr. and Mrs. Joseph P. Kennedy.

CHAPTER 3

Senate Concurrent Resolution No. 1—Relative to adjournment of the Legislature for a recess and to reassembling of the Legislature after such recess, fixing the date for said adjournment and said reassembling.

[Filed with Secretary of State February 17, 1964.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the 1964 First Extraordinary Session of the Legislature of the State of California shall adjourn for a recess at 12 o'clock noon on February 11, 1964, and shall reassemble at 12 o'clock noon on March 2, 1964.

CHAPTER 4

Senate Concurrent Resolution No. 3—Approving an amendment to the charter of the City of Marysville, a municipal corporation in the County of Yuba, State of California, ratified by the qualified electors of the city at a special election held therein on the 20th day of January, 1964.

[Filed with Secretary of State February 17, 1964.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the charter of the City of Marysville, a municipal corporation in the County of Yuba, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF MARYSVILLE OF A CERTAIN CHARTER AMENDMENT

State of California }
County of Yuba } ss.
City of Marysville }

We, the undersigned, Ralph L. Palm, Mayor of the City of Marysville, and Eugene M. Boyd, Jr., City Clerk of the City of Marysville, do hereby certify and declare as follows:

That the City of Marysville, County of Yuba, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1919 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election

held for that purpose on the 25th day of February, 1919, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 5th day of April, 1919 (Statutes of 1919, page 1467).

That the Council of the City of Marysville, being the legislative body of said city, in accordance with Section 8 of Article XI of the Constitution of the State of California, by its Resolution No. 63-74, adopted on December 2, 1963, duly and regularly submitted to the qualified electors of said City a certain proposal designated respectively Measure No. 3 to be voted on by said qualified electors at a special municipal charter amendment election, consolidated by said Resolution No. 63-74 with the general municipal election held in said City on January 20, 1964.

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 7th day of December, 1963, in the Appeal-Democrat, the official newspaper of said City of Marysville, a newspaper of general circulation printed and published in said City of Marysville, and in each edition thereof during said day of publication.

That said general municipal election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 20th day of January, 1964, 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 Appeal-Democrat.

That a majority of the qualified voters voting on said amendment voted in favor of the ratification of and did ratify said amendment.

That the Council of said City of Marysville on January 21, 1964, officially canvassed all ballots cast at said general municipal election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by resolution, duly find and declare that a majority of the qualified voters voting on said amendment voted in favor thereof and that said 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 is in the words and figures, to wit:

Charter Amendment Proposal

Shall the Charter of the City of Marysville be amended by repealing Section 4 of Article IV which reads as follows: "Within ten years after this amendment to the Charter takes effect, and at intervals of ten years or less thereafter, the council shall at its regular meeting at least five months prior to the date for assessing property, enter into a contract for a

scientific appraisal by a recognized expert of all the real property in the city. The appraiser shall deliver his report to the assessor not less than one month prior to the date for assessing property in the city after said report has been approved by the council of the city. This appraisal shall be used by the assessor as the basis for the assessment for the year, and he shall revise his valuation in each intervening year?''

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 Marysville with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendment.

The foregoing proposed and ratified amendment to the charter of the City of Marysville is hereby submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Marysville to be affixed hereto this 31st day of January, 1964.

(SEAL)

RALPH L. PALM
Mayor of the City of Marysville
EUGENE M. BOYD, JR.
City Clerk of the City of Marysville

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 Marysville, 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 Marysville.

CHAPTER 5

Senate Concurrent Resolution No. 4—Approving an amendment to the Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, ratified by the qualified electors of the city at a special election held therein on the seventh day of May, 1963.

[Filed with Secretary of State February 17, 1964.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California }
County of Napa } ss.
City of Napa }

CERTIFICATE OF RATIFICATION OF ONE AMENDMENT TO THE CHARTER OF THE CITY OF NAPA

We, the undersigned Lathrop C. Brown, Mayor of the City of Napa, and Allen R. Thorpe, City Clerk of said City, do hereby certify as follows:

That the City of Napa, a municipal corporation in the County of Napa, State of California, now is and at all times herein mentioned, was a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been ever since January 26, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the qualified electors of said City of Napa at an election held for that purpose on the 16th day of December, 1914 and approved by the Legislature of the State of California on the 26th day of January, 1915.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of the City of Napa on its own motion duly made and entered on the minutes of said City Council, on March 18, 1963, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa a proposed amendment to the Charter of said City of Napa, said charter amendment being designated as Proposal No. 4, filed in the office of the Clerk of said City of Napa on said March 18, 1963, and further ordered that said charter amendment should be submitted to and voted upon by the qualified voters of said City at a special election called and held for that purpose in said City on the 7th day of May, 1963, and consolidated said special election with the General Municipal Election to be held in said City on said 7th day of May, 1963.

That said proposed charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 21st and 28th days of March, 1963, in "The Napa Register" a daily newspaper of general circulation printed and published in said City of Napa (it being the official newspaper of said City), and in all the editions thereof issued during said day of publication.

The said municipal election was held in said City of Napa on May 7th, 1963 and that at said election on a majority of the qualified voters voting thereon voted in favor of said proposed charter amendment designated as said Proposal No. 4 and that said City Council, as provided by law, duly and regularly canvassed the returns of said election and did duly find, determine and declare the result of said special election to be that a majority of the qualified voters of said City voting on said proposed charter amendment had voted for and ratified said amendment, and that the City Clerk did enter on the record and in the minutes of said City Council a statement of the result of said election.

That said amendment to the Charter of the City of Napa, so ratified by the electors of said City of Napa, is in words and figures as follows, to-wit:

Charter Amendment No. 4

In the event that the electorate of the City of Napa repeals Sections 128 to 136 inclusive of the Charter of the City of Napa, pertaining to the Goodman Library.

Shall subsection (a) of Section 95 of the Charter of the City of Napa, be repealed and said Section 95 be amended to reduce the maximum tax levy now authorized, from one dollar and a half ($1.50) to a maximum of one dollar and forty cents ($1.40).

All sections of the Charter, or parts thereof, in conflict with this section are repealed.

That we have compared the foregoing amendment with the original proposal submitted to the electors of said City of Napa and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble of this Certificate preceding said amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 27th day of May, 1963.

(SEAL)

LATHROP C. BROWN
Mayor of the City of Napa
State of California
ALLEN R. THORPE
City Clerk of the City of Napa
State of 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 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 Napa, 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 Napa.

CHAPTER 6

Senate Concurrent Resolution No. 5—Approving an amendment to the Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, ratified by the qualified electors of the city at a special election held therein on the seventh day of May, 1963.

[Filed with Secretary of State February 17, 1964.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

STATE OF CALIFORNIA }
County of Napa } ss.
City of Napa }

CERTIFICATE OF RATIFICATION OF ONE AMENDMENT
TO THE CHARTER OF THE CITY OF NAPA

We, the undersigned Lathrop C. Brown, Mayor of the City of Napa, and Allen R. Thorpe, City Clerk of said City, do hereby certify as follows:

That the City of Napa, a municipal corporation in the County of Napa, State of California, now is and at all times herein mentioned, was a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been ever since January 26, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the qualified electors of said City of Napa at an election held for that purpose on the 16th day of December, 1914 and approved

by the Legislature of the State of California on the 26th day of January, 1915.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of the City of Napa on its own motion duly made and entered on the minutes of said City Council, on December 17, 1962, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa a proposed amendment to the Charter of said City of Napa, said charter amendment being designated as Proposal No. 3, filed in the office of the Clerk of said City of Napa on said December 17, 1962, and further ordered that said charter amendment should be submitted to and voted upon by the qualified voters of said City at a special election called and held for that purpose in said City on the 7th day of May, 1963, and consolidated said special election with the General Municipal Election to be held in said City on said 7th day of May 1963

That said proposed charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 12th and 19th of March, 1963 in "The Napa Register" a daily newspaper of general circulation printed and published in said City of Napa (its being the official newspaper of said City), and in all the editions thereof issued during said day of Publication.

The said municipal election was held in said City of Napa on May 7th, 1963 and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendment designated as said Proposal No. 3 and that said City Council, as provided by law, duly and regularly canvassed the returns of said election and did duly find, determine and declare the result of said special election to be that a majority of the qualified voters of said City voting on said proposed charter amendment had voted for and ratified said amendment, and that the City Clerk did enter on the record and in the minutes of said City Council a statement of the result of said election.

That said amendment to the Charter of the City of Napa, so ratified by the electors of said City of Napa, is in words and figures as follows, to-wit:

CHARTER AMENDMENT NO. 3

That those sections of the City Charter, pertaining to the Goodman Library be repealed, as follows:

Sections 128, 129, 130, 131, 132, 133, 134, 135, and 136, of the Charter of the City of Napa, pertaining to the Goodman Library, are hereby repealed.

All sections of the Charter, or parts thereof, in conflict with this section are repealed.

That we have compared the foregoing amendment with the original proposal submitted to the electors of said City of Napa and find that the foregoing is a full, true, correct and exact

copy thereof, and we further certify that the facts set forth in the preamble of this Certificate preceding said amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 27th day of May, 1963

LATHROP C. BROWN
Mayor of the City of Napa
State of California

(SEAL)

ALLEN R. THORPE
City Clerk of the City of Napa
State of 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 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 Napa, 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 Napa

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CHAPTER 7

Senate Concurrent Resolution No. 6—Approving an amendment to the Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, ratified by the qualified electors of the city at a special election held therein on the seventh day of May, 1963.

[Filed with Secretary of State February 17, 1964.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California }
County of Napa } ss.
City of Napa }

CERTIFICATE OF RATIFICATION OF ONE AMENDMENT TO THE CHARTER OF THE CITY OF NAPA

We, the undersigned Lathrop C. Brown, Mayor of the City of Napa, and Allen R. Thorpe, City Clerk of said City, do hereby certify as follows:

That the City of Napa, a municipal corporation in the County of Napa, State of California, now is and at all times herein mentioned, was a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been ever since January 26, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the qualified electors of said City of Napa at an election held for that purpose on the 16th day of December, 1914 and approved by the Legislature of the State of California on the 26th day of January, 1915.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of the City of Napa on its own motion duly made and entered on the minutes of said City Council, on November 5, 1962, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa a proposed amendment to the Charter of said City of Napa, said charter amendment being designated as Proposal No. 2, filed in the office of the Clerk of said City of Napa on said November 5, 1962, and further ordered that said charter amendment should be submitted to and voted upon by the qualified voters of said City at a special election called and held for that purpose in said City on the 7th day of May, 1963, and consolidated said special election with the General Municipal Election to be held in said City on said 7th day of May 1963.

That said proposed charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 12th and 19th of March, 1963 in "The Napa Register" a daily newspaper of general circulation printed and published in said City of Napa (it being the official newspaper of said City), and in all the editions thereof issued during said day of publication.

The said municipal election was held in said City of Napa on May 7th, 1963 and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendment designated as said Proposal No. 2 and that said City Council, as provided by law, duly and regularly canvassed the returns of said election and did duly find, determine and declare the result of said special election to be that a majority of the qualified voters of said City voting on said proposed charter amendment had voted for and ratified said amendment, and that the City Clerk did enter on the record

and in the minutes of said City Council a statement of the result of said election.

That said Amendment to the Charter of the City of Napa, so ratified by the electors of said City of Napa, is in words and figures as follows, to-wit:

Charter Amendment No. 2

That Section 17A of the City Charter of the City of Napa be amended to read as follows:

Section 17A: The Council shall by ordinance determine the time, method and manner of holding elections under this charter.

Voting for elective offices shall be by ballot, that is to say: for each office to be filled at any election the voter shall designate his choice by stamping a cross (X) in the proper square designating such choice.

Voting on all charter amendments, the submission of bonds, or any other matter submitted to the electors for adoption or rejection, the voter shall express his choice by stamping a cross (X) in the square after the word "Yes" or "No" on the ballot.

Those candidates for elective offices who shall receive a majority of all votes cast for said offices shall be elected thereto. If fewer candidates receive majorities of all votes cast for said offices than there are elective vacancies, there shall be a run-off election, within 40 calendar days. Among the candidates who have received the largest pluralities in order of number of votes received, with two candidates for each unfilled vacancy being qualified for the run-off election ballot. At the run-off election, the candidate or candidates who shall receive a majority of all votes cast for elective offices shall be elected thereto. In the event of a tie vote for any office the City Council shall decide the same by lot.

Candidates for vacancies in unexpired terms of elective offices shall file nominations separately and shall be elected as provided in this section.

Section 18A and Section 19 of the Charter of the City of Napa, are hereby repealed.

All sections of the Charter or parts thereof, in conflict with this section are repealed.

That we have compared the foregoing amendment with the original proposal submitted to the electors of said City of Napa and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble of this Certificate preceding said amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 27th day of May, 1963.

(SEAL)

LATHROP C. BROWN
Mayor of the City of Napa
State of California
ALLEN R. THORPE
City Clerk of the City of Napa
State of 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 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 Napa, 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 Napa.

CHAPTER 8

Senate Concurrent Resolution No. 11—Relative to congratulating the United States Davis Cup Team

[Filed with Secretary of State March 11, 1964]

WHEREAS, The United States Davis Cup Tennis Team recently brought honor to this country by winning the Davis Cup for 1963 in international competition with 48 other nations; and

WHEREAS, The team was composed of top-ranking players, R. Dennis Ralston of Bakersfield, California, Charles A. McKinley of San Antonio, Texas, Frank A Froehling, III, of Coral Gables, Florida, Martin A. Riessen of Hinsdale, Illinois, and Gene Scott of Stonybrook, New York; and

WHEREAS, The team's nonplaying captain, Robert J Kelleher, a prominent Beverly Hills attorney, is widely known in tennis circles, and has been a championship player since his college days in the early 1930's; and

WHEREAS, The United States Davis Cup Team traveled approximately 56,000 miles in 1963 in its pursuit of the coveted trophy; and

WHEREAS, To win the Davis Cup, the team defeated Iran at Teheran in June, Mexico at Los Angeles in August, Vene-

zuela at Denver in September, Great Britain at Bournemouth in September, India at Bombay in November, and finally Australia at Adelaide in December; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature of the State of California do hereby extend their hearty congratulations to the members of the United States Davis Cup Team on their well-deserved victory and wish them all continued success in their chosen sport; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to each member of the team named in this resolution.

CHAPTER 9

Assembly Concurrent Resolution No. 8—Relative to St. Patrick's Day.

[Filed with Secretary of State March 12, 1964]

WHEREAS, Throughout the entire world, those of Irish birth and those of Irish heritage and, yes, even those of other races, with gaiety and solemnity of heart, look forward to this, the 17th day of March—St. Patrick's Day; for, on this day, we honor a scholar, a servant of God, and one whose memory survives in American minds as a gracious symbol of understanding; and

WHEREAS, Everywhere beneath the sun—under the blue vault of heaven—as the exile plods his weary way homeward to a humble and contented roof, on the seas, in the marts of industry and trade, wherever Irish blood pulses in the vein of a generous Celt, he is carried back to a far-off yesterday; and

WHEREAS, On this St. Patrick's Day, we pay homage to the memory of an illustrious saint who dedicated himself to tolerance and faith in God and found strength to enable him to preach Christianity, under the most adverse conditions, to the pagan people of Ireland and whose teachings, immortalized by the "Shamrock," have spread throughout the entire world; and

WHEREAS, Today, St. Patrick represents a symbol of tolerance for men and women everywhere, whatever their creed or race or color; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this body does hereby pay homage to St. Patrick, patron saint of Ireland, great scholar and man of God; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to the Honorable Eamon de Valera, President of Eire; the Honorable Sean Lemass, Prime Minister of Eire; the Honorable C. V. Whelan, Consul General of Ireland in San Fran-

cisco; Mr. Malachy Ruane, President, San Francisco United Irish Societies; Mr. Timothy Barrett, State President, Ancient Order of Hibernians; Mr. Emmett J. McBride, President, Ancient Order of Hibernians, Sacramento; and the Honorable George R. Reilly, Chairman, St. Patrick's Day Parade, San Francisco.

CHAPTER 10

Senate Concurrent Resolution No. 18—Relative to congratulating the City of Roseville on being selected for an All-American City Award.

[Filed with Secretary of State March 31, 1964.]

WHEREAS, The lovely and progressive City of Roseville participated in the 1963 All-American City Awards sponsored by the National Municipal League and Look Magazine; and

WHEREAS, The City of Roseville was selected as one of the 22 finalists in that rigorous competition for national recognition for civic achievement; and

WHEREAS, The All-American Cities Jury awarded this fast growing, enthusiastic municipality a coveted selection as one of the 11 nationwide winners and the only winner from California; and

WHEREAS, The population of Roseville has nearly doubled since 1950, resulting in ever-increasing demands for schools and other city services; and

WHEREAS, This physical and fiscal challenge to provide the utmost in city services to a burgeoning population prompted quick and decisive action on the part of civic leaders and interested citizens; and

WHEREAS, Among the numerous additions to the Roseville community are an expanded hospital facility, a new 18-hole golf course, a new sewage treatment plant and facilities, a school system that is keeping the pace in providing facilities and personnel to educate the city's youth, modernized street lighting, one of the finest Little League ballparks in the nation, a Little Theatre, and the organization of a formal Citizens' Congress to carry the administration of the city to the doorsteps of its citizens' homes and to embark upon a partnership in community pride with their elected officials; and

WHEREAS, The lively and spirited City of Roseville, led by dedicated and farsighted leaders, and with the complete involvement of its inhabitants, has made a vast contribution to the welfare and growth of this State and has called national attention to the fact that even perplexing municipal problems can be resolved by the concerted action of civic leaders and all inhabitants; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members applaud the magnificent effort by the City of Roseville to meet the pressing

demands of its community, and do hereby congratulate the citizenry of the City of Roseville, and the leaders of that thriving municipality, for a splendid job masterfully accomplished, and for the national attention which will be focused upon this State in general, and the grand City of Roseville in particular, and wish all of them continued success in spearheading civic development; and be it further

Resolved, That the Secretary of the Senate shall transmit a suitably prepared copy of this resolution to Mr. Robert P. Mahan, Mayor of the City of Roseville.

CHAPTER 11

Senate Concurrent Resolution No. 7—Relative to the California Law Revision Commission.

[Filed with Secretary of State April 1, 1964.]

WHEREAS, Section 10335 of the Government Code provides that the California Law Revision 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 1964 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 Senate of the State of California, the Assembly 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 1964 report on pages 214 to 216, inclusive.

CHAPTER 12

Senate Concurrent Resolution No. 8—Relative to expenses of the Joint Interim Committee on Law Revision.

[Filed with Secretary of State April 1, 1964.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of three thousand five hundred dollars ($3,500) or so much thereof as may be necessary is hereby made available from the Contingent Funds of

the Senate and Assembly for the expenses of the 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 13

Senate Concurrent Resolution No. 14—Approving amendments to the Charter of the City of Riverside, a municipal corporation in the County of Riverside, State of California, voted for and ratified by the qualified electors of the city at a special municipal election held therein on the 25th day of February, 1964.

[Filed with Secretary of State April 1, 1964.]

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of certain amendments, hereinafter set forth, to the Charter of the City of Riverside, a municipal corporation in the County of Riverside, State of California, as set out in the Certificate of the Mayor and City Clerk of the City of Riverside as follows:

CERTIFICATE OF ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF RIVERSIDE

(Addition of new Section 1607, and amending Sections 400, 412 and 1602)

State of California }
County of Riverside } ss.
City of Riverside }

We, the undersigned Edward V. Dales, Mayor of the City of Riverside, State of California, and Virginia J. Strohecker, City Clerk of said City and ex-officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That at all times since the 21st day of April, 1953, the City of Riverside has been and now is a municipal corporation and city in the County of Riverside, State of California, containing a population of more than 3,500 inhabitants and organized and existing under a charter adopted pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California and approved by the Legislature by Assembly Concurrent Resolution No. 8, adopted in Assembly January 12, 1953, and in Senate January 15, 1953, and filed with the Secretary of State February 4, 1953.

That the legislative power of said City is vested in a City Council consisting of seven (7) members; and that the City Clerk of said City is ex-officio Clerk of the legislative body of said City.

There is no official newspaper of said City. The Press hereinafter mentioned is a daily newspaper of general circulation within said City and printed and published therein.

That at all times herein mentioned Edward V. Dales has been and now is the duly elected, qualified and acting Mayor of said City of Riverside; and Virginia J. Strohecker has been and now is the duly appointed, qualified and acting City Clerk of said City.

That the City Council of said City on its own motion by Resolution No. 9874 adopted December 24, 1963, submitted to the electors of said City proposals to amend its Charter as hereinafter mentioned, to be voted on as measures at a Special Municipal Election to be held in said City on February 25, 1964. Said proposals are in words and figures as follows:

CITY OF RIVERSIDE—CHARTER AMENDMENT PROPOSITION NO. 1

Shall the Charter of the City of Riverside be amended by adding a new Section 1607 to provide that petitions for the recall of members of the City Council must contain the signatures of at least twenty-five percent of the qualified electors residing in the ward before a recall election shall be called?

CITY OF RIVERSIDE—CHARTER AMENDMENT
PROPOSITION NO. 2

Shall the Charter of the City of Riverside be amended by amending Section 1602 to require that candidates for the office of member of the City Council must receive a majority of the total votes cast for the individual office before being declared elected and providing for special municipal elections to be called in the event no candidate receives such majority vote in the general election?

CITY OF RIVERSIDE—CHARTER AMENDMENT
PROPOSITION NO. 3

Shall the Charter of the City of Riverside be amended by amending Section 400 to require that candidates for the office of Mayor must receive a majority of the total votes cast for the office before being declared elected, and providing for a special municipal election to be called in the event no candidate received such majority vote in the general election?

CITY OF RIVERSIDE—CHARTER AMENDMENT
PROPOSITION NO. 4

Shall the Charter of the City of Riverside be amended by amending Section 1301 to provide for a Board of Public Utilities consisting of seven members?

CITY OF RIVERSIDE—CHARTER AMENDMENT
PROPOSITION NO. 5

Shall the Charter of the City of Riverside be amended by amending Section 412 to provide that the Mayor may request reconsideration of any official action voted upon by the City Council and specifying a period within which time the City Council must reconsider the action taken?

That the City Council caused said proposed charter amendments to be published in The Press on January 7, 1964, and in each edition thereof during said day; and also caused copies of such proposed charter amendments to be printed in convenient pamphlet form in type of not less than 10-point and mailed to each of the qualified electors of said City on February 7, 1964; and also caused a notice that copies of said proposed charter amendments could be had upon application at the office of the City Clerk of said City to be published in every edition of The Press during the period of time beginning January 16, 1964, to and including February 25, 1964.

That Sections 1000, 1001 and 1002 of the Charter of the City of Riverside provide as follows:

SECTION 1000. GENERAL MUNICIPAL ELECTIONS.

General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the second Tuesday in April in each odd numbered year commencing with the year 1955.

SECTION 1001. SPECIAL MUNICIPAL ELECTIONS.

All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

A special municipal election shall be held for the election of the first Mayor and the first members of the City Council under this Charter on the tenth Tuesday following the approval of this Charter by the Legislature.

SECTION 1002. PROCEDURE FOR HOLDING ELECTIONS.

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions

of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of elections in cities of the sixth class so far as the same are not in conflict with this Charter.

No other procedure has been provided.

That the City Council adopted Resolution No. 9874 on December 24, 1963, ordering, providing for and giving notice of the Special Municipal Election to be held in said City on February 25, 1964; and the City Clerk duly published Notice of Election, which included said proposed charter amendments as measures, in The Press on January 7, 1964.

That the Special Municipal Election was duly held in said City on Tuesday, February 25, 1964, and the voters voted upon said measures to amend the Charter. On Tuesday, March 3, 1964, the City Council of said City met in a duly adjourned regular meeting at its regular place of meeting and canvassed the returns of said election and canvassed the absent voters ballots. It was found and determined that the voters voting on said measures at said election cast 13,026 votes in favor of Charter Amendment Proposition No. 1 and 5,415 votes against said amendment; that the voters voting on said measures at said election cast 12,608 votes in favor of Charter Amendment Proposition No. 2 and 5,607 votes against said amendment; that the voters voting on said measures at said election cast 12,679 votes in favor of Charter Amendment Proposition No. 3 and 5,482 votes against said amendment; that the voters voting on said measures at said election cast 6,789 votes in favor of Charter Amendment Proposition No. 4 and 10,938 votes against said amendment; and that the voters voting on said measures at said election cast 12,308 votes in favor of Charter Amendment Proposition No. 5 and 5,846 votes against said amendment. That said Charter Amendment Propositions No. 1, 2, 3 and 5 were ratified by the votes of a majority of the electors who voted on each of said measures; and that Charter Amendment Proposition No. 4 was not ratified by the votes of a majority of the electors who voted on said measure.

That the City Council thereupon and on March 3, 1964, adopted Resolution No. 9916 reciting the fact of said election and the matters enumerated in Section 22933 of the Elections Code, and the City Clerk thereupon entered upon the records of the City Council a statement of the result of such election.

That the amendments to the Charter as so proposed and ratified are in words and figures as follows:

SECTION 1607:

Proceedings may be commenced for recall of any member of the City Council. The provisions of the Elections Code of

the State of California shall apply as provided in Section 1003 of this Charter, except where specific procedure is set forth in this section.

Any petition required to be filed shall be signed by not less than twenty-five per cent of the qualified electors residing within the ward on the day the petition is filed with the City Clerk. All signatures shall be obtained and the petition must be filed within ninety days from the filing of the Notice of Intention.

SECTION 1602: ELECTION OF MEMBERS OF THE CITY COUNCIL BY WARDS.

There are seven members of the City Council of the City of Riverside. The members of the City Council shall be elected by wards by the qualified electors and voters of the respective wards only One member of the City Council shall be elected by each ward, and only the qualified electors and voters of each ward shall vote for the member of the City Council to be elected by that ward. In those wards where there are more than two candidates, only a candidate receiving a majority of the total votes cast for the office shall be declared elected If in any ward no candidate receives a majority of the total votes cast for the office, the City Council shall immediately call a special election to be held not less than forty-five days nor more than sixty days from the date of the general election. The two candidates receiving the highest number of votes for the office in the general election shall be declared the candidates for the special election The qualifications of candidates and electors and the procedure governing general elections shall apply to any special election called pursuant to this section and the notice of election shall be published at least thirty days prior to the date of such special election.

SECTION 400: ELECTIVE OFFICERS.

The elective officers of the City shall consist of a City Council of seven members and a Mayor elected from the City at large at the times and in the manner provided in this Charter and who shall serve for a term of four years and until their respective successors qualify.

At the first election under this Charter, the three candidates for City Council receiving the highest number of votes shall serve until the third Tuesday in April, 1957, and the remaining four candidates elected to the City Council shall serve until the third Tuesday in April, 1955. The candidate receiving the highest number of votes for Mayor shall serve until the third Tuesday in April, 1957. Four members of the City Council shall be elected at the general municipal elec-

tion held in April, 1955, and each fourth year thereafter. Three members of the City Council and a Mayor shall be elected at the general municipal election held in April, 1957, and each fourth year thereafter.

The term of each elective officer shall commence on the first Tuesday following his election. Ties in voting among candidates for office shall be settled by the casting of lots.

If a candidate for Mayor receives a majority of the total votes cast for the office, he shall be declared elected. If no candidate for Mayor receives a majority of the total votes cast for the office, the City Council shall immediately call a special election to be held not less than forty-five days nor more than sixty days from the date of the general election. The two candidates receiving the highest number of votes for the office in the general election shall be declared the candidates for the special election. The qualifications of candidates and electors and the procedure governing general elections shall apply to any special election called pursuant to this section and the notice of election shall be published at least thirty days prior to the date of such special election.

SECTION 412: ADOPTION OF ORDINANCES AND RESOLUTIONS.

With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least four members of the City Council shall be required for the adoption of any ordinance or resolution, or for the making or approving of any order for the payment of money. No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five affirmative votes.

At any time before the adjournment of a meeting, the Mayor may, by public declaration spread upon the minutes of the meeting, request the reconsideration of any formal action taken by vote of the City Council including any ordinance or resolution, except an emergency ordinance or an ordinance proposed by initiative petition. Thereupon, pending reconsideration as herein provided, such ordinance, resolution or action shall be deemed neither approved, adopted nor rejected. At any regular or adjourned meeting held not less than thirty days, nor more than sixty days after such request for reconsideration, the City Council shall reconsider such ordinance, resolution or action and vote upon the same anew. The same number of votes shall be required for its adoption or approval as would have been required in the absence of such request for reconsideration. The Mayor shall have no right to request a second reconsideration of any ordinance, resolution or action.

All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

We do further certify that the foregoing constitutes a full, true and correct statement of the actions and proceedings had by the City of Riverside and its City Council and City Clerk in the matter of submitting the proposals to amend the City Charter and in calling, noticing and conducting the election and canvassing the returns and declaring the results thereof.

In witness whereof we have hereunto set our hands and affixed the seal of the City of Riverside this 5th day of March, 1964.

E. V. DALES
(SEAL) Mayor of the City of Riverside
Attest: VIRGINIA J. STROHECKER
City Clerk of the City of Riverside

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 Riverside, as pro-

posed to and adopted and ratified by the qualified electors of the city, 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 Riverside.

CHAPTER 14

Assembly Concurrent Resolution No. 4—Relative to the preparation and printing of a Summary Digest and Subject List.

[Filed with Secretary of State April 2, 1964.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislative Counsel prepare in one volume a Summary Digest of statutes enacted and constitutional amendments proposed, and a Subject List of all bills, constitutional amendments, joint and concurrent resolutions introduced, at the 1964 Regular Session of the Legislature and at any extraordinary session of the Legislature that may be held concurrently therewith, and that copies be distributed to all Members of the Legislature as soon as possible after printing; and be it further

Resolved, That the Chief Clerk of the Assembly cause 1,000 copies of this document to be printed, the cost thereof to be paid from the legislative printing appropriation; and be it further

Resolved, That there be a charge of one dollar ($1) made for each copy sold to the general public.

CHAPTER 15

Senate Concurrent Resolution No. 9—Relative to expenses of the Joint Interim Committee on Uniform Laws.

[Filed with Secretary of State April 6, 1964.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of three thousand five hundred dollars ($3,500.00) 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 16

Senate Concurrent Resolution No. 23—Relative to Mr. John Edgar Hoover.

[Filed with Secretary of State April 6, 1964.]

WHEREAS, The dedicated and resourceful Director of the Federal Bureau of Investigation, Mr. John Edgar Hoover, will celebrate his 40th anniversary as such director in May 1964; and

WHEREAS, A native of the District of Columbia, he attended local schools and was awarded degrees in law from The George Washington University; and

WHEREAS, His meteoric rise to prominence began with the Department of Justice in 1917, and in 1919 he was appointed Special Assistant to the Attorney General; and

WHEREAS, In recognition of his intelligence, administrative know-how, determination, and foresightedness, he was appointed Director of the Federal Bureau of Investigation in May 1924; and

WHEREAS, The success of the bureau in apprehending violators of the law and in keeping a watchful eye upon persons and activities inimical to the best interests of our nation and its security is known the world over; and

WHEREAS, John Edgar Hoover is an international figure, standing for the basic principles of Americanism, and is an inspiration to many in the world; and

WHEREAS, Despite his arduous vocational task, he has freely devoted a substantial portion of his time to educational, social, fraternal, and philanthropic endeavors, including the Masons, Kappa Alpha Fraternity, Omicron Delta Kappa, Delta Theta Phi, Alpha Phi Omega, Zeta Sigma Pi, Trustee of the George Washington University, member of the Board of Directors of the Boys' Clubs of America, member of the National Court of Honor, honorary member of the National Council of the Boy Scouts of America, and a member of the Grand Council of the Order of DeMolay; and

WHEREAS, Among the many awards and accolades, he has so deservingly received are the Medal of Merit, the National Security Medal, and the President's Award for Distinguished Federal Civilian Service, all awarded him by the President of the United States; the Cardinal Gibbons Medal by the National Alumni Association of the Catholic University of America; a "Great Living Americans" award by the United States Chamber of Commerce; a George Washington Honor Medal by the Freedom Foundation, for a speech entitled "The American Ideal" and was later awarded another medal by the same organization; the American Citizenship award by the Junior Order United American Mechanics; a resolution by the United States Senate commending him for his distinguished service to the United States; the Mutual of Omaha Criss Award for his outstanding contribution to the personal secu-

rity and safety of the American public; the first annual Distinguished Service Award by the Knights of Pythias; and the Gold Medal of Merit by the Jewish War Veterans in recognition of his outstanding and meritorious service in the battle for civil rights and liberties; and

WHEREAS, This grand and noble gentleman has faithfully served this nation, its people and the inhabitants of this world for four decades; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members express, with one accord, their grateful appreciation for the laudable efforts of Mr. John Edgar Hoover, and congratulate him for directing the Federal Bureau of Investigation for 40 years, and wish him continued health, happiness and true success in all of his worthwhile endeavors; and be it further

Resolved, That the Secretary of the Senate shall transmit a suitably prepared copy of this resolution to Mr. John Edgar Hoover.

CHAPTER 17

Assembly Concurrent Resolution No. 27—Approving a certain amendment to the Charter of the City of Piedmont, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of the city at a general municipal election held therein on the 25th day of February, 1964.

[Filed with Secretary of State April 10, 1964.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the Charter of the City of Piedmont, a municipal corporation in the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California }
County of Alameda } ss
City of Piedmont }

We, the undersigned, Laurence D. Kelly, President of the Council of the City of Piedmont, State of California, and E. Julian Dodelin, 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 un-

der 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 16th day of December, 1963, 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 General Municipal Election held in said City on the 25th day of February, 1964, which said proposal was and is in the words and figures following, to-wit:

PROPOSED CHARTER AMENDMENT

Shall Section 47 of the Charter of the City of Piedmont be amended in the manner and to the extent set forth in that certain proposal entitled "Proposed Charter Amendment" as published in The Piedmonter on January 10, 1964, for a widow's benefit after the death of a member covered by the City's Police and Fire Pension Plan?	YES	
	NO	

Proposition A—Policemen's and Firemen's Widows' Benefit

Shall certain Articles of Section 47 of the Charter of the City of Piedmont be amended in the manner and to the extent set forth below to be effective following the approval of the electorate of the City of Piedmont and upon subsequent approval of the legislature of the State of California, but to apply to the pensions of all members who retire or have retired on or after June 30, 1963:

(All words to be deleted are underlined, and all words to be added are in light-face capital letters.)

Article 6. Industrial Death or Disability

Whenever a member shall lose his life due to an injury, disability or disease caused by and received in the course of his employment and in the performance of his duty, then upon satisfactory proof of such facts made to it, said board shall

order and direct a sum equal to 50% of the average salary of the deceased member for the last five (5) years to be paid from said fund, and not otherwise, to the widow of said deceased member as long as she shall remain unmarried.

Should said deceased member leave no widow but should leave an orphan child or children under the age of 18 years, or should the deceased member leave a widow and child or children under the age of eighteen (18) years and the widow die without remarrying while such child or children are yet under the age of eighteen (18) years, said monthly amount shall be paid to such child or children collectively until the youngest child attains the age of eighteen (18) years, provided, that no child shall receive any payment after attaining the age of eighteen (18) years or after marrying before attaining the age of eighteen (18) years.

Whenever a member is disabled as a result of accident, injury, disability or disease, directly caused by and received in the course of employment and in the performance of his duty he shall receive in the aggregate, either by way of workmen's compensation, social security, or the pension plan, and upon satisfactory proof of such facts made to the board and upon order and direction of the board, a monthly payment of an amount equal to the salary he was receiving at the time of the accident, for a period not to exceed one (1) year or for such lesser time as such member's disability shall terminate, and if such disability exceeds beyond one (1) year, then the board shall order and direct the monthly payment to said member of an amount equal to 50% of the average salary received by such member during the period of five (5) years immediately preceding the date of the accident, injury, disability or disease of said member, until such member's disability terminates or until such member's death. UPON THE DEATH OF A MEMBER WHO IS RECEIVING MONTHLY DISABILITY PENSION PAYMENTS FROM THE PENSION FUND PURSUANT TO THIS ARTICLE, HIS WIDOW, AS DEFINED IN ARTICLE 12, SHALL RECEIVE FROM THE FUND SO LONG AS SHE SHALL REMAIN UNMARRIED AND UNTIL HER DEATH A MONTHLY PENSION EQUAL TO 25% OF THE AVERAGE SALARY RECEIVED BY SUCH MEMBER DURING THE PERIOD OF FIVE (5) YEARS IMMEDIATELY PRECEDING THE DATE OF THE ACCIDENT, INJURY, DISABILITY OR DISEASE OF SAID MEMBER.

Article 7. Ordinary Death; Termination of Employment; Death Before Eligibility.

In the event a member hereafter dies from natural causes before retirement (and his death is not due to an injury, disability or disease received in the course of his employment and in the performance of his duty), a sum equal to the aggregate amount of payments paid by such member into said

Fund together with the pro rata of interest earned by such deceased member's contributions to the Fund from the date of deposit as determined by the Pension Board, and a sum equal to twice the monthly salary the deceased member received for his last month of active service shall be paid from said Fund, and not otherwise, to his heirs or legal representatives or to such person said member shall have nominated by written designation, duly executed and filed with said Board, provided however that in the event said member is married, the nomination shall not be considered valid unless the execution thereof is joined in by his lawful wife.

In the event a member hereafter leaves the service before retirement and has rendered satisfactory service, and the Board shall so find and shall give to such member a certificate of honorable dismissal, a sum equal to the aggregate amount of the payments paid by said member into said Fund, together with the pro rata of interest earned by such member's contributions to the Fund from the date of deposit as determined by the Pension Board shall be paid from said Fund, and not otherwise, to said member so leaving the service.

Also in the event a retired member HEREAFTER DIES BEFORE HE HAS AND HIS WIDOW HEREAFTER DIE BEFORE THE MEMBER AND HIS WIDOW COLLECTIVELY HAVE received in pension payments a sum equal in the aggregate to the aggregate amount paid by said member into said Fund, a sum equal to the difference between the said aggregate sum received in pension payments by said retired member AND HIS WIDOW and the aggregate sum paid into said Fund by said member plus his pro rata of interest earned by his contributions to the Fund from the date of deposit to date of retirement as determined by the Pension Board shall be paid from said Fund, and not otherwise to his heirs or legal representatives or to such person said member shall have nominated by written designation, duly executed and filed with the said Board, provided, however, that in the event said member is married, the nomination shall not be considered valid unless the execution thereof is joined in by his lawful wife.

Article 10. Amount of Pension; Joint and Survivor Pension.

Whenever any member is retired by the board as provided in article 5 he shall receive from the Fund FOR THE REMAINDER OF HIS LIFE a monthly pension in a sum equal to one-half of the average monthly salary received by such member during the period of five years immediately preceding the date of his retirement. In the event such member remains in service after reaching normal retirement age [having been in active service for twenty-five (25) years and having attained the age of fifty-five (55) years] the contributions of both the member and the City of Piedmont shall continue until the employee is actually retired from active service, and his pension

shall be based upon the last five (5) years of active service by such member.

UPON THE DEATH OF A RETIRED MEMBER WHO IS RECEIVING A MONTHLY PENSION FROM THE FUND, HIS WIDOW, AS DEFINED IN ARTICLE 12, SHALL RECEIVE FROM THE FUND, SO LONG AS SHE SHALL REMAIN UNMARRIED AND UNTIL HER DEATH, A MONTHLY PENSION IN A SUM EQUAL TO ONE-HALF OF THE MONTHLY PENSION TO BE RECEIVED BY THE MEMBER AS SET FORTH IN THE PARAGRAPH ABOVE.

Subject to such conditions as the Pension Board may prescribe at the time any member is retired by the Board, as provided in Article 5, he may have the option of electing a joint and survivor pension WITH SOMEONE OTHER THAN HIS WIFE in lieu of the individual retirement pension as set forth in the FIRST paragraph above. In the event a member elects to receive a joint and survivor pension such pension shall have the same actuarial value as the individual pension and shall provide for monthly payments to the survivor (joint annuitant) of the member for the remainder of such survivor's life in accordance with such actuarial value. FURTHERMORE, IN SUCH EVENT, THE WIFE OF THE MEMBER, IF ANY, MUST CONSENT TO SUCH ELECTION.

Article 12. Application by Survivor.

When a widow, WHO SHALL BE DEFINED AS THE WIFE OF A MEMBER FOR AT LEAST ONE YEAR PRIOR TO HIS RETIREMENT, OR FOR AT LEAST ONE YEAR PRIOR TO HIS DISABILITY OR DEATH WHILE EMPLOYED IN THE POLICE OR FIRE DEPARTMENTS OF THE CITY OF PIEDMONT, OR A minor child or children or A nominee become eligible for a payment or payments under the provisions of this section, application to the board must be filed within ninety days after the date of eligibility, and said board shall act on said application within ninety days after the filing thereof.

That said proposed amendment was published and advertised in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Piedmont in "The Piedmonter", which was then and there a newspaper of general circulation within said City of Piedmont, and in all the editions thereof issued during the day of publication, there being no official newspaper printed and published within the said City of Piedmont.

That the Council of the City of Piedmont, a legislative body of said City, by its certain resolution passed on the 16th day of December, 1963, did order the holding of a General Munic-

ipal Election on the 25th day of February, 1964 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 25th day of February, 1964, 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 election held on the 25th day of February, 1964, 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 9th day of March 1964.

(SEAL)

LAURENCE D. KELLY
President of the City Council
and ex officio Mayor
E. JULIAN DODELIN
City Clerk

Approved as to form:
J. MARCUS HARDIN
City Attorney

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 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 18

Assembly Concurrent Resolution No. 38—Relative to authorizing the State Scholarship Commission to announce scholarships.

[Filed with Secretary of State April 14, 1964]

WHEREAS, Assembly Concurrent Resolution No. 8 of the First Extraordinary Session of 1963 directed the State Scholarship Commission, the Department of Finance, and the Legislative Analyst to study alternate systems of budgeting for state scholarships so the awards would be available at the time when students must make their college choices; and

WHEREAS, The State Scholarship Commission, the Department of Finance, and the Legislative Analyst have submitted a report to the 1964 Legislature providing for the addition of a control section to the Budget Bill specifically authorizing the commission to announce scholarship awards in advance of the passage of the Budget Bill, and this report was accepted and amended into the Budget Bill by both the Assembly Ways and Means and Senate Finance Committees and there is complete agreement as to the proper procedure and policy to be followed; and

WHEREAS, Assembly Concurrent Resolution No. 8, First Extraordinary Session of 1963, stipulated that the Scholarship Commission should not announce scholarships prior to the end of the 1964 legislative session and prior to the passage of the Budget Act of 1964; and

WHEREAS, The Budget Bill has not been passed and the normal date for announcement of scholarships is April 10 of 1964; and

WHEREAS, It is essential for students and colleges to know at this time of the awarding of scholarships so that they may appropriately make their college plans; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Scholarship Commission is hereby authorized to announce its awards on April 10, 1964, notwithstanding the passage of the Budget Act of 1964; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the State Scholarship Commission.

CHAPTER 19

Senate Concurrent Resolution No. 15—Relative to commending Milton P. Duffy.

[Filed with Secretary of State April 16, 1964]

WHEREAS, On the ninth day of July, 1964, Milton P. Duffy, the distinguished Chief of the Bureau of Food and Drug In-

spections, will complete 50 years of outstanding service to the State of California; and

WHEREAS, Seldom has any agency, either public or private, received from an individual the dedication, devotion, and remarkable skill which Mr. Duffy, during his one-half century of endeavor, has rendered to California; and

WHEREAS, When the Bureau of Food and Drug Inspections was created in 1921, Milton Duffy, as the new chief thereof, was given the responsibility of insuring that the foods which the people of this State eat are pure and wholesome and that the drugs and devices which they use are safe, effective and honestly labeled and advertised; and

WHEREAS, With a vigor which throughout the years has become characteristic of the "Chief," Milton Duffy plunged into the vast and, at that time, unchartered field of food and drug law administration and began a relentless war against the quacks, the charlatans and the cheats who prey upon the innocent and the helpless; and

WHEREAS, During the past 50 years he has not only vigorously enforced the pure food and drug laws, but has worked unceasingly to improve the gigantic industries he oversees; and

WHEREAS, His reputation is national in scope and his fellow workers in the field of food and drug administration accord him the highest honor which can be bestowed upon any man, respect and admiration; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature commends Milton P. Duffy for the five decades of devoted service which he has rendered to the people of this State, congratulate him on his impending retirement, and wish him happiness and good health in his future endeavors; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Milton P. Duffy.

CHAPTER 20

Senate Joint Resolution No. 2—Relative to federal regulation of boxing.

[Filed with Secretary of State April 16, 1964.]

WHEREAS, Professional boxing is an activity in which there is nationwide interest and which is conducted throughout the United States; and

WHEREAS, At present there is extreme variation in the degree and quality of regulation of professional boxing from state to state, and the great revenues to be derived from this activity constitute a temptation to lower standards; and

WHEREAS, Professional boxing, by means of television, enters millions of American homes, and it is therefore particularly

desirable that this activity be free of criminality and immorality; and

WHEREAS, A bill pending in Congress—S. 1182, 88th Congress, 1st Session—would create in the Department of Justice an Office of the United States Boxing Commission, to be headed by a commissioner to be appointed by the United States Attorney General, would provide for licensing of professional boxers, managers, promoters and matchmakers, and would require written contracts and filing thereof, financial reports, record-keeping and the availability of records for inspection; and

WHEREAS, This bill also provides it shall not be construed to prohibit state and local agencies from exercising their powers, duties, and functions with respect to the regulation or supervision of professional boxing or professional boxing contests; 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 urged to pass, and the President of the United States is respectfully urged to approve, S 1182, 88th Congress, 1st Session; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 21

Senate Joint Resolution No. 1—Relative to inclusion of State Highway Route 190 into the Federal Forest Highway System.

[Filed with Secretary of State April 20, 1964]

WHEREAS, State Highway Route 190 (former Route 127) in Tulare and Inyo Counties will open the vast Kern Plateau area to meet the recreational needs of the expanding growth of California; and

WHEREAS, State Highway Route 190 (former Route 127) and proposed additions to such route will give access to timber resources sufficient to perpetually sustain two sawmills with a 15 million board feet annual capacity; and

WHEREAS, Under present conditions on the Kern Plateau, it has been estimated by the National Forest Service that at least 15 to 20 million board feet of lumber is annually being lost to various forms of tree disease; and

WHEREAS, State Highway Route 190 (former Route 127) will meet the criteria of a forest highway in that it will:

(1) Be a principal road into and through national forests,

(2) Be a 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, State Highway Route 190 (former Route 127) lying within the boundaries of the United States national forests, and the Legislature of the State of California by this resolution 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 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 22

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article XI thereof a new section to be numbered 5.1, relating to the adjustment of supervisorial district boundaries.

[Filed with Secretary of State April 22, 1964.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1964 First Extraordinary Session, commencing on the third day of February 1964, 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 to add Section 5.1 to Article XI thereof, to read as follows:

SEC. 5.1. Every general law and chartered county, except as otherwise provided by the Legislature, shall be subject to the general laws relating to the adjustment of boundaries of county supervisorial districts.

CHAPTER 23

Assembly Joint Resolution No. 3—Relative to the Federal Manpower Development and Training Act of 1962.

[Filed with Secretary of State April 23, 1964.]

WHEREAS, Even in periods of high unemployment, many jobs remain unfilled because of shortages of qualified workers; and

WHEREAS, There is a critical need for more and better trained workers in many vital job classifications; and

WHEREAS, Skills of many workers have been outdated by automation or other technological developments, foreign competition, relocation of industry, shifts in market demands, and other economic changes; and

WHEREAS, It has been forecast that there will be an unusually rapid growth in the work force in the next several years; and

WHEREAS, In recognition of these problems the United States Congress in 1962 enacted the Manpower Development and Training Act of 1962, which instituted a program of training workers for job opportunities discovered through a research program and other methods authorized by the act; and

WHEREAS, This training consists of school and on-the-job training programs set up by the states, private or public agencies, employers, trade associations, labor organizations, and other industrial and community groups; and

WHEREAS, Under the act trainees may be paid training and other allowances by the states under the direction of the Secretary of Labor while in training; and

WHEREAS, Under the provisions of the act, as amended, the federal government has been, and will be, until June 30, 1965, paying all of the operating costs of training programs for unemployed persons and the cost of training, subsistence, training allowances, and transportation allowances granted under the act, but after June 30, 1965, under the provisions of the act the states will be required to pay 33⅓ percent of such costs until June 30, 1966, when the states will be required to pay 50 percent of such costs; and

WHEREAS, Since unemployment has become an increasingly serious and nationwide problem since 1962, it is appropriate that the federal government continue to provide full federal financing after June 30, 1965; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature requests the Congress of the United States to provide full federal financing under the Manpower Development and Training Act of 1962 after June 30, 1965; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President of the United States, the President pro Tempore of the Senate, the Speaker of the House of Representatives, the Secretary of

Health, Education and Welfare, the Secretary of Labor and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 24

Assembly Concurrent Resolution No. 17—Relative to a study of means of providing additional financial support for school districts in which are situated state parks and recreational facilities.

[Filed with Secretary of State April 23, 1964.]

WHEREAS, The Southern Humboldt Unified School District contains within its boundaries a substantial area of land which is owned by the United States and by the State of California, and which is not taxable for school district purposes; and

WHEREAS, There are now five state parks situated in the district which represent an annual loss to the district of one hundred sixty-five thousand, seven hundred seventy-six dollars ($165,776) in school district tax proceeds and, as a result of recent acquisition by the State Department of Parks and Recreation which have removed taxable land from the tax rolls used by the district, the district will have exhausted all of its reserves by the beginning of the 1966-1967 fiscal year and will be unable to meet its normal operating expenses thereafter; and

WHEREAS, There are other school districts in the State with similar financial problems resulting from the acquisition of land by the Department of Parks and Recreation in the districts; and

WHEREAS, The State receives through the Department of Parks and Recreation a substantial income from tourists using the parks and other recreational facilities maintained by the Department of Parks and Recreation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Director of the Department of Education and the Administrator of the Resources Agency and the Director of the Department of Parks and Recreation undertake a study of, and devise a formula for, paying to the school districts in which are situated parks and other recreational facilities maintained by the Department of Parks and Recreation an equitable share of the income derived by the State from such parks and recreational facilities, and report their findings thereon to the Legislature not later than the fifth legislative day of the 1965 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of the Department of Education, to the Administrator of the Resources Agency, and to the Director of the Department of Parks and Recreation.

CHAPTER 25

Assembly Concurrent Resolution No. 32—Relative to adoption of the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State April 23, 1964.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the following rules be adopted as the Joint Rules for the 1964 First Extraordinary 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.

Heading of Bills

10.7. No bill shall indicate in its heading or elsewhere that it was introduced at the request of a state agency or officer or any other person. No bill introduced after February 15, 1963, shall contain the words "By request" or words of similar import.

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 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 two hundred dollars ($200) 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 President of the Senate, 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.

Legislative Digest and Legislative Index

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, on behalf of the Senate, or the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly. Persons authorized to order printing under this rule 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, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly, are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

Record of Bills

Secretary and Chief Clerk to Keep Records

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

Secretary and Chief Clerk Shall Endorse Bills

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill.

ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER

After a Bill Has Been Passed by the Senate or Assembly

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

Messages to Be in Writing Under Proper Signatures

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered.

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 43 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 Association which shall see that occupation of seats and desks in the Senate and the Assembly Chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who represent news associations requiring daily telegraphic or radio service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending

action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to newspaper associations requiring telegraphic service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds, provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

Dispensing With Joint Rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dispensed with only in the manner provided for in said joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in conference committee.

Opinions of Legislative Counsel

34. Whenever the Legislative Counsel issues an opinion to any person other than the first-named author analyzing the constitutionality, operation or effect of a bill or other legislative measure which is then pending before the Legislature or which was introduced at any session of the Legislature held within two years next preceding the date of the opinion and was referred to an interim committee for study, 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.

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 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.

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, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly Committee on Rules, on behalf of the Assembly, weekly or as otherwise directed by either house, and upon such certification the Controller shall draw his warrants in payment of the allowances to the respective members.

Investigating Committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute provide for the appointment of committees to ascertain facts and

to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or, when such authorization may lawfully be made, after final adjournment.

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt and amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. It may employ such clerical, legal and technical assistants as may appear necessary.

Each such committee is authorized and empowered to summon and 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 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 chairmen 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.

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 reelected 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 reelected 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 au-

thority 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 ap-

pointed, 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 coordinating 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 cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve 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.

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.

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 26

Senate Joint Resolution No. 6—Relating to imported lamb and mutton.

[Filed with Secretary of State April 27, 1964.]

WHEREAS, The lamb and mutton industry in California and the United States is suffering severe price and economic damage from lamb and mutton imports into the State and nation; and

WHEREAS, California is the third largest state in the nation in sheep population; and

WHEREAS, The unlimited accelerating flow of lamb and mutton importation is seriously threatening the domestic sheep industry; and

WHEREAS, Dressed lamb imports in 1963 increased nearly 1,000 percent over 1957, and dressed mutton imports increased more than 7,000 percent during the same period; and

WHEREAS, Dressed lamb imports in January of 1964 were up 100 percent above January of 1963 and mutton imports were up 80 percent during the same period; and

WHEREAS, Lamb and mutton imports in 1963 amounted to 19.2 percent of our domestic production; and

WHEREAS, The domestic sheep industry has initiated many studies and research programs seeking to find new ways of breeding, growing, fattening, and marketing of its products to make them even more desirable to the consumers, all of which could be offset by excessive imports; and

WHEREAS, The meat agreement negotiated between the government of the United States and the governments of Australia, New Zealand, and Ireland establishing quotas, to limit their beef, veal, mutton and lamb imports into this country to the 1962-63 average level, about 6 percent below the record level of 1963 does little to alleviate the depressed conditions in the sheep industry; 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 requested to establish quotas based on the average of imports of dressed lamb and mutton for the past five years and furthermore that an increase in imports only be allowed when domestic prices of sheep and lambs are at parity levels; and be it further

Resolved, That the Secretary of the Senate be hereby 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 Senator and Representative from California in the Congress of the United States.

CHAPTER 27

Assembly Joint Resolution No. 2—Relative to memorializing the Congress of the United States to provide adequate benefits to members and survivors of the Philippine Scouts.

[Filed with Secretary of State April 27, 1964.]

WHEREAS, In 1901 by an act of Congress the Philippine Scouts were made a component part of the United States Army; and

WHEREAS, Since that time the Philippine Scouts have served this country in times of war and peace with honor and great courage; and

WHEREAS, The most notable contribution of the Philippine Scouts was made during World War II when they fought the enemy in Bataan and Corregidor during which campaigns half of their number lost their lives in defense of our freedom; and

WHEREAS, The active duty pay and the retirement benefits paid to members of the Philippine Scouts has always been markedly lower than that received by members of the regular United States Army; and

WHEREAS, During the Bataan campaign the Philippine Scouts were promised pay equal to that of the regular United States Army when General Douglas MacArthur said: "War is a great equalizer of men. Every member of my command shall receive equal pay and allowances based on the United States Army pay scale regardless of nationality"; and

WHEREAS, Either H.R. 268 or H.R. 3795 introduced in the 1st Session of the 88th Congress would fulfill the promise made to the Philippine Scouts and would recompense them for their sacrifices made in behalf of our country; 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 consider the disparity between the compensation of the regular United States Army and that of the Philippine Scouts whose contributions to our freedom were no lesser in magnitude and that the Congress enact either H.R. 268 or H.R. 3795 to remedy this inequality; 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, 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 28

Assembly Joint Resolution No. 6—Relating to levee maintenance.

[Filed with Secretary of State April 27, 1964.]

WHEREAS, Structures and facilities constructed by the United States for local flood protection are maintained under rules adopted by the Secretary of the Army (Part 208, Chapter II, of Title 33 of the Code of Federal Regulations); and

WHEREAS, These rules prescribe general standards which apply on a nationwide basis without regard to peculiar local problems; and

WHEREAS, These rules contain a general prohibition against brush, trees, and wild growth on project levees; and

WHEREAS, The waterways of the Sacramento and San Joaquin Rivers and their Delta have been made possible by a unique system of levees which present special problems of maintenance peculiar to that system only; and

WHEREAS, This region constitutes one of the most important recreation areas in California, and levees devoid of trees, brush and wild growth constitute a jeopardy to the recreation values of this area; and

WHEREAS, The State of California is presently engaged in a pilot levee maintenance program which will find ways to

effectively preserve both recreation and flood control values; 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 Army to authorize the United States Army Corps of Engineers to join with the State of California in more active participation in the state pilot levee maintenance program; and be it further

Resolved, That the United States Army Corps of Engineers is requested to assist the State Resources Agency Committee for Delta Recreation Planning with the implementation of the state pilot maintenance program and with the determination of the validity and acceptance of newly developed standards that would utilize controlled levee vegetation to satisfy the multiple needs of recreation and flood control; and be it further

Resolved, That the United States Corps of Engineers should be authorized to reconstruct levees in the pilot maintenance areas, consistent with the purposes of the state pilot maintenance program; and be it further

Resolved, That a report should be prepared to be submitted to Congress through the Chief Engineer's office; such report should be fully coordinated with and include the findings of the Resources Agency Committee for Delta Recreation Planning; 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 and President pro Tempore of the Senate of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in Congress, and to the Secretary of the Army.

CHAPTER 29

Assembly Concurrent Resolution No. 26—Relative to merit awards to state employees.

[Filed with Secretary of State April 29, 1964.]

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 three hundred twenty-five dollars ($325) has already been made to Frank M. Allen, Department of General Services, for a suggestion that results in annual savings of thirty-nine thousand eight hundred forty-eight dollars ($39,848) by recommending that water meters be installed on all state buildings served by the City of Sacramento. Previously the charges were on a flat rate based upon each one

thousand (1,000) square feet of floor space, and this results in the payment of lower water charges and affords the same rates to state buildings as to commercial buildings; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Robert C. Blake, Division of Highways, for a suggestion that results in annual savings of six thousand seven hundred sixty dollars ($6,760) by recommending that plans for every bridge designed for the state highway system contain a certain number of standard plans; and that the processing plans, including the insertion of the plans in the completed job, be placed in a separate authority; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Gail E. Buell, Department of Corrections, for a suggestion that resulted in a one-time saving of thirty thousand nine hundred ninety-five dollars ($30,995) by recommending that thirty (30) rooms at the Soledad Correctional Training Facility, vacated as community lavatories, be altered and placed in use as cells. Twenty-four double cells and four counciling offices were completed with a reduction in custodial hazards presented by unused, open rooms; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Joseph V. Cardoza, Division of Highways, for a suggestion that results in annual savings of two thousand dollars ($2,000) by recommending that U-bolt type Italian hoes be converted into hand trimmers for use on trees, shrubs, and ground cover plants, reducing by two-thirds the time previously required; and

WHEREAS, An award of one hundred fifty dollars ($150) divided equally has already been made to Arthur W. Chapin and Seward E. Chapman, Division of Highways, for a suggestion that resulted in a one-time saving of thirteen thousand seven hundred forty-four dollars ($13,744) by recommending the use of aerial surveys to calculate frontage road fences and traffic islands and for setting property lines and excess land limits. This was previously done by conventional field crews which required numerous checks to verify survey notes when the notes were plotted; and

WHEREAS, An award of one hundred fifty dollars ($150) divided equally has already been made to Ruth A. Conahan and Mabel L. Wright, Department of Youth Authority, for a suggestion that results in annual savings of six thousand six hundred ninety-three dollars ($6,693) by recommending that Youth Authority wards sign a statement authorizing withdrawal from their trust funds amounts advanced for transportation and other expenses incidental to travel or release; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Robert B. Ely, Division of Highways, for a suggestion that results in annual savings of four thousand seven hundred eighty-nine dollars ($4,789) by recommending the discontinuance of the distribution of purchase contract and state price schedule information by division cir-

cular letters. Several reviews, approvals, and clerical operations have been eliminated; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Shelburne D. Holmes, Department of Motor Vehicles, for a suggestion that results in annual savings of twelve thousand two hundred thirty-two dollars ($12,232) by recommending that a form be produced automatically as part of a set for use in notifying persons who are under suspension or revocation to contact the local office in regard to their driving privilege. Previously these were typed separately, requiring six hundred eighty-four (684) man-days per year; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Leo W. Kluchin, Department of Corrections, for a suggestion that results in annual savings of one thousand eight hundred dollars ($1,800) by recommending modifications to the water system at California Men's Colony whereby only that water needed for boiler feed makeup will receive intensive treatment for softening rather than give the same treatment to all water used at the institution. Savings are effected through reduced requirements for salt and water used in the softening process; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Ralph J. Langford, Department of Mental Hygiene, for a suggestion that results in annual savings of three thousand four hundred forty-three dollars ($3,443) by recommending that a photocopy of the personal account ledger for patients be furnished the Social Security Administration in lieu of the formal accounting document previously prepared and submitted. Hospital superintendents are designated to receive social security benefits for four thousand five hundred (4,500) incompetent beneficiaries and must submit an annual accounting for each beneficiary; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Max T. Mizoguchi, California Highway Patrol, for a suggestion that resulted in annual savings of one thousand seven hundred fifty dollars ($1,750) by recommending the substitution of externally mounted silicon diode rectifiers in place of the externally mounted selenium type on patrol vehicles. Savings are realized in better performance, longer reliability and in substantially reduced maintenance expense despite a slightly higher initial unit cost; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Wood W. Moore, Department of Corrections, for a suggestion that results in annual savings to the inmate welfare fund of two thousand fifty dollars ($2,050) by recommending the sale of postal meter franked envelopes through inmate canteens instead of selling stamped envelopes; and

WHEREAS, An award of one hundred fifty dollars ($150) already has been made to Lois E. Thompson, Department of Veterans Affairs, for a suggestion that results in annual sav-

ings of four thousand seven hundred eighty-nine dollars ($4,789) by recommending changes in the procedures for maintaining the high school attendance records of dependents receiving California veterans' educational assistance. The new method improves the accuracy of transactions and insures the timeliness of the payments. One full-time clerical position is saved as a direct result of the suggestion; and

WHEREAS, The suggestions of these employees have resulted in one-time and recurring savings amounting to one hundred twenty-nine thousand eighty-three dollars ($129,083); and

WHEREAS, As a result of these savings it is unnecessary to appropriate additional funds for the payment of these awards, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the following additional awards, which have been approved by the State Board of Control, are hereby authorized to the employees named:

Frank M. Allen, eight hundred fifty dollars ($850);

Robert C. Blake, five hundred twenty-six dollars ($526);

Gail E. Buell, one thousand four hundred dollars ($1,400);

Joseph V Cardoza, fifty dollars ($50);

Arthur W. Chapin, two hundred sixty-eight dollars and fifty cents ($268.50);

Seward E. Chapman, two hundred sixty-eight dollars and fifty cents ($268.50);

Ruth A. Conahan, two hundred ten dollars ($210);

Mabel L. Wright, two hundred ten dollars ($210);

Robert B. Ely, three hundred thirty dollars ($330);

Shelburne D. Holmes, one thousand fifty dollars ($1,050);

Leo W. Kluchin, thirty dollars ($30);

Ralph J. Langford, one hundred ninety-two dollars ($192);

Max T. Mizoguchi, twenty-five dollars ($25);

Wood W. Moore, fifty-five dollars ($55);

Lois E. Thompson, three hundred twenty-nine dollars ($329); 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 30

Assembly Concurrent Resolution No. 31—Relative to the Crescent City tidal wave.

[Filed with Secretary of State April 29, 1964]

WHEREAS, The tidal wave touched off by the Alaskan earthquake which hit Crescent City early Saturday morning, March 28, 1964, wreaked a terrifying toll of human life and extensive damage to both public and private property and facilities in Crescent City; and

WHEREAS, An outstanding job in the saving and protecting of human lives and public and private property and facilities was and still is being performed by many federal, state, and local public agencies, and private agencies, including but not limited to the United States Air Force, the Coast Guard, the National Guard Reserve, the California Disaster Office, the California Highway Patrol, the Del Norte County Sheriff's office, the Crescent City Police Department, and the Red Cross; and

WHEREAS, Governor Edmund G. Brown has visited the scene of this terrible disaster and both the federal and state governments are currently investigating the emergency situation and all the possible available means of federal and state assistance to the inhabitants of this stricken area and to the local public agencies involved; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature extend their heartfelt sympathy to the inhabitants of Crescent City and pledge that all steps which are possible at the state level will be taken in order to provide relief to Crescent City and its inhabitants from the damage suffered in the disastrous tidal wave which hit this city last weekend.

CHAPTER 31

Assembly Concurrent Resolution No. 33—Commending Mrs. John F. Kennedy.

[Filed with Secretary of State April 29, 1964.]

WHEREAS, Mrs. John F. Kennedy, the widow of the late President, is to be commended for the great courage she showed in the difficult period following her husband's assassination; and

WHEREAS, Jackie, as she is known and loved by millions of Americans, was confronted not only with the strain of appearing before the public at the ceremonies memorializing her husband, but with finding a new home and making the necessary arrangements for moving her family from the White House; and

WHEREAS, Despite her deep grief, Jackie bravely and resolutely faced the future and performed her duties with a steadfastness and dignity that is an inspiration to all the world; and

WHEREAS, The courageous conduct of Mrs. John F. Kennedy during this painful period of great personal tragedy has won for her the admiration of the world and the State of California through its elected representatives takes official recognition of her heroic behavior; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members commend Mrs. John F. Kennedy on her courage and fortitude in a time of

crisis and convey to her the affection and good will of the people of the State of California; 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. Kennedy.

CHAPTER 32

Assembly Concurrent Resolution No. 46—Congratulating Governor Edmund G. Brown on his 59th birthday.

[Filed with Secretary of State April 29, 1964]

WHEREAS, On Tuesday, April 21, 1964, Governor Edmund G. ("Pat") Brown will celebrate his 59th birthday; and

WHEREAS, In honor of the occasion, a reception will be held on that date at the Fairmont Hotel in San Francisco; and

WHEREAS, Following the reception, Governor and Mrs. Brown will have dinner with a few friends; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members take this opportunity on behalf of the people of the State to congratulate "Pat" on his 59th birthday, and wish him many more years of prosperity, health and happiness; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Governor Brown.

CHAPTER 33

Senate Concurrent Resolution No. 22—Relative to a study of the proposed Pacific Southwest Water Plan.

[Filed with Secretary of State April 30, 1964.]

WHEREAS, The United States Department of the Interior, through the Secretary of the Interior, the Honorable Stewart L. Udall, has proposed a Pacific Southwest Water Plan in a report dated January, 1964; and

WHEREAS, This plan is based upon a report dated August, 1963, with revisions and modifications of almost all of the provisions of the original Pacific Southwest Water Plan which the Governor of the State of California had found unacceptable; and

WHEREAS, It is generally agreed that a shortage of water within the Lower Basin of the Colorado River will exist for those areas now served or proposed to be served therefrom, and particularly the Southern California area; and

WHEREAS, Although the Governor of the State of California has expressed himself as favoring the regional approach to the water problems of the Pacific Southwest area, many ques-

tions concerning the desirability of this approach generally, and of this modified Pacific Southwest Water Plan particularly, including the preferability of other regional plans to serve the area, have been raised by interested organizations and individuals in this State; and

WHEREAS, It is the belief of the Legislature of the State of California that this State should not commit itself as in favor of the regional approach and of the revised and modified January 1964 Pacific Southwest Water Plan without such approach and plan first receiving both thorough and objective study and express approval by the Legislature; and

WHEREAS, Time is short, since the United States Department of the Interior proposes to present its plan to the Congress of the United States without delay; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the University of California, using the most qualified personnel and resources at its command, including but not limited to its Water Resources Center, be requested to conduct immediately a thorough, exhaustive, disinterested, objective, and analytical study of the January 1964 Pacific Southwest Water Plan; and be it further

Resolved, That, among other things, this study should seek to ascertain the respective advantages and disadvantages of a regional approach, both as set forth in the aforementioned 1964 report of the United States Department of the Interior and otherwise, and the individual state approach contained in the California Water Plan of the State of California; and be it further

Resolved, That the University of California be requested to submit a preliminary report to the Senate Fact Finding Committee on Water Resources and the Assembly Interim Committee on Water of the Legislature of the State of California on or before August 1, 1964, and to submit a final report to the Legislature on or before January 30, 1965; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this Resolution to the Board of Regents and to the President of the University of California.

CHAPTER 34

Senate Joint Resolution No. 5—Relative to the withdrawal of certain lands in Death Valley from mining entry.

[Filed with Secretary of State April 30, 1964]

WHEREAS, The National Park Service has had pending with the Bureau of Land Management an application to withdraw 21,593 acres of land located in Death Valley, California, from entry under the mining laws for the alleged purpose of "preserving scenic, scientific and historical values"; and

WHEREAS, The National Park Service has now announced its intention of requesting withdrawal of an additional 27,120 acres in Death Valley allegedly for the protection of certain water supplies in the Furnace Creek area and for other purposes; and

WHEREAS, The two requests for withdrawal are now combined into one withdrawal proposal; and

WHEREAS, When the Death Valley National Monument was created, the right to mine therein was specifically provided for by act of Congress (48 Stat. 139; 16 U.S. Code 447); and

WHEREAS, Certain lands in Death Valley already are known to be mineral in character and important to the economic life of the nation; and

WHEREAS, It is a known fact that the only known major undeveloped reserve of boron minerals on the continent is located in Death Valley; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the California Legislature oppose:

(1) Any action by any bureau of the government which seeks to limit extraction of minerals from lands in Death Valley;

(2) Any withdrawal of any rights of mineral entry in Death Valley unless, and until, a public hearing has been held in a convenient location in the State of California with sufficient notice so that the public may know exactly the purposes of the proposed withdrawal, that discloses fully what "scenic, scientific and historical objects" are to be preserved, why so much land withdrawal is necessary therefor, and before which the mining industry and others interested, may have the opportunity to prove that the land is mineral in character and important to the economic welfare of the United States as a whole; and

(3) Any withdrawal of rights of mineral entry and of mining without the specific approval of Congress; and be it further

Resolved, That the Secretary of the Senate 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 35

Assembly Concurrent Resolution No. 36—Relative to the selection of Frank Lanterman as organist for the 1964 Republican National Convention.

[Filed with Secretary of State April 30, 1964.]

WHEREAS, Frank Lanterman is a man of exceptional musical abilities; and

WHEREAS, He attended the University of Southern California's College of Music, and studied organ, piano, and composition; and

WHEREAS, While at the university, he participated in numerous musical events, and many of the university's traditional songs have his musical arrangements; and

WHEREAS, He has played in many of the metropolitan theaters in Los Angeles; in 1928 traveled to Melbourne, Australia, to play for the opening of the 4,000-seat State Theatre there; and has played for many functions of the Assembly of the State of California; and

WHEREAS, He is a life member of the Musicians' Union, Local 47, American Federation of Labor; and

WHEREAS, He is an outstanding state legislator, a successful land developer, and an ardent Republican of long standing; 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 unanimously support Assemblyman Frank Lanterman as the official organist for the 1964 Republican National Convention, to be held in San Francisco, commencing Monday, July 13, 1964.

CHAPTER 36

Assembly Joint Resolution No. 8—Relative to the use of federal tax revenues on alcohol for State's alcoholic rehabilitation programs.

[Filed with Secretary of State April 30, 1964.]

WHEREAS, The disease of alcoholism is continuing to cause untold misery and great economic waste among the people of the State of California; and

WHEREAS, The disease of alcoholism ranks fourth among health problems in the United States, behind mental illness, heart disease, and cancer; and

WHEREAS, The disease of alcoholism contributes greatly to the problem of law enforcement in California both at the state and at local levels; and

WHEREAS, The State of California has instituted rehabilitation and education programs in an attempt to combat the disease of alcoholism; and

WHEREAS, The state rehabilitation and education programs have not been able to achieve their full potential due to grossly inadequate monetary funds; and

WHEREAS, The federal government receives approximately 90 percent of all tax revenues from alcohol consumed in the State of California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is

respectfully requested to enact legislation providing for the appropriation of 5 percent of the alcohol tax revenue to the states for the encouragement of the solution to problems created at the state and local levels by the disease of alcoholism, provided that the states which are recipients of this appropriation be limited to those which adopt a program of research, education, treatment and rehabilitation of the alcoholic; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit 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 to each Senator and Representative from California in the Congress of the United States.

CHAPTER 37

Senate Concurrent Resolution No. 24—Relating to year-round academic programs at the University of California and the California State Colleges.

[Filed with Secretary of State April 30, 1964]

WHEREAS, The Legislature recognizes that greater utilization of existing and planned facilities of the University of California and the California State Colleges is in the best interest of the citizens of California in view of the numbers of students requiring advanced education, and that the operation of campuses of the university and state colleges on a year-round basis will provide for greater utilization of existing and planned facilities; and

WHEREAS, It is clear that long-term capital outlay savings to the State resulting from year-round operations will substantially exceed additional operating costs to the State resulting from the offering of a summer term at the same level of quality as other terms and that these savings can be achieved while providing greater educational services to California's young people, and the Co-ordinating Council for Higher Education, based upon figures developed by the University of California and the California State Colleges, estimates net savings from this change at one hundred five million dollars ($105,000,000) by 1975; and

WHEREAS, Substantial additional operating appropriations appear to be necessary in order to initiate year-round operations; and

WHEREAS, The Regents of the University of California and the Trustees of the California State Colleges have endorsed the principle of year-round operation of their respective educational segments and have agreed with the findings of the Coordinating Council for Higher Education that a quarter calendar is the best mechanism by which year-round operations can be achieved and that immediate planning should go forward

without delay for institution of the new calendar and establishment of year-round programs; and

WHEREAS, Plans are currently being developed by the University of California and the California State Colleges in cooperation with the Co-ordinating Council for Higher Education to commence year-round operations at certain campuses and colleges beginning in the academic year 1966-67, and it is desired that this planning, including required curricular changes, continue in an orderly and efficient manner; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the University of California, the California State Colleges, and the Co-ordinating Council for Higher Education be commended for their actions initiating plans for year-round operations, and that the Legislature declares its support for the year-round operation of university and state college facilities at existing levels of quality, and declares that planning and preparation for year-round programs on selected campuses and colleges beginning in the academic year 1966-67 should go forward without delay; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Regents of the University of California, the Trustees of the California State Colleges, and the Co-ordinating Council for Higher Education.

CHAPTER 38

Senate Joint Resolution No. 4—Relative to importing beef and veal.

[Filed with Secretary of State April 30, 1964.]

WHEREAS, The beef cattle industry in California and the United States is suffering severe price and economic damage from beef and veal imports into the State and the nation; and

WHEREAS, These beef and veal imports imported into the United States in 1963 set an all-time record of nearly 2 billion pounds, of which 23 million came through the four Pacific Coast ports during a single month, which is equivalent to almost 54,000 head of grown cattle; and

WHEREAS, Beef and veal imports have had a rapid growth over the last decade, particularly subsequent to the modification of the United Kingdom-Australian meat agreement in October 1958, from 2.4 percent in 1953 to 11 percent in 1963; and

WHEREAS, Continued price depression will inevitably result in removal of capital from California and the United States to foreign countries with concurrent employment losses; and

WHEREAS, The production potential of beef in certain low-cost producing countries exporting beef to California and the United States is virtually unlimited; and

WHEREAS, Since cattle raising and cattle feeding uses approximately 42 percent of the total tonnage of all feedstuffs and byproducts of countless agricultural crops produced in California and the United States, the industry is essential to the growth and welfare of the State of California and the American economy; and

WHEREAS, The meat agreement negotiated between the Government of the United States and the Governments of Australia, New Zealand, and Ireland establishing quotas, to limit their beef, veal and mutton imports into this country to the 1962-63 average level, about 6 percent below the record level of 1963, does little to alleviate the depressed conditions in the cattle industry; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is requested to establish quotas on imports of beef and beef products into the United States with principal exporters at levels substantially below the recordbreaking beef import years of 1962 and 1963; and be it further

Resolved, That the Secretary of the Senate be hereby 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 39

Assembly Concurrent Resolution No. 34—Relative to farm employment.

[Filed with Secretary of State May 4, 1964.]

WHEREAS, If present plans are carried out, the United States Congress will end the bracero program, whereby under the provisions of Public Law 78 of the 82d Congress many thousands of Mexican nationals have been working on California farms for many years; and

WHEREAS, The termination of the bracero program will create a considerable shortage of farmworkers in this State, and if serious damage to our agricultural economy is to be avoided, methods must be found to relieve this shortage; and

WHEREAS, There is now a serious unemployment problem among the youth of our State, with large numbers of young men and women of school age, particularly in and around our great urban population centers, in need of gainful employment to support themselves while they obtain their education; and

WHEREAS, The unemployment problems of our young people in school would be greatly relieved and a significant farm labor force would be provided if these young people could so schedule their schoolwork as to be available for farm employment during the months of high seasonal farm labor requirements; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the high schools and institutions of higher learning of this State are requested to consider scheduling their school classes in such a way as to provide a maximum opportunity for their students to obtain farm employment; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the State Board of Education, the Superintendent of Public Instruction, the Trustees of the California State Colleges, and the Regents of the University of California.

CHAPTER 40

Assembly Concurrent Resolution No. 47—Relative to the observance of the Cinco de Mayo.

[Filed with Secretary of State May 4, 1964]

WHEREAS, One of the great days in Mexican history, celebrated by Mexicans at home and in foreign countries, is known as the Cinco de Mayo, or the Fifth of May; and

WHEREAS, The day is the anniversary of the Battle of Guadalupe near Puebla, which was fought in 1862 by a Mexican force of about two thousand against a French force of six thousand; and

WHEREAS, The victory achieved by the vastly outnumbered Mexican forces fired the hearts of people everywhere and is considered a monument to the courage, fortitude and resolve of the Mexican people; and

WHEREAS, The Fifth of May is thus an appropriate time for the people of this State to salute our good neighbor to the south and to pay honor to those of her people who have come to California and contributed so much of their labor, culture and ideals to the development of our State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That all Californians be urged to observe the Fifth of May as a time to pay honor to our friends in the great nation which borders us on the south.

CHAPTER 41

Assembly Concurrent Resolution No. 50—Approving certain amendments to the Charter of the City of Hayward, a municipal corporation, in the County of Alameda, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the 14th day of April, 1964.

[Filed with Secretary of State May 4, 1964]

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 Hayward, 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:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF HAYWARD IN THE ADOPTION OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF HAYWARD.

State of California,
County of Alameda, } ss
City of Hayward.

We, the undersigned, John N. Pappas, Mayor of the City of Hayward, and Edward K. Stanton, City Clerk of said City, do hereby certify and declare as follows:

That the City of Hayward, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned during the year 1964 was 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 of America, and is now organized, existing, and acting under a Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the 10th day of January, 1956, and duly approved by the Legislature of the State of California by Assembly Concurrent Resolution filed with the Secretary of State on the 7th day of March, 1956.

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 Hayward, 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 the 14th day of April, 1964.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 21st day of February, 1964, in The Daily Review, a daily newspaper of general circulation published in said City of Hayward 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 Hayward; and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the City of Hayward was published in said Daily Review, a newspaper of general circulation published in said City, on the 21st day of February, 1964, and on each day thereafter to and including the 13th day of April, 1964, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said pamphlet containing said proposed Charter Amendments could be had upon application therefor at the office of the City Clerk of said City to and including the 14th day of April, 1964, the date fixed for said election.

That said regular municipal election was duly and regularly held in said City of Hayward, after due notice given and published, on the 14th day of April, 1964, which day was not less than forty (40) days, nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed Charter Amendments in The Daily Review, the official newspaper of said City.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized, that all of the amendments to the Charter of the City of Hayward 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. 64-153 C.S. duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter Amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Amendments to the Charter of the City of Hayward so ratified by the electors of said City are in the words and figures as follows, to-wit:

Charter Amendment No. 1

Sections 500 and 604 of the Charter were amended to read as follows:

Section 500. Enumeration. (Elective Officers) The elective officers of the City of Hayward shall consist of a Council of seven members, to be composed of six Councilmen and a Mayor, all to be elected by the qualified voters of the City at large.

The first Mayor hereunder shall be elected at the General Municipal Election next following the effective date of this section.

Section 604. Mayor. Powers and Duties. Until the General Municipal Election next following the effective date of this section, the Council's presiding officer shall be selected and hold office as provided theretofore. Thereafter, the elected 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. The Mayor shall be the presiding officer of the Council, shall preside at the meetings of the Council and shall sign the official documents 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. 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.

Charter Amendment No. 2

Section 605 of the Charter was amended to read as follows:

Section 605. Mayor Pro Tempore. Until the General Municipal Election next following the effective date of this section, the Council's Mayor Pro Tempore shall be selected and hold office as provided theretofore. Thereafter, the Council shall meet on the first Tuesday following each General Municipal Election and shall elect one of its members as Mayor Pro Tempore. The Mayor Pro Tempore shall serve at the pleasure of the Council, and shall be elected and removed by the affirmative votes of at least five (5) members of Council.

The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

Charter Amendment No. 3

Section 501 of the Charter was amended to read as follows:

Section 501. Vacancy in Elective Office An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the City, or neglects to qualify within ten days following election or appointment, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to

attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body.

A vacancy in an elective office shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next General Municipal Election and until his successor is elected and qualified. At the next General Municipal Election following any such appointment, the person so elected shall serve for the remainder of any unexpired term.

No appointment to fill a vacancy in an elective office shall be made during such time prior to a General Municipal Election that nomination papers may be filed for candidates seeking office at said election.

In the event that Council shall fail to fill a vacancy by appointment within thirty days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

Charter Amendment No. 4

Section 600 of the Charter was amended to read as follows:

Section 600. Elective Officers. Term of Office. Except as otherwise provided in Section 501 of this Charter, Elective Officers shall hold office for a term of four years from and after the first Tuesday following their election, and shall continue in office until their respective successors qualify.

Elective Officers in office at the time this Charter amendment takes effect shall continue in office until the expiration of their respective terms, and their respective successors qualify.

Ties among candidates for any office shall be settled by the drawing of lots.

Charter Amendment No. 5

Section 603 of the Charter was amended to read as follows:

Section 603. Compensation. (Members of Council) Any compensation to be paid members of the Council shall be established by ordinance, and shall apply to all incumbent members of the Council. The Council may likewise change such compensation, however such change shall not be effective until one or more members of Council becomes eligible for such change in compensation by virtue of beginning a new term of office.

In addition, each member of the Council shall receive reimbursement on order of the Council for Council authorized traveling and other expenses when on official duty.

Charter Amendment No. 6

Sections 908, 909, 910, 911 and 912 of the Charter were repealed.

Charter Amendment No. 7

Section 613 of the Charter was amended to read as follows:

Section 613. Ayes and Noes. The Council shall pass ordinances and resolutions only by taking the ayes and noes by an open vote, which shall be entered in the Minutes of the meeting. The ayes and noes shall be taken and recorded on all motions.

Charter Amendment No. 8

Section 806 of the Charter was amended to read as follows:

Section 806. Illegal Contracts, Financial Interest Prohibited. No officer or employee of the City shall become financially interested except by testate or intestate succession, either directly or indirectly, in any contract, sale, purchase, lease or transfer of real or personal property to which the City is a party; provided, however, any employee may negotiate by contract the sale of any real property subject to eminent domain proceedings of the City. Any member of a board or commission serving without compensation may contract with the City or sell or contract to sell personal property to the City to be used by a department, board or commission of the City other than the board or commission on which he serves.

No officer or employee of the City shall be deemed to be financially interested by the ownership of less than three percent of the outstanding capital stock of a corporation. Any contract, sale or transaction in which there shall be such an interest, as specified in this section, shall become void at the election of the City when so declared by resolution of the Council.

Any violation of the provisions hereof shall be deemed a misdemeanor and shall be cause for removal from office.

Charter Amendment No. 9

Section 620 of the Charter was amended to read as follows:

Section 620. Ordinances. Effective Date. No ordinance shall become effective until thirty days from and after the date of its adoption, except the following which shall take effect upon adoption:

(a) An ordinance calling or otherwise relating to an election;

(b) An improvement proceeding ordinance adopted under State law or a 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 Charter.

(e) An ordinance annexing areas to the City;

(f) An ordinance relating to the zoning or rezoning of the City or portions thereof.

Charter Amendment No. 10

Section 1212 of the Charter was repealed, and

Section 1210 of the Charter was amended to read as follows:

Section 1210. Demands or Claims Against the City. Except as otherwise provided by the provisions of State law applicable to chartered cities, demands or claims against the City shall be presented, acted upon, and audited as prescribed by ordinance.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Hayward 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 Hayward to be affixed hereto this 22nd day of April, 1964.

(SEAL)

JOHN N. PAPPAS
Mayor of the City of Hayward
EDWARD K. STANTON
City Clerk of the City of Hayward

WHEREAS, The said proposed amendments as ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Hayward as proposed to, and adopted and ratified by the electors of said city, and as hereinbefore duly 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 Hayward.

CHAPTER 42

Assembly Concurrent Resolution No. 51—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 14, 1964

[Filed with Secretary of State May 4, 1964.]

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of charter amend-

ments, 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 }

We, the undersigned, Paul J. Gruber, 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 14th day of April, 1964, said charter amendments being herein designated as Newport Beach Charter Amendment Number One and Newport Beach Charter Amendment Number Two.

That on the 18th day of February, 1964, said City Council caused said Newport Beach Charter Amendments to be duly and regularly published and advertised in each and every edition of said 18th day of February, 1964, of the Newport Harbor News Press—Daily Pilot, the official newspaper of said city, printed, published and circulated in said city.

That said general municipal election was duly and regularly held in said city on the date fixed by said Council, to wit, April 14, 1964, 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 1005 of the Charter was amended to read as follows:

"Section 1005. Districts. The City is hereby divided into seven districts, the names and respective boundaries of which shall be as hereinafter in this Article provided.

In 1959 and each fourth year thereafter the City Council shall appoint a committee to study and report to the City Council on the advisability of redistricting the City. Upon receipt of any such committee report, and at any other time deemed necessary or desirable in order that the district boundaries be fair and logical, the City Council may by ordinance change and redefine the boundaries of any or all of the seven districts herein established. The boundaries so defined shall be established in such manner that the district shall, as nearly as practicable, constitute natural areas of contiguous and compact territory and provide fair representation on the City Council. Notwithstanding the provisions of Section 401, no redistricting shall disqualify any Councilman from serving as Councilman from the district from which he was nominated or appointed for the remainder of his term, if elected, or until the next general municipal election, if appointed. Any territory hereafter annexed to or consolidated with the City shall, at the time of such annexation or consolidation, be added by ordinance of the City Council to an adjacent district or districts."

Newport Beach Charter Amendment Number Two

Section 1402 (c) was added to the Charter to read as follows:

"Section 1402 (c). Exception to Section 1402.

Notwithstanding the provisions of Section 1402, the City Council may sell and convey that parcel of City-owned real property described as follows, to wit:

Lot 6, Block 218, as shown upon a map of Section 'B', Newport Beach, recorded in Miscellaneous Maps, Book 4, page 27, Records of Orange County, California, together with a portion of Lot 4, Section 33, Township 6 South, Range 10 West, S.B.B. & M., bounded on the south by the northerly line of said Lot 6, on the north by the easterly extension of the northerly line of Lot 4 in said Block 218, on the east by the northerly prolongation of the easterly line of said Lot 6, and on the west by the easterly lines of Lots 3 and 4 of said Block 218."

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 22d day of April, 1964.

PAUL J. GRUBER
(SEAL) 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 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 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.

CHAPTER 43

Assembly Concurrent Resolution No. 52—Relative to the death of State Senator Leland M. Backstrand.

[Filed with Secretary of State May 4, 1964.]

WHEREAS, State Senator Leland M. (Lee) Backstrand of the 37th Senatorial District, Riverside County, died April 26, 1964, of a sudden heart attack after more than 13 years as an Assemblyman and Senator, serving the people of the State of California; and

WHEREAS, Senator Backstrand was a devoted and conscientious legislator who worked tirelessly for the benefit of his constituents and the State of California, and had a deep interest in the welfare of the people of the United States; and

WHEREAS, A native of Southern California and a graduate of Pomona College, he served with distinction, devotion, and determination, both in the Assembly and in the Senate, and was well thought of by members of both parties; and

WHEREAS, He was a member of the Masonic and Elks Lodges, Optimist Club, Hi Twelve, American Legion, Native Sons, and Commonwealth Club; and

WHEREAS, Senator Backstrand was particularly noted for his pioneer work in the field of transportation and highway safety, both before and after his election to the State Legislature in 1952, and had recently been chairman of the subcommittee of the Committee on Highway Police Problems of the Western Division of the Council of State Governments; and

WHEREAS, As Vice Chairman of the Senate Transportation Committee and former Chairman of the Assembly Transportation and Commerce Committee he had helped initiate and produce many worthwhile studies on traffic and highway problems and was the author of many new laws placing California far ahead in solution of its multiplying difficulties of highway development; and

WHEREAS, He previously served as a member of the President's Traffic Safety Committee, the Advisory Committee of the California Safety Council, and the Southern Council of California State Chamber of Commerce Highway Committee; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature deeply mourn the passing of Senator Leland M. Backstrand and the loss of his service and experience to Riverside County and the State of California, and extend their heartfelt sympathy to his widow, Dorothy, his son, Leland I. Backstrand, and other members of his family; 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 Mrs. Dorothy Backstrand, and to Leland I. Backstrand.

CHAPTER 44

Senate Joint Resolution No. 7—Relating to levee maintenance.

[Filed with Secretary of State May 6, 1964.]

WHEREAS, Structures and facilities constructed by the United States for local flood protection are maintained under rules adopted by the Secretary of the Army (Part 208, Chapter II, of Title 33 of the Code of Federal Regulations); and

WHEREAS, These rules prescribe general standards which apply on a nationwide basis without regard to peculiar local problems; and

WHEREAS, These rules contain a general prohibition against brush, trees, and wild growth on project levees; and

WHEREAS, The waterways of the Sacramento and San Joaquin Rivers and their Delta have been made possible by a unique system of levees which present special problems of maintenance peculiar to that system only; and

WHEREAS, This region constitutes one of the most important recreation areas in California; and levees devoid of trees, brush and wild growth constitute a jeopardy to the recreation values of this area; and

WHEREAS, A policy of removing debris and dead growth but maintaining plant life would enhance the beauty and recreational values of the area; and

WHEREAS, The State of California is presently engaged in a pilot levee maintenance program which will find ways to effectively preserve both recreation and flood control values; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States and the Secretary of the Army to authorize the United States Army Corps of Engineers to join with the State of California in more active participation in the state pilot levee maintenance program; and be it further

Resolved, That the United States Army Corps of Engineers is requested to assist the State Resources Agency Committee for Delta Recreation Planning with the implementation of the state pilot maintenance program and with the determination of the validity and acceptance of newly developed standards that would utilize controlled levee vegetation to satisfy the multiple needs of recreation and flood control; and be it further

Resolved, That the United States Corps of Engineers should be authorized to reconstruct levees in the pilot maintenance areas, consistent with the purposes of the state pilot maintenance program; and be it further

Resolved, That a report should be prepared to be submitted to Congress through the Chief Engineer's office; such report should be fully coordinated with and include the findings of the Resources Agency Committee for Delta Recreation Planning; and be it further

Resolved, That the United States Corps of Engineers is requested to cooperate with state authorities in posting at the entrance of each slough in the State information to indicate the hazards, impaired clearances, recreation facilities, and docking and boating facilities which are to be found on the sloughs; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President of the United States and President pro Tempore of the Senate of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in Congress, and to the Secretary of the Army.

CHAPTER 45

Assembly Joint Resolution No. 9—Relating to Port San Luis

[Filed with Secretary of State May 6, 1964.]

WHEREAS, Port San Luis, California (San Luis Obispo Harbor), is the only deepwater port for a distance of 100 miles to

the south and over 100 miles to the north of the harbor; and

WHEREAS, Under authorization by Congress in 1958, the U.S. Corps of Engineers has made a Review Report, showing that "a need exists for harbor facilities for deep-draft and shallow-draft vessels at Port San Luis. . . . And that such a harbor would be used to capacity"; and

WHEREAS, Port San Luis is presently partly protected by an existing federal breakwater and the Corps' report shows a proposed plan for providing more nearly complete protection for the harbor through the improvement of the existing federal breakwater and the construction of another breakwater and other aids to navigation which would result in a benefit over cost ratio of four to one; and

WHEREAS, The complete report is contained in House Document No. 148, 88th Congress, 1st Session, the document being a letter from the Secretary of the Army transmitting favorable reports on the project by the Chief of Engineers, Department of the Army, together with favorable comments by five governmental departments of the State of California; and

WHEREAS, Local participation is assured by the Port San Luis Harbor District Commission, which has already negotiated a purchase agreement to buy for $500,000 the land needed for the complete project, and which has agreed to pay one-half the cost of the proposed new breakwater, as well as the entire cost of shoreside facilities as required for the project; and

WHEREAS, The project will benefit the three defense installations which are within 50 miles of Port San Luis, Vandenberg Air Force Base (missiles), Camp San Luis Obispo, and Camp Roberts; and

WHEREAS, House Resolution No. 7341, 88th Congress, 1st Session, was introduced by Congressman Talcott "to provide for the modification of the existing project for San Luis Obispo Harbor, California, including its renaming as Port San Luis, California."; 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 requested to authorize the Port San Luis Project as an aid to the defense posture of the United States, as a necessary element contributing to the economic growth of the United States, and as a factor in expanding the employment opportunities of the nation and the State; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy 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 to each Senator and Representative from California in the Congress of the United States.

CHAPTER 46

Assembly Concurrent Resolution No. 21—Relative to mistreatment of minors.

[Filed with Secretary of State May 6, 1964.]

WHEREAS, There have occurred in this State exhibitions of marksmanship, commercial and noncommercial, using a firearm, knives, or a bow and arrow, or otherwise involving the throwing, hurling, or firing of a projectile or the use of a whip, in which the aim is to strike an object held by another person or to strike very close to such person, as by outlining such person with knives thrown at points on a backboard about such person; and

WHEREAS, In some instances the person so used has been a minor and in at least one instance in this State a minor was recently killed by gunfire in such an exhibition; and

WHEREAS, It is readily apparent that even if marksmanship in such exhibition is true, a minor so used can reasonably be expected to experience great nervous tension, anguish, or terror that should not be inflicted on a minor, and if the marksmanship is untrue or an accident occurs the minor may suffer bodily injury or death; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature declares it to be the policy of this State that no minor shall be used in any marksmanship exhibition such as described in the foregoing provisions of this resolution.

CHAPTER 47

Assembly Concurrent Resolution No. 7—Relative to apprenticeship information centers.

[Filed with Secretary of State May 7, 1964]

WHEREAS, There is a great need in this State for increased apprenticeship and on-the-job training for our citizens; and

WHEREAS, In order to fully utilize existing apprenticeship and on-the-job training opportunities it is vital that information concerning such opportunities be gathered and disseminated to the public, employers, industries, labor, youth, parents, youth counselors and minority groups; and

WHEREAS, The Division of Apprenticeship Standards of the Department of Industrial Relations is seeking to establish local apprenticeship information centers in various areas throughout the State in order that all interested persons shall be made aware of the need for such training and available opportunities; and

WHEREAS, The need for local apprenticeship information centers is particularly great in the Los Angeles, San Diego,

San Francisco, Fresno, Alameda County and Eureka areas; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature finds that the establishment of apprentice information centers is essential to the effective utilization of existing apprenticeship and on-the-job training opportunities in California and the Legislature commends and supports the efforts of the Division of Apprenticeship Standards to establish such centers; and be it further

Resolved, That the Chief Clerk be hereby directed to transmit a copy of this resolution to the Division of Apprenticeship Standards of the Department of Industrial Relations.

CHAPTER 48

Assembly Concurrent Resolution No. 42—Relative to international trade and tariff negotiations affecting California agricultural commodities.

[Filed with Secretary of State May 7, 1964.]

WHEREAS, California agriculture produces more than 200 commercial crops; and

WHEREAS, These agricultural commodities, singly and collectively, are vital to the economic well-being not only of the farmers who produce them, but also of those citizens of our State who depend for their livelihood upon the processing, handling, transportation, and marketing of such commodities; and

WHEREAS, Each one of these commodities may be directly affected by the international trade and tariff negotiations that are now underway pursuant to the General Agreement on Trade and Tariffs (GATT) and the Trade Expansion Act of 1962; and

WHEREAS, The representatives of many of these commodities, with the assistance of the State Department of Agriculture and the University of California, have already appeared before the U.S. Tariff Commission and the President's Trade Information Committee in Washington, D.C., to the end that United States negotiators be fully informed of the importance of these commodities to California and of the impact that various policies may have upon them; and

WHEREAS, The Assembly Interim Committee on Agriculture has already commended industry groups, the State Department of Agriculture, the University of California, and the Governor's Import and Export Advisory Committees for their vigorous response to the challenge represented by the GATT negotiations; and

WHEREAS, William Rodd II, Chairman of the President's Trade Information Committee, publicly testified that the State Department of Agriculture's support in behalf of California

commodities had been "outstanding" and that no other state had provided services of comparable quality; and

WHEREAS, The Import and Export Advisory Committees at a joint meeting adopted a resolution urging the Governor to follow up this initial advantage by taking whatever further steps appear necessary to provide direct information to United States negotiators as the negotiations progress; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That California commodity groups, the State Department of Agriculture, the University of California, and the Import and Export Advisory Committees be commended for their splendid work and be encouraged to continue their efforts undiminished so that the negotiations may be seen to a successful conclusion; and be it further

Resolved, That the State Department of Agriculture be urged to make use of funds already allocated to the department for the support of foreign trade to keep United States negotiators fully and currently advised of the economic circumstances of California agricultural commodities and the consequences of progressive developments in the negotiations.

CHAPTER 49

Senate Concurrent Resolution No. 31—Memorializing former Senator Dan Williams

[Filed with Secretary of State May 11, 1964]

WHEREAS, The Senate has been advised that on Sunday, April 26, 1964, former Senator Dan E. Williams passed from this life; and

WHEREAS, Senator Dan E Williams was born in Vallejo, educated in St. Helena and attended Stanford University from which he graduated in 1898; and

WHEREAS, Senator Dan E. Williams was interested in mining, and participated in the construction and operation of motels and apartments; and

WHEREAS, Senator Dan E Williams was elected to the Assembly from the 47th Assembly District, representing that district in 1911 and again in 1917, and was again elected to represent that district in the years 1927 to 1929, inclusive, after which he was elected to the Senate in 1930, and served for two consecutive terms; and

WHEREAS, Senator Dan E. Williams, after retiring from legislative work, continued in the business of operating motels and apartments, made his residence in Merced for a number of years and then moved to Sacramento where he remained until his death; and

WHEREAS, Senator Dan E. Williams, during his service in the Legislature interested himself in mining laws, education

and highway construction rendering service satisfactory to the people of his district; now, therefore, be it

Resolved by the Senate of the State of California, That it regrets the passing of its former fellow member, and desires by this resolution to acknowledge the service he rendered to the State of California and to express its sympathy to the bereaved members of his family; and be it further

Resolved, That when the Senate adjourns on this, the 28th day of April, 1964, that it do so in honor of his memory; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a suitably prepared copy of this resolution to the members of the family of Senator Dan E. Williams.

CHAPTER 50

Senate Concurrent Resolution No. 32—Memorializing the death of Dick McAllister.

[Filed with Secretary of State May 11, 1964.]

WHEREAS, The Members of the Senate were saddened to learn of the death of Dick McAllister, San Mateo labor and civic leader; and

WHEREAS, Dick McAllister, a native of Scotland and a naturalized American citizen, led a colorful and active life for over 80 years; and

WHEREAS, He was extremely active in labor organization, founding and becoming the first secretary of the San Mateo Central Labor Council and later being elected president for eight consecutive terms, as well as serving as secretary of Pressmen's Local 315 and assisting in the organization of the San Mateo Allied Printing Trades Council; and

WHEREAS, He worked as a printing pressman in Sacramento and later in San Mateo as chief pressman of the San Mateo Times until his retirement in 1952; and

WHEREAS, In addition to his labor organization activities Dick McAllister was very active in civic affairs, serving as a city councilman, a member of the San Mateo Junior College board of trustees, a director and founder of the Peninsula Memorial Blood Bank and a member of the Civil Defense Council; and

WHEREAS, He had interests in many fields including playing professional baseball and participating in numerous fraternal organizations, and he won the respect and affection of all those who were privileged to know and work with him; and

WHEREAS, Mr. Dick McAllister is survived by his daughter, Mrs. McMillan, and two sisters, Mrs. Cathy Gallenkamp and Mrs. Mame Keller; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members deeply regret

the passing of Dick McAllister and hereby express their most heartfelt sympathy to his daughter and his sisters; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to Mrs. McMillan, Mrs. Cathy Gallenkamp, Mrs. Mame Keller, the Pressmen's Local 315, the San Mateo Central Labor Council and the San Mateo Allied Printing Trades Council.

CHAPTER 51

Assembly Concurrent Resolution No. 20—Relative to additions to Salton Sea State Recreation Area, Riverside and Imperial Counties.

[Filed with Secretary of State May 11, 1964.]

WHEREAS, There is a definite need for public facilities to serve the millions of people in Southern California seeking outdoor areas for recreation purposes; and

WHEREAS, The Salton Sea is extremely popular with Southern California boaters; and

WHEREAS, There are federal public domain lands adjacent to the Salton Sea State Recreation Area which are available at a price extremely advantageous to the State of California under the terms of the Federal Recreation and Public Purposes Act; and

WHEREAS, Proposition No. 1 at the November 1964 general election provides for expenditures of one hundred fifty million dollars ($150,000,000) for acquiring and developing state and regional beach, park, recreational and historical facilities; and

WHEREAS, Failure to initiate project studies prior to the passage of Proposition No. 1 will result in the delay of one year on the legislative approval of these projects; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Parks and Recreation is directed to undertake a study to determine the feasibility of acquiring and developing additional lands at Salton Sea State Recreation Area, and to comply with the provisions of the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964; 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 Parks and Recreation.

CHAPTER 52

Assembly Concurrent Resolution No. 30—Relating to highway litter.

[Filed with Secretary of State May 11, 1964.]

WHEREAS, The ever-increasing traffic on our highways and constantly spiraling costs of construction and maintenance of the highways makes it imperative that the tax dollars available for highway purposes be put to their most economical use; and

WHEREAS, The careless, unthinking travelers who discard litter and rubbish along our highways require the Division of Highways to divert funds from new construction or needed maintenance to meet the cost of cleaning up after such people; and

WHEREAS, If the public were more aware of the actual cost involved in the cleaning up of such litter, possibly people would be a little more careful not to dispose of their litter and rubbish on our highways; and

WHEREAS, One method of so informing the public would be to have a sign displayed on the trucks used to clean up such litter and rubbish which would state:

"This truck is engaged in picking up litter at a cost of two million dollars ($2,000,000) from your gas tax moneys. Isn't this a waste of your tax dollars?"

or another appropriate message; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Highways is requested to investigate the placing of signs, in the manner requested by this resolution, on its trucks when engaged in picking up litter along highways; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Division of Highways.

CHAPTER 53

Assembly Concurrent Resolution No. 57—Approving charter amendments to the Charter of the City of Whittier, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 14th day of April, 1964.

[Filed with Secretary of State May 11, 1964.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Whittier, a municipal corporation in 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:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF WHITTIER OF CERTAIN CHARTER AMENDMENTS

Election Held April 14, 1964

State of California
County of Los Angeles } ss
City of Whittier

We, the undersigned, Monte Wicker, Mayor of the City of Whittier, State of California, and Frank R. Limber, City Clerk of the City of Whittier, do hereby certify as follows:

That the City of Whittier, a municipal corporation in the County of Los Angeles, State of California, is now and at all times herein mentioned, was a city containing a population of more than thirty-five hundred (3,500) inhabitants and has been ever since the year, 1954, and now is organized and existing and acting under a freeholder's charter adopted and by virtue of Article XI Section 8 of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 13th day of April, 1954, and approved by the Legislature of the State of California by Assembly Concurrent Resolution filed with the Secretary of State on the 7th day of January, 1955.

That in accordance with the provisions of Article XI Section 8 of the Constitution of the State of California, and on its own motion, the City Council of the City of Whittier being the legislative body of said City, duly and regularly submitted to the qualified electors of said City certain proposals designated as charter amendments to amend the Charter of said City and to be voted upon by said qualified electors at the General Municipal Election held in said City on the 14th day of April, 1964.

That said proposed amendments were published and advertised in accordance with the provisions of Article XI Section 8 of the Constitution of the State of California on the 2nd day of March, 1964, in the Daily News, a daily newspaper of general circulation, printed, published and circulated in the City of Whittier.

That copies of said proposed amendments were printed in pamphlet form in type of not less than 10 point and copies thereof were mailed to each of the qualified electors in said City in accordance with the Constitution of the State of California and the Charter of the City of Whittier. That it was also advertised that copies of said proposed amendments could be had at the office of the City Clerk of the City of Whittier to and including the 14th day of April, 1964, the day fixed for said election.

That said General Municipal Election was duly and regularly held in the City of Whittier on the 14th day of April, 1964, which day was not less than forty (40) days nor more than sixty (60) days after the completion of the published advertisement of the aforementioned proposed charter amendments.

That the returns of said election were in accordance with the law in such cases, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers duly authorized thereunto, that all of the amendments to the charter of the City of Whittier hereinafter set forth were ratified by a majority of the electors of said City voting thereon. That the City Council of the City of Whittier did, by its Resolution No. 3666, on April 21, 1964 duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said charter amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said amendments to the Charter of the City of Whittier, so ratified by the electors, are in the following words and figures:

Proposition No. 1

Proposed Charter Amendment—"Section 801.1, Article VIII of the Charter of the City of Whittier relating to the residence requirements of the members of the Police and Fire Departments is hereby repealed."

Proposition No. 2

Proposed Charter Amendment No. 5—Section 710 of Article VII of the Whittier City Charter, entitled "Board of Library Trustees. Powers and Duties," is hereby amended to read as follows:

"There shall be a Board of Library Trustees consisting of five members which shall have the power, authority and duty to:

a. Act in an advisory capacity to the City Council on all matters pertaining to City libraries.

b. Designate its own officers and rules of procedure.

c. Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

d. Establish the policy regarding the purchase and acquisition of books, journals, maps, publications, and other supplies peculiar to the needs of the Library, subject, however, to the limitations of the budget as determined by the City Council for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in this Charter provided.

e. Assist in the planning of library facilities to satisfy the Library needs of the inhabitants of the City and to that end solicit the cooperation of school authorities and other public and private agencies interested therein.

f. Perform such other duties not inconsistent with this Charter as may be prescribed by Ordinance or Resolution of the City Council."

Proposition No. 3

Proposed Charter Amendment No. 6—The first paragraph of Section 1110, Article XI of the Charter of the City of Whittier is hereby amended to read as follows:

"Every project for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds and every purchase of supplies or materials for any such project when the total expenditures required for the same exceed the sum of $10,000.00 shall be let by the City Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by two or more insertions; the first of which shall be at least ten days before the time for opening bids. Projects for the maintenance or repair of streets, drains, or sewers are excepted from the requirements of this paragraph if the City Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work."

We further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Whittier with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Whittier to be affixed hereto this 28th day of April 1964.

(SEAL)

MONTE WICKER
Mayor of the City of Whittier
FRANK R. LIMBER
City Clerk of the City of Whittier

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 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 amendments 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 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 Whittier.

CHAPTER 54

Assembly Concurrent Resolution No 61—Relative to 1964 Western States Military-Civilian Traffic Safety Conference.

[Filed with Secretary of State May 11, 1964.]

WHEREAS, A shocking total of 41,000 of our citizens were killed in traffic accidents in the United States last year; and

WHEREAS, An additional 1½ million persons suffered disabling injuries and another 3 million persons were less seriously hurt; and

WHEREAS, The cost of these accidents—without any attempt to assign value to the human suffering involved—has been estimated at about $7 billion; and

WHEREAS, This is a senseless and a distressing waste of human and economic resources; and

WHEREAS, There is no single answer to the national traffic safety problem; and increased safety and a resulting decrease in the death and injury toll will result from an intensified and coordinated traffic safety program; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Honorable Edmund G. Brown, Governor of the State of California, and Lieutenant General Frederic J. Brown, Commanding General, Sixth United States Army, cosponsors of the 1964 Western States Military-Civilian Traffic Safety Conference, are to be commended for their splendid efforts in assembling nearly 500 outstanding civilian and military highway safety officials, May 1–2, 1964 at the Presidio of San Francisco for the purpose of addressing their combined talents and energies to the conference theme "Improving Driver Performance—Key to Traffic Accident Prevention"; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Governor Brown and Lieutenant General Brown

CHAPTER 55

Assembly Concurrent Resolution No. 62—Approving a certain amendment to the Charter of the City of Torrance, 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 April 14, 1964.

[Filed with Secretary of State May 11, 1964.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the Charter of the City of Torrance, a municipal corporation in 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:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENT BY THE ELECTORS OF THE CITY OF TORRANCE

State of California
County of Los Angeles } ss.
City of Torrance

We, the undersigned, Albert Isen, Mayor of the City of Torrance, California, and Vernon W. Coil, City Clerk of said City, do hereby certify and declare as follows:

That the City of Torrance, a municipal corporation in the County of Los Angeles, 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 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 14th day of April, 1964, and said charter amendment being herein designated as Charter Amendment No. 1.

That on the 27th day of February, 1964, and on the 5th day of March, 1964, said City Council caused said proposed charter amendment to be duly and regularly published and advertised in each and every edition of said 27th day of February, 1964, and said 5th day of March, 1964, of the Torrance Herald, the official newspaper of said city and a semi-weekly newspaper of general circulation printed, published and circulated in said city.

That said City Council caused copies of said proposed charter amendment 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 City Council, until the day fixed for the election upon said proposed charter amendment, did advertise in said Torrance Herald, a semi-weekly newspaper of general circulation printed, published and circulated in said city, a notice that copies thereof might be had upon application therefor; that copies of said proposed charter amendment 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 City Council, to wit,

April 14, 1964, which date was not less than forty (40) and more than sixty (60) days after completion of the advertising of said proposed charter amendment, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify Charter Amendment No. 1, hereinafter specifically set forth.

That all proceedings in connection with the submission of said charter amendment to the electorate, and the election thereon, were taken in accordance with the provisions of Section 8 Article XI of the Constitution of the State of California.

That said amendment to the Charter of said city so ratified by the voters of said city are as follows, to wit:

Charter Amendment No. 1

"Shall Section 1, Article XIII, of the Charter of the City of Torrance be amended to read in its entirety as follows:

Sec. 1. City Clerk

It shall be the duty of the city clerk to keep a full and true record of all the proceedings of the city council in books that shall bear appropriate titles and be devoted exclusively to such purposes, respectively. Such books shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

The city clerk shall keep a book marked "Ordinances" into which he shall record all city ordinances with his certificate annexed to each of said ordinances stating the same to be true and correct copy of an ordinance of said city, giving the number of said ordinance and stating that the same has been published or posted according to law. Said record with said certificate shall be prima facie evidence of the contents of each ordinance and of the passage and publication of the same and shall be admissible as such evidence in any court or proceedings.

The official records of the city in the custody of the city clerk shall not be filed in any court proceedings or other action but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. The city clerk shall be the custodian of the seal of the city.

The city clerk may appoint a deputy, or deputies, from an eligible list to be prepared in accordance with the proceedings prescribed in the civil service system of the city, such deputy or deputies to receive such compensation as may be provided for by the city council.

The city clerk and his deputy, or deputies, shall have power to administer oaths or affirmations, to take affidavits and depositions pertaining to the affairs and business of the city, which may be used in any court or proceedings in the state, and to certify the same.

The salary of the city clerk shall be determined by the city council but shall not be less than $750.00 per month.

The city clerk shall devote his entire time to the interests of the city, and shall be entitled to receive expenses, vacation periods and sick leave, with pay, the same as prescribed by the civil service ordinances of the city for heads of departments."

That we have compared the amendment as stated herein with the original proposal submitted to the electors of said city, and find and certify that it is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Torrance to be affixed hereto this 24th day of April, 1964.

(SEAL)

ALBERT ISEN
Mayor of the City of
Torrance, California
VERNON W. COIL
City Clerk of the City of
Torrance, California

and

WHEREAS, Said proposed charter amendment as ratified (being hereinabove set forth) has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration 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 amendment to the Charter of the City of Torrance as proposed to, and adopted and ratified by, the qualified electors of said City of Torrance be and the same hereby is approved as a whole, without amendment or alteration, for and as amendment to and as part of the Charter of the City of Torrance.

CHAPTER 56

Assembly Concurrent Resolution No. 43—Relative to relocation of facilities of local government required by the development of the State Water Facilities.

[Filed with Secretary of State May 13, 1964.]

WHEREAS, The Department of Water Resources is under pressure to complete the State Water Facilities to deliver water to Southern California by 1972; and

WHEREAS, The construction of the State Water Facilities involves the relocation of numerous facilities of local governmental entities; and

WHEREAS, The department has been required to make special efforts to recruit and train personnel to carry out the design and construction of the State Water Facilities; and

WHEREAS, The Department of Water Resources and the Legislature are anxious to do all work on the State Water Facilities in the most efficient and economical manner possible; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Water Resources is requested to give local government an opportunity to plan and design relocation work with respect to the relocation of facilities of local government required by the development of the State Water Facilities whenever such planning and designing may be done at no greater cost by local government than by the State and will expedite the development of the particular project of the State Water Facilities; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Administrator of the Resources Agency and the Director of the Department of Water Resources.

CHAPTER 57

Assembly Concurrent Resolution No. 63—Memorializing Robert C. Kirkwood.

[Filed with Secretary of State May 13, 1964]

WHEREAS, The Legislature has learned with sincere regret of the death of one of California's most outstanding and esteemed citizens, Robert C. Kirkwood; and

WHEREAS, The descendant of a pioneer California family, Robert Kirkwood was born at Mountain View in 1909; and

WHEREAS, He attended public schools in Palo Alto, graduated from Stanford in 1930, and received his LL.B. from Harvard Law School in 1933; and

WHEREAS, Following a period in which he practiced law and managed the orchard and farm properties owned by his family since 1854, Robert Kirkwood began his political career in 1947 with his election to the State Assembly; and

WHEREAS, In 1953 he was appointed by Governor Earl Warren as State Controller, serving in that office until 1959; and

WHEREAS, Since then he has been the manager of utilities for San Francisco, a position he has filled with competence and distinction; and

WHEREAS, The loss of this capable and public-spirited citizen will be keenly felt by the State and the City of San Francisco as well as by his many close friends and associates; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members by this resolution express their deep sorrow at the passing of their former colleague, Robert C. Kirkwood, and extend their heartfelt condolences to his widow, Jean, and their children; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the widow of Robert C. Kirkwood and to his four children, Anne, Jean, John, and Robert C. Kirkwood III.

CHAPTER 58

Senate Concurrent Resolution No. 16—Relative to the bottom of Clear Lake.

[Filed with Secretary of State May 13, 1964.]

WHEREAS, The bottom of Clear Lake in Lake County, California, has accumulated considerable quantities of debris and trash; and

WHEREAS, This debris and trash constitutes a hazard to boats and swimmers using the lake; and

WHEREAS, It is necessary to determine the responsibility for the maintenance of the bottom of Clear Lake; and

WHEREAS, In order to make a determination with respect to this responsibility for maintaining the bottom of the lake, it is necessary to establish the boundary of the bottom of the lake, by surveying the low water mark of the lake; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Lands Commission is requested to survey the low water mark of Clear Lake in Lake County, California, to establish the bottom of the lake and to study and make a recommendation to the Legislature with respect to who should be responsible for maintaining the lake bottom and to further study and determine what action is necessary to remove the debris that has accumulated and accumulates in the future on the lake bottom, and what the cost of that action would be; and be it further

Resolved, That the State Lands Commission shall submit a report of its findings to the Legislature on or before the second Monday in January, 1966; and be it further

Resolved, That the Secretary of the Senate shall transmit a copy of this resolution to the State Lands Commission.

CHAPTER 59

Senate Joint Resolution No 9—Relative to funds for a study of Morro Bay.

[Filed with Secretary of State May 13, 1964]

WHEREAS, Morro Bay is a strategically located, natural landlocked bay of great scenic beauty on the seacoast of San Luis Obispo County; and

WHEREAS, Morro Bay has potential for development for use by commercial fishing boats, sports fishing boats and pleasure craft; and

WHEREAS, Improvement of Morro Bay was initiated as a national defense project by the Department of the Navy in 1942; and

WHEREAS, Improvement of the harbor by the Corps of Engineers was authorized by the 1945 River and Harbor Act; and

WHEREAS, The River and Harbor Act of 1945 further provided that additional developments by the Department of the Navy be in accordance with plans on file in the Office of the Chief of Engineers; and

WHEREAS, Studies are needed to determine the optimum development of Morro Bay; and

WHEREAS, A review report of Morro Bay by the federal government was last prepared in 1941 and it is now necessary that the report be brought up to date; and

WHEREAS, Morro Bay was authorized as a general investigation project by the Committee on Public Works of the House of Representatives by a resolution on June 19, 1963 at the request of Congressmen Teague and Talcott; and

WHEREAS, The Corps of Engineers has expressed a general investigations capability of fifteen thousand dollars ($15,000) for the fiscal year 1965; 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 support the expressed capability of the Corps of Engineers for funds for the initiation of a study at Morro Bay and is desirous of seeing these funds included in the President's budget for the fiscal year 1965; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to each Senator and Representative from California in the Congress of the United States.

CHAPTER 60

Senate Joint Resolution No. 11—Relative to a study of north coastal multipurpose water projects.

[Filed with Secretary of State May 13, 1964.]

WHEREAS, Final planning for additional facilities in the north coastal area of California (including the north coast streams draining into the Pacific Ocean, and also the streams

encompassed in the Sacramento River basin) will commence on July 1, 1964, under the direction of the California Department of Water Resources; and

WHEREAS, The Bureau of Reclamation of the United States Department of Interior in 1960 completed a study of needs in northwestern California, and in 1963 published a reconnaissance report on the Eel River division, and is now engaged in a more detailed study of this project; and

WHEREAS, Local agencies within the north coastal area are also contemplating further local development of the area's water resources; and

WHEREAS, Necessity exists for close coordination among federal, state and local agencies in the planning and future development of these water resources; and

WHEREAS, The special knowledge and skills of the United States Army Corps of Engineers in water resources development (including municipal and industrial water supply, flood control and navigation), are needed if there is to be in this area of the State basin-wide planning and optimum comprehensive and integrated water development by all three levels of government and their respective agencies; and

WHEREAS, While the United States Army Corps of Engineers, under the authority of the Federal Flood Control Act, already has received congressional authorization to participate in such work, the United States Congress has as yet made no appropriation of moneys to implement such participation; 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 appropriate, during its current session, to the United States Army Corps of Engineers, funds sufficient to initiate comprehensive studies of multipurpose water projects in the aforesaid north coastal area compatible with the California State Water Plan and with coordinated water development of this area by all three levels of government and their respective agencies; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President of the United States, to the President pro Tempore of the Senate of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress, and to the Secretary of the Army.

CHAPTER 61

Assembly Concurrent Resolution No. 65—Relative to congratulating Harry S Truman on his 80th birthday.

[Filed with Secretary of State May 14, 1964.]

WHEREAS, On May 8, 1964, Harry S Truman, former President of the United States, celebrated his 80th birthday; and

WHEREAS, His many friends throughout the world are delighted to see that the passing years have not slowed his familiar, brisk walk nor dulled his sharp, quick mind; and

WHEREAS, Nor have the years caused any reduction in the busy daily schedule of activities which Mr. Truman has always maintained, and

WHEREAS, It is fondly hoped that the future will deal kindly with our beloved former President and permit the American people to enjoy the benefits of his counsel, wisdom, and experience for many years to come; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the California Legislature, speaking for themselves and for all the people of California, congratulate Harry S Truman on the occasion of his 80th birthday and wish him many, many more such happy days in the future; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Mr. Truman.

CHAPTER 62

Senate Concurrent Resolution No. 21—Relative to additions to the Pfeiffer Big Sur State Park in Monterey County.

[Filed with Secretary of State May 14, 1964.]

WHEREAS, There is a critical need for additional public recreational facilities in the Big Sur region to cope with the increasing unsatisfied demand; and

WHEREAS, The County of Monterey officially recognized the need in the Monterey County Coast Master Plan adopted on November 5, 1962, and

WHEREAS, Substantial amounts of undeveloped land adjoining the existing park are particularly suitable for public recreation purposes; and

WHEREAS, There is an element of urgency in the acquisition of these lands for public purposes; and

WHEREAS, Proposition No. 1 at the November 1964 general election provides for expenditures of $150,000,000 for acquiring and developing state and regional beach, park, recreational and historical facilities; and

WHEREAS, Failure to initiate project studies prior to the passage of Proposition No. 1 will result in the delay of one year on the legislative approval of these projects; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Parks and Recreation is directed to undertake a study to determine the feasibility of making significant additions to the Pfeiffer Big Sur State Park located in Monterey County and to comply with the provisions of the Cameron-Unruh Beach, Park, Rec-

reational, and Historical Facilities Bond Act of 1964; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Director of Parks and Recreation.

CHAPTER 63

Senate Joint Resolution No. 12—Relative to data processing.

[Filed with Secretary of State May 14, 1964.]

WHEREAS, The mobility of the skilled work force has been a vital factor in making the United States the leading industrial nation in the world, and is therefore worthy of being maintained and promoted; and

WHEREAS, The complexities of the United States national economy as it is evolving are such that new methods are urgently needed to maintain this mobility; and

WHEREAS, An immense quantity of data must be rapidly analyzed and digested in order to forecast the effects upon specific labor markets and occupations when vital economic decisions are to be made by either the federal government or by private industry; and

WHEREAS, Such factually based forecasts are urgently needed for an efficient use of the labor force and for the planned relocation of workers; and

WHEREAS, Even in times of high unemployment there is urgent need for prompt recruitment or training in certain occupations that cannot be readily met by existing methods of placement; and

WHEREAS, The United States Employment Service, a part of the United States Department of Labor, jointly with the Department of Employment of the State of California is making a pilot study of the applicability of data processing equipment to the placement of unemployed workers; and

WHEREAS, The pilot study is entirely financed by funds of the United States government; and

WHEREAS, The value of such a study would be greatly increased if it were extended to all states; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Secretary of Labor to require the Bureau of Employment Security to undertake a study of the applicability and value of using data processing equipment on a nationwide basis for the rapid correlation of the work skills and abilities of the unemployed with job opportunities in any locality within the United States; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the Secretary of Labor, and to each Senator and Representative in the Congress of the United States.

CHAPTER 64

Assembly 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 Section 2.8 to Article XIII thereof, relating to property taxation.

[Filed with Secretary of State May 15, 1964.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1964 First Extraordinary Session commencing on the third day of February, 1964, 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. The Legislature shall have the power to provide for, or authorize local taxing agencies to provide for, any appropriate relief from ad valorem taxation where (a) after the lien date for a given tax year taxable property is damaged or destroyed by fire, flood, earthquake or other act of God, and (b) the damaged or destroyed property is located in an area or region which was subsequently proclaimed by the Governor to be in a state of disaster.

CHAPTER 65

Assembly Concurrent Resolution No. 13—Relative to airline regulation.

[Filed with Secretary of State May 15, 1964]

WHEREAS, In recent tragic crashes of intrastate airliners, the damages which have been sustained as a result of the death or injury of passengers on the airliners have not been covered by insurance maintained by the intrastate airlines; and

WHEREAS, This failure of the intrastate airlines to maintain adequate insurance has prevented numerous Californians from recovering the damages which they sustained as a result of the crashes; and

WHEREAS, A new law (Ch. 1282, Stats. 1963) directs the Public Utilities Commission to require commercial air operators to procure and continue in effect, adequate protection against liability for the payment of damages for injuries and death and property damages as a result of accidents; and

WHEREAS, The Public Utilities Commission adopted, on March 17, 1964, their staff recommendations regarding adequate insurance coverage for intrastate airlines, including the recommendation that such insurance coverage shall not contain an escape clause allowing the cancellation of the insurance coverage if federal law is violated; 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 the Public Utilities Commission and its staff for the swift action taken with respect to the insurance of commercial airline carriers; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Public Utilities Commission.

CHAPTER 66

Assembly Concurrent Resolution No. 53—Relative to the death of Ken Hubbs.

[Filed with Secretary of State May 15, 1964.]

WHEREAS, Baseball enthusiasts throughout the nation were saddened by the tragic and sudden death of Ken Hubbs, the star second baseman for the Chicago Cubs and the National League's Rookie of the Year in 1962; and

WHEREAS, As a little leaguer in Colton, San Bernardino County, California, Ken first demonstrated his superb athletic prowess when he led his team to second place in the 1954 Little League Championships at Williamsport, Pennsylvania; and

WHEREAS, Ken, while attending Colton High, starred in four sports—baseball, basketball, football and track—and was named to the All-Citrus Belt League and All-California Interscholastic Federation teams in baseball and football, and in his senior year was named to the high school All-America football and basketball teams; and

WHEREAS, In his short but brilliant major league career he set records for second basemen when he played 78 consecutive games without committing an error and handled the ball flawlessly 418 times; and

WHEREAS, Aside from his great athletic ability and accomplishments in sports, Ken Hubbs was active in his church and a clean-living, well-mannered youngster who was admired and respected for his humble demeanor and sincerity; and

WHEREAS, He was in every sense a truly All-American-type boy and his memory will live on as an inspiration and model to young athletes everywhere; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their heartfelt regret at his loss and their deepest sympathy to his parents and other members of the 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 the parents of Ken Hubbs, Mr. and Mrs. Eulis Hubbs.

CHAPTER 67

Assembly Concurrent Resolution No. 55—Relative to augmenting the funds of the Joint Committee on Legislative Organization.

[Filed with Secretary of State May 15, 1964.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available, the sum of twenty thousand dollars ($20,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Senate and Assembly for the payment of any and all expenses of the Joint Committee on Legislative Organization (created by Section 9017 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 68

Assembly Concurrent Resolution No. 56—Relative to the Citizens Advisory Commission on Revision of the California Constitution.

[Filed with Secretary of State May 15, 1964.]

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 made available from the Contingent Fund of the Assembly and the Contingent Fund of the Senate for the expenses of the Citizens Advisory Committee and its members, appointed by the Joint Committee on Legislative Organization to assist the committee in its revision of the California Constitution, to be paid from the Senate and Assembly Contingent Funds equally and disbursed after certification by the Chairman of the Joint Committee on Legislative Organization, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 69

Assembly Joint Resolution No. 10—Relative to charter air service regulations.

[Filed with Secretary of State May 15, 1964.]

WHEREAS, There is pending before the Civil Aeronautics Board a proposed regulation change that would guarantee to

all supplemental nonscheduled airlines the right of first refusal on all charter requests made to scheduled airlines; and

WHEREAS, The adoption of such regulation would deprive Californians of free choice in the selection of charter air transportation; and

WHEREAS, Federal safety and insurance requirements for nonscheduled carriers do not provide the same guarantees as those available to the passengers of scheduled carriers; and

WHEREAS, The California State Colleges and the University of California along with other institutions of learning and athletic organizations have petitioned the Civil Aeronautics Board in opposition to the proposed regulation change; 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 Civil Aeronautics Board to proceed with utmost caution in considering the adoption of regulations that would further limit the competitive choice now available to charter air service customers and advises the Civil Aeronautics Board that the California Legislature opposes any regulation change which, in effect, subsidizes the nonscheduled segment of the airline industry at the expense of the traveling public and the scheduled carriers; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President of the United States; the President pro Tempore of the United States Senate; the Speaker of the House of Representatives; each Senator and Representative from California in the Congress of the United States; and the Civil Aeronautics Board.

CHAPTER 70

Assembly Joint Resolution No. 11—Relative to the passage of H.R. 10491.

[Filed with Secretary of State May 15, 1964.]

WHEREAS, H.R. 10491, 88th Congress, Second Session, is a bill to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tijuana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes; and

WHEREAS, Such a project is of vital interest to the southern part of our State which has suffered great damage because of the periodic flooding of the Tijuana River; and

WHEREAS, The project authorized by H.R. 10491 will do much to relieve the problem faced by that area of California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the California Legislature respectfully

memorializes the Congress of the United States to adopt H.R. 10491; 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, 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 71

Senate Concurrent Resolution No. 27—Relative to Senior Citizens' Month.

[Filed with Secretary of State May 20, 1964.]

WHEREAS, The well-demonstrated greatness of the State of California is due in large measure to the efforts of those people who are now the senior citizens of California; and

WHEREAS, The senior citizens of California have richly contributed to the economic prosperity and social and cultural development of the State of California; and

WHEREAS, The blessings of longer life and better health are being made available to all our citizens at the same time that technological progress is making the task of employment less toilsome physically and bringing arbitrary retirement at an age when most people can and want to continue as productive members of society; and

WHEREAS, There are now over one million and a half Californians age 65 and over and their number will increase in our population as efforts of science continue to increase the human lifespan; and

WHEREAS, The practice of arbitrary retirement tends to minimize the usefulness of older people to their communities and makes it difficult for them to obtain decent housing, adequate medical care, and necessary recreational and educational opportunities because of sharply reduced retirement income; and

WHEREAS, The senior citizens of California have demonstrated their interest and ability to continue to make constructive and creative contributions to the well-being of the economy through either employment or voluntary service efforts; and

WHEREAS, The foregoing factors make it necessary that proper planning be done to meet the needs of California's senior citizens; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the month of May, 1964, be designated as Senior Citizens' Month; and be it further

Resolved, That the efforts of the Governor of the State of California to establish May, 1964, as a fittingly observed Senior Citizens' Month be commended; and be it further

Resolved, That the communities of the State of California are urged to stress the contributions being made by senior citizens to community life and to encourage additional opportunities that will make effective use of the experiences, skills, and talents of senior citizens; and be it further

Resolved, That the people of California are urged to continue in their worldwide recognized leadership in meeting the needs and problems of senior citizens so that the senior citizen can enjoy dignity, self-respect, usefulness, and good citizenship throughout his lifetime as a member of his community; and be it further

Resolved, That every state department and agency is urged to give all the necessary encouragement and assistance to the communities of the State in marking Senior Citizens' Month with fitting observances; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Honorable Edmund G. Brown, Governor of the State of California, the Citizens' Advisory Committee on Aging, and to the directors of all state agencies.

CHAPTER 72

Senate Concurrent Resolution No. 37—Approving an amendment to the Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, ratified by the qualified electors of the city at a special election held therein on the fifth day of May, 1964.

[Filed with Secretary of State May 20, 1964.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as hereinafter set forth in the certificate of the mayor pro tem and city clerk of the city, as follows:

State of California }
County of Napa } ss.
City of Napa }

CERTIFICATE OF RATIFICATION OF ONE AMENDMENT TO THE CHARTER OF THE CITY OF NAPA

We, the undersigned Edward I. Barwick Mayor Pro-Tem of the City of Napa, and Allen R. Thorpe, City Clerk of said City, do hereby certify as follows:

That the City of Napa, a municipal corporation in the County of Napa, State of California, now is and at all times herein mentioned, was a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been ever since January 26, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the

qualified electors of said City of Napa at an election held for that purpose on the 16th day of December, 1914 and approved by the Legislature of the State of California on the 26th day of January, 1915.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California by Petition of the registered electors of the City of Napa said City Council, on March 2, 1964, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa one proposed amendment to the Charter of said City of Napa, said charter amendments being designated as Proposal No. 1 filed in the office of the Clerk of said City of Napa on said March 2, 1964 and further ordered that said charter amendment should be submitted to and voted upon by the qualified voters of said City at a special election called and held for that purpose in said City on the 5th day of May 1964, and consolidated said special election with the General Election to be held in said City on said 5th day of May, 1964.

That said proposed charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 10th day of March, 1964 in the "Napa Register", a newspaper of general circulation printed and published in said City of Napa, and in all the editions thereof issued during said day of publication.

That said municipal election was held in said City of Napa on May 5th, 1964 and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendment designated as said Proposal No. 1 and that said City Council, as provided by law, duly and regularly canvassed the returns of said election and did duly find, determine and declare the result of said special election to be that a majority of the qualified voters of said city voting on said proposed charter amendment had voted for and ratified said amendment, and that the City Clerk did enter on the record and in the minutes of said City Council a statement of the result of said election.

That said amendment to the Charter of the City of Napa, so ratified by the electors of said City of Napa, is in words and figures as fully set forth below:

AMENDMENT TO CITY CHARTER OF THE CITY OF NAPA

1. Section 75 of the City Charter of the City of Napa shall be amended to read as follows, and a new section 76.1 shall be added to read as follows:

Section 75.

The appointive officers of the City of Napa shall be a City Treasurer, a City Manager, a City Clerk, and a City Attorney appointed by a majority vote of the City Council, and to hold office at the pleasure of the City Council; a City Assessor, a City Collector, a City Auditor, a Director of Public Works, a Planning Officer, a Finance Director, a Police Chief and a Fire

Chief, all to be appointed by the City Manager. The Council may from time to time by ordinance designate other appointive officers. The appointive officers over whom the City Manager holds the power of appointment with the exception of the Fire Chief and the Police Chief may be removed by the City Manager at any time. Upon their qualification and appointment all of the hereinbefore-stated officers shall become and remain a resident of the City of Napa during the time he is an officer except as hereinotherwise stated.

Section 76.1.

There shall be a personnel system for the full-time employees of the City of Napa which shall be as follows:

A. Department of Personnel. There shall be a Department of Personnel which shall consist of a Personnel Board and Personnel Officer. The Personnel Board shall consist of five members to be selected as follows: Two shall be appointed by the City Council. Two shall be elected by the classified employees at an election to be conducted by the City Clerk within 90 days after this section becomes effective, and thereafter, at election held under the rules of the Personnel Board. One shall be appointed by the other four.

Terms of office shall be for three years except that the first Board appointed hereunder, one of those elected by the employees and one appointed by the Council shall be assigned by lot to a two-year term, and the initial term of the fifth member shall be one year.

Vacancies shall be filled for unexpired terms in the same manner as full-term vacancies are filled.

The members of the Personnel Board shall be residents of the City of Napa for a continuous period of at least one year immediately preceding appointment to said Board, shall be qualified electors of said City and shall serve without compensation. No person shall be eligible to be appointed to said Board who holds any salaried public office or employment in the service of the City of Napa nor shall any member, while a member of the Board or for a period of one year after he has ceased for any reason to be a member, be eligible for appointment to any classified position in the service of the City.

At the first meeting of the Personnel board and annually thereafter, the Board shall elect a chairman and a vice-chairman.

B. Duties of the Personnel Board. The personnel board shall determine the order of business for the conduct of its meetings, and shall meet regularly if so required by the rules, or on call of the Chairman, or three members of the Board, three members of the Board shall constitute a quorum for the transaction of business, but at least three concurring votes shall be necessary to make any action effective.

(1) To make, amend, and repeal rules and regulations for the classified service which, upon the approval of the City Council, shall have the force and effect of supplementing this

section and revisions and amendments thereof. All rules and regulations so made shall be consistent with the provisions of this section.

(2) To act in an administrative capacity to the City Council on problems concerning Personnel Administration.

(3) As provided by this section and by rules hereafter adopted by the Personnel Board, to hear appeals submitted by any person in the competitive service relative to any situation connected with his employment status or condition of employment. Upon the conclusion of any such hearing the Personnel Board shall certify its findings to the City Council, and except for bad faith or lack of evidence, such findings shall be final. In such an event of bad faith or lack of evidence, the Council shall be the final review board to whom an employee may appeal under this section the Council's decision shall then be final.

(4) In any investigation or hearing conducted by the board, it shall have the power to examine witnesses under oath and compel their attendance or the production of evidence before it by subpoenas issued in the name of the City and attested by the City Clerk. It shall be the duty of the Chief of Police to cause all such subpoenas to be served and refusal of a person to attend or to testify in answer to such a subpoena shall subject said person to prosecution in the same manner set forth by law for failure to appear before the City Council in response to a subpoena issued by the City Council. Each member of the personnel board shall have the power to administer oaths to witnesses.

(5) To hold hearings and make recommendations to the City Council on the adoption or revision of the position classification plan. The City Council may adopt a position classification plan or plans and class specifications and revisions thereof from time to time within the scope as recommended by the board and allocate and re-allocate positions in the competitive service to classes within the scope as recommended by the board. The board shall recommend all salaries to the Council, for such action as the Council sees fit.

C. Personnel Officer. The board shall appoint a personnel officer other than the City Manager, his assistant, or other Chief Administrative officers from an eligible list established from a competitive examination. The competitive examination may be advertised and conducted and rights given to parts thereof, as the board shall determine. The salary of the Personnel Officer shall be set by the Council upon recommendation of the Board. The Personnel Officer may be removed from office by the board for cause, inefficiency or misconduct in the same manner and with the same safeguards as any other classified employee. Provided, however, that the Personnel Officer has the right to appeal by the Council. The decision of

the City Council shall be final and conclusive. The Personnel Officer shall:

(1) Be the custodian of all personnel records and shall be the official upon or with whom all notices, requests for hearings complaints and other official documents shall be served and filed.

(2) Attend all meetings of the Personnel Board.

(3) Administer all provisions of this section and the rules established hereunder, not specifically reserved to the City Council or the Personnel Board.

(4) Under the direction of the personnel board, to prepare rules and amendments thereof, for the consideration of said personnel board.

(5) Under the direction of the personnel board, to prepare a position classification plan and class specifications, salary schedules and revisions thereof, for the consideration of said personnel board.

D. Classified Service. The provisions of this section shall apply to all appointed officers and employees who are full-time employees of the City of Napa, except the City Treasurer, City Clerk, City Manager and his assistant or assistants, City Attorney, City Assessor, City Collector, City Auditor, Director of Public Works, the Finance Director, and the City Planning Officer.

E. Adoption of Rules. In addition to such other matters as may be necessary and proper to carry out the intent and purposes of this section, rules shall be formulated by the Personnel Board subject to approval by the City Council, and procedures to govern the following phases of the personnel program.

(1) The preparation, installation, revision and maintenance of a position classification plan and salary schedules covering all positions in the competitive service.

(2) The formulation of minimum standards and qualifications for each class of position, together with the salary to be attached to each position, provided, however, that standards and qualifications shall require that any applicants for any of the classes of position shall:

(a) The minimum age for appointment as policeman or fireman shall be twenty-one (21) and the maximum age for such appointment shall be thirty (30) provided further that said maximum age shall not apply to promotional examinations or appointments within the respective departments.

(b) Provided further that said minimum standards and qualifications shall not require that all applicants for said competitive service be residents of the City.

(c) All promotions shall be made from permanent employees of the City of Napa unless after public hearing after due notice the board shall find that no present permanent employee is possessed of the requisite minimum qualifications for the promotion.

(3) The public announcement of vacancies and examinations and the acceptance of applications for employment.

(4) The preparations and conduct of examinations and the establishment and use of employment lists containing names of persons eligible for appointment.

(5) The certification and appointment of persons from employment lists to fill vacancies and the making of temporary and emergency appointments.

(6) The evaluation of employees during the probationary period.

(7) The transfer, promotion, demotion, and reinstatement of employees in the competitive service.

(8) The separation from the service of employees through lay-off, suspension, dismissal and for incapacity to perform required duties.

(9) The standardization of hours of work, attendance and leave regulations, working conditions and the development of employee morale, welfare and training.

(10) The maintenance and use of necessary records and forms.

F. Appointment. Appointments to vacant positions under this section shall be made by the Department heads, subject to the approval of the City Manager in accordance with the rules established herein and from employment lists resulting from open competitive examination, promotional examination, transfer, demotion or reinstatement.

(1) If appointment is to be made from employment or promotional lists, the names of persons willing to accept appointments shall be certified by the personnel officer in the order in which they appear on the lists. The number of names so certified shall not exceed by more than two the number of vacancies to be filled.

(2) Each employment or promotional list shall last for at least one year from the date of its establishment; but may not last for more than four years. Upon abolition of a list, each eligible person thereon shall be notified by letter addressed to his last known address.

(3) In the absence of appropriate employment lists, a temporary appointment may be made by the appointing power of a person meeting the minimum qualifications for the position, provided, however, that an employment list shall be established for such position within 90 calendar days. No position shall be occupied under temporary appointment for a total of more than 180 calendar days. In the event of an emergency, the appointing power may appoint such persons as are required to meet the situation, but such appointment shall not exceed 15 working days.

(4) No credit shall be allowed in the giving of any examination or the establishment of any employment or promotional lists, for service rendered under temporary appointment, and time worked under temporary appointment shall not count towards completion of a probationary period.

(5) During the period of suspension of any employee, or pending final action on proceedings to review the suspension, demotion or dismissal of any employee, the vacancy created may be filled by the appointing power only by temporary appointment.

G. Probationary Period. All original and promotional appointments shall be for a probational period of six months which period may be extended for an additional six months except for police and fire appointments which shall be for a period of one year. During which the employee may be rejected at any time. Such rejection shall not be subject to appeal except upon a showing of fraud or bad faith.

An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted, unless charges are filed and he is discharged as provided in this section and the rules.

H. Status of Present Employees. Any person holding a position or employment included in the competitive service who, on the effective date of this section shall have served continuously in such position, or in some other position included in the competitive service for a period of at least six months, or one year for police and fire employees immediately prior to such effective date, shall assume regular status in the competitive service in the position held on such effective date without preliminary examination or working tests and shall thereafter be subject in all respects to the provisions of this section.

I. Powers of the City Council. The City Council shall retain such power as is vested in it by law subject to the provisions of this section and the rules and regulations adopted by the Personnel Board and approved by the City Council. It is the intent and spirit of this section to provide a fair and just approach to municipal employment in order that city employees may be selected, appointed, transferred, promoted, demoted, reinstated, or laid off on a merit basis and/or removed, dismissed, demoted, suspended, reprimanded, or disciplined only upon signed written charges that are filed, heard, or determined and a finding made as provided in this section, but in no sense to impair the efficiency of the public service.

Any person in the competitive service shall be subject to suspension without pay by the City Council not to exceed thirty (30) working days with right to appeal, resulting from signed written charges referred to the City Council as provided in Section 11 hereof. Further, as a means of imposing disciplinary punishment of infractions of a minor nature the City Council may direct the Personnel Board to prepare rules and regulations whereby the City Manager may suspend an employee under his supervision without pay for a period not to exceed five (5) working days. An employee shall have the right to appeal under this particular subdivision of this section.

J. Removal, Dismissal, Fine, Demotion, Suspension, Reprimand, or Otherwise Penalizing an Officer or Employee. Filing and Referral of Signed Written Charges. Hearings and or Investigations to be Conducted. Exoneration of Charges. Certify Findings. Every officer and employee in the competitive service shall retain his office or employment so long as it exists under the same or a different title during good behavior and shall not be removed, dismissed, fined, demoted, reprimanded in writing, suspended, reduced, in compensation as a punishment or otherwise penalized except as provided in section 10 hereof is subject, however, to every provision of the Constitution of the United States and of the State of California and applicable State Statutes designating a general ground or general grounds of forfeiture of office or employment, or imposing a criminal liability.

No person who shall have served the probationary period in a permanent office or employment as hereinabove provided for shall be removed therefrom or penalized in any manner, except upon signed written charges filed with the City Council either by head of a department of City Government, or by any other person. Such written charges shall be specific as to time, place, and circumstances.

Upon receipt of such charges the City Council shall refer the said charges to the Personnel Board for a hearing as provided for herein. Such accused officer or employee shall have the right to present his case orally and in writing; to call witnesses in his behalf, to present evidence and to be represented by counsel or other representation of his own choice.

A copy of the charges and place of the hearing shall be given the accused personally or shall be mailed to him by registered mail at his last known address by the Personnel Officer not later than twenty (20) days before any hearing. Hearings shall be commenced before the expiration of thirty (30) days from the date of such charges are referred to the Personnel Board by the City Council.

The provisions of Section 54950 and 54958 inclusive of the Government Code of California, as now applicable or may hereafter be amended, shall apply to the kind of hearings to be held under this Section. Such hearings as this section applys to may however be attended by the partys thereto and the City Council.

If the accused officer or employee fails to appear at any hearing without showing good cause for such failure to appear, he may be reprimanded, fined, demoted, dismissed, removed, reduced in compensation or otherwise penalized without further proceedings. If he appears at the time and place set for any hearing the Personnel Board shall hear the matter.

After concluding any hearing the Personnel Board within ten (10) days shall certify its findings to the City Council that the accused was exonerated, reprimanded, fined, demoted, removed, dismissed, reduced in compensation or otherwise penalized and except for bad faith or lack of evidence such findings

shall be final. In such event of bad faith or lack of evidence, the City Council shall be the final review board to whom an officer or employee may appeal under this section; the City Council's decision shall then be final.

K. Abolition of Position. Whereas, in the judgment of the City Council it becomes necessary in the interest of economy or because the necessity for the position involved no longer exists the Personnel Board shall abolish any position in the classification plan. In laying off any employee or employees through the abolition of position the Personnel Board shall observe the seniority rule. Furthermore, the Personnel Board shall endeavor to transfer any employee or employees holding any abolished position to another suitable position in the competitive service to which he is qualified. The name of such employee or employees so laid off shall be placed at the top of the appropriate employment list or lists as provided by the rules. If the abolished position is renewed within two years of its being abolished the City Manager shall re-hire the employee or employees so laid off according to the seniority rule.

L. Political Activity. No person shall be appointed to, or demoted or dismissed from, any position in the classified service or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations or race.

No person shall seek or attempt to use any political endorsement in connection with any appointments to a position in the classified service.

No person shall use or promise to use, directly or indirectly any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in pay or other advantage in employment in any such position for the purpose of influencing the role or political action of any person, or for any consideration.

Nothing herein shall be construed to deprive any employee in the classified service of his privilege of voting and privately expressing his views as a citizen; nor shall such employees be denied the right to take part in non-partisan activities in support of or in opposition to ballot measures touching upon or concerning these employment rights, privileges or benefits.

Nothing in this section shall be construed to prevent such officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to a public office, save and excepting as is otherwise specifically prohibited by law.

Any willful violation thereof or violation through culpable negligence, shall be sufficient grounds to authorize the discharge of any officer or employee.

M. Solicitation of Contributions. No officer, agent, clerk, or employee under the government of the city and no candi-

dates for any city office shall directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution, whether voluntary or involuntary, for any political purpose whatsoever, from anyone on the employment list or holding any position under the provisions of this section.

N. Right to Contract for Special Service. The Council may contract with some competent agency for the performance by such agency for such technical service in connection with the establishment of the personnel system or with its operations, as may be necessary for:

(1) The public advertising of all examinations.

(2) To provide and maintain eligibility lists for the various positions in the competitive service.

(3) The holding open of free competitive examinations and the administering of other suitable tests to fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed.

That we have compared the foregoing amendment with the original proposal submitted to the electors of said City of Napa and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble of this Certificate preceding said amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 12th day of May, 1964.

(SEAL)

EDWARD I. BARWICK
Mayor Pro-Tem of the City of Napa
State of California
ALLEN R. THORPE
City Clerk of the City of Napa
State of 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 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 Napa, 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 Napa.

CHAPTER 73

Senate Joint Resolution No. 3—Relating to designating the Redwood Highway as part of the national system of interstate and defense highways.

[Filed with Secretary of State May 20, 1964.]

WHEREAS, The inclusion of a highway as part of the national system of interstate and defense highways must be in accordance with the requirements of federal law that the Interstate System be "so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense and, to the greatest extent possible, to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico"; and

WHEREAS, The Redwood Highway, as State Highway Route 101 from San Francisco north to Crescent City and along the Smith River on State Highway Route 199 to the Oregon state line, meets these requirements by connecting the San Francisco Bay metropolitan area with the entire North Coastal area of California and in addition providing a connecting link via Grants Pass for this area and the major southeastern areas of the State of Oregon, which, in turn, connect with routes to the Dominion of Canada; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That State Highway Route 101 from San Francisco to Crescent City and State Highway Route 199 to the Oregon state line should be designated as a part of the national system of interstate and defense highways, and all appropriate steps shall be taken by the administrative agencies of the State and federal government to bring about such a designation; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the United States Secretary of Commerce and to the Director of the California Department of Public Works.

CHAPTER 74

Senate Joint Resolution No. 13—Relative to water research.

[Filed with Secretary of State May 20, 1964.]

WHEREAS, S. 2, an act to establish water resources research centers at land-grant colleges and state universities, to stimulate water research at other colleges, universities, and centers of competence, and to promote a more adequate national pro-

gram of water research, is presently being considered by the Congress of the United States; and

WHEREAS, The enactment of S. 2 would make funds available to provide for research, investigations, experiments and training in water problems; and

WHEREAS, S. 2 also provides for the coordination of and classification of federal agency responsibility for water resources research; and

WHEREAS, The State of California has a vital interest in the development of water resources and in studies and research which aid in the solution of water problems; 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 Congress of the United States to enact S. 2 or similar legislation to promote water research; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President of the United States, the President pro Tempore of the Senate, 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. 14—Relative to Oroville Dam.

[Filed with Secretary of State May 20, 1964.]

WHEREAS, The State of California and the United States entered into a contract on March 8, 1962, wherein the United States agreed to reimburse the State for the construction costs of Oroville Dam and Reservoir that are allocated to flood control; and

WHEREAS, The contract was authorized by the Flood Control Act of 1958; and

WHEREAS, The State has made major commitments in reliance on the contract; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States, during its current session, to make the necessary appropriation to comply with the provisions of the contract; and be it further

Resolved, That the Secretary of the Senate be hereby 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 to each Senator and Representative from California in the Congress of the United States.

CHAPTER 76

Assembly Joint Resolution No. 5—Relative to posthumously awarding the Congressional Medal of Honor to John Fitzgerald Kennedy.

[Filed with Secretary of State May 20, 1964.]

WHEREAS, John Fitzgerald Kennedy served the armed forces of the United States in time of war with exceptional honor, distinction, and heroism, all beyond the call of duty; and

WHEREAS, John Fitzgerald Kennedy received an honorable discharge from the United States Navy in 1945; and

WHEREAS, He continued to devote his life to the service of his country as a Member of the House of Representatives, and as a United States Senator from Massachusetts; and

WHEREAS, John Fitzgerald Kennedy became President of the United States, and Commander in Chief of the armed forces of the nation; and

WHEREAS, In November 1963 President John Fitzgerald Kennedy gave his life in the service of our country; and

WHEREAS, John Fitzgerald Kennedy personified all of the qualities called for in the awarding of this nation's highest military decoration and honor; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California joins the members of the Disabled American Veterans, Frank C. Marpe Chapter 44, of West Covina, California, in urging and memorializing the Congress of the United States to seriously consider the posthumous awarding of the Congressional Medal of Honor to John Fitzgerald Kennedy, who gave the full measure of devotion to his country in the never ceasing battle for the freedom and equality of all men everywhere; 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, the President pro Tempore of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 77

Assembly Concurrent Resolution No. 23—Relative to the bottom of Clear Lake.

[Filed with Secretary of State May 20, 1964.]

WHEREAS, The bottom of Clear Lake in Lake County, California, has accumulated considerable quantities of debris and trash; and

WHEREAS, This debris and trash constitutes a hazard to boats and swimmers using the lake; and

WHEREAS, It is necessary to determine the responsibility for the maintenance of the bottom of Clear Lake; and

WHEREAS, In order to make a determination with respect to this responsibility for maintaining the bottom of the lake, it is necessary to establish the boundary of the bottom of the lake by surveying the low water mark of the lake; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Lands Commission is requested to survey the low water mark of Clear Lake in Lake County, California, to establish the bottom of the lake and to study and make a recommendation to the Legislature with respect to who should be responsible for maintaining the lake bottom and to further study and determine what action is necessary to remove the debris that has accumulated and accumulates in the future on the lake bottom, and what the cost of that action would be; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit a copy of this resolution to the State Lands Commission.

CHAPTER 78

Assembly Concurrent Resolution No. 28—Relative to campsites in state parks for campers with dogs.

[Filed with Secretary of State May 20, 1964.]

WHEREAS, The regulations of the Department of Parks and Recreation presently provide that no person shall bring a dog, permit a dog to enter or remain, or possess a dog, in any park of the state park system from 8 p.m. to 7 a.m. on any day, except a seeing-eye dog kept for the benefit of a blind person there present; and

WHEREAS, A dog is generally recognized to be "man's best friend," a devoted companion, and a loyal protector; and

WHEREAS, The regulations of the Department of Parks and Recreation, by prohibiting dogs from remaining overnight in any areas of the state park system, unfairly discriminate against dog owners, and deny them the companionship and protection of their faithful pets; and

WHEREAS, There does not appear to be any reason why separate campsites in some of the larger state parks could not be set aside for use by campers with dogs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Parks and Recreation is requested to study the feasibility of setting aside some campsites in the larger state parks for use by campers with dogs, and to propose several alternatives in connection

therewith, so that greater utilization may be made of parks in the state park system by persons desiring to camp therein, who desire to have the canine members of their families accompany them, and to report thereon to the Legislature not later than the fifth legislative day of the 1965 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 Parks and Recreation.

CHAPTER 79

Assembly Concurrent Resolution No 59—Relative to the observance of the 400th anniversary of the birth of William Shakspere.

[Filed with Secretary of State May 20, 1964.]

WHEREAS, The year 1964 is the 400th anniversary of the birth of William Shakspere; and

WHEREAS, William Shakspere is the greatest single influence on world literature; and

WHEREAS, More people have viewed the plays of William Shakspere than have viewed the plays of all other playwrights combined; and

WHEREAS, Shakspere's plays continue to be the strongest influence in modern drama; and

WHEREAS, William Shakspere has given pleasure, inspiration, and instruction for a better understanding of life to every generation of Americans; and

WHEREAS, Throughout California's system of higher education and cultural organizations intense and thorough preparations have been initiated, and are now going forward, to properly celebrate with music, lectures and splendid presentations of his plays, the 400th anniversary of William Shakspere's birth; and

WHEREAS, Some experience with the plays of Shakspere is a necessary part of every schoolchild's education; and

WHEREAS, From Shakspere's plays many quotations such as: "This above all, to thine own self be true"; "All the world's a stage and all the men and women merely players"; "Something is rotten in the state of Denmark"; "Beware of jealousy. 'tis a green-eyed monster"; "What's in a name?"; "Parting is such sweet sorrow"; and many others have become a common part of the English language; and

WHEREAS, The acid test of time has proved William Shakspere a master poet and playwright for uniting people of all races, lands, and cultures into a common appreciation of truth and beauty; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That all Californians are urged to

share in some appropriate occasion celebrating the anniversary of the birth of William Shakspere; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the University of California and to each of the state colleges and to the British consulate.

CHAPTER 80

Assembly Concurrent Resolution No. 60—Commending Senator Clair Engle.

[Filed with Secretary of State May 20, 1964.]

WHEREAS, The Legislature has learned with great sympathy of the withdrawal of Senator Clair Engle from the 1964 senatorial election for reasons of health; and

WHEREAS, Clair Engle, a native Californian, was born in Bakersfield on September 21, 1911; and

WHEREAS, In 1934, not long after receiving his law degree from the University of California Hastings College of Law, Clair Engle began his long career of public service with his election as District Attorney of Tehama County; and

WHEREAS, He was reelected district attorney in 1938, elected State Senator for the Eighth District in 1942, and sent to Congress by a special election in 1943; and

WHEREAS, A popular and effective Representative from California, Clair Engle was returned to Congress by the voters of his district at seven more elections before his 1958 election to the Senate; and

WHEREAS, He served with distinction as Chairman of the House Committee on War Claims of the 79th Congress; Chairman of the Subcommittee on Public Lands, 81st Congress; Chairman of the Subcommittee on Irrigation and Reclamation, 82d Congress; and Chairman of the full Committee on Interior and Insular Affairs, 84th and 85th Congresses; and was the Assistant Democratic Whip from the 80th through the 84th Congress; and

WHEREAS, In the Senate, Clair Engle was an active member of the Committees on Armed Services, Commerce, and Legislative Review, and the Select Committee on Small Business and the Special Committee on Aging, until illness forced him to curtail his activities; and

WHEREAS, Senator Engle has been outstanding in his ability and diligence in representing the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend Senator Clair Engle on his courage and determination to overcome the handicaps forced on him by illness, and express their sin-

cere hopes that he will shortly be restored to his former health and the State will once again be blessed with his invaluable services; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Senator Clair Engle.

CHAPTER 81

Assembly Concurrent Resolution No. 66—Relative to the death of Albert I. Stewart.

[Filed with Secretary of State May 20, 1964.]

WHEREAS, It was with great sadness that the Members of the Legislature of the State of California learned of the death of their former colleague and an outstanding leader in state and local government, Albert I. Stewart; and

WHEREAS, Mr. Stewart was born and educated in Cookville, Tennessee before coming to California in 1903 where he was destined to become a prominent figure in the cause of good government; and

WHEREAS, Mr. Stewart's vital interest in representative government led him to seek and gain election to the Assembly of the State of California in 1944 where he served with honor and distinction until 1958; and

WHEREAS, In spite of his many pressing obligations, Mr. Stewart found time to serve this State as Director of the Department of Vocational Standards and to serve the City of Pasadena, where he lived for 31 years, as a city director for 14 years, two of them as chairman of the city board; and

WHEREAS, His deep interest in the improvement of municipal government caused Mr. Stewart to become active in such organizations as the League of California Cities which he served as president and as director and the American Municipal Association; and

WHEREAS, Mr. Stewart was affiliated with many service clubs and fraternal groups including all Masonic Lodges, the Elks and the National Exchange Club; and

WHEREAS, As a leader in the mercantile trade, Mr. Stewart helped to organize one of the nation's largest grocery businesses, Safeway Stores, of which, for 19 years, he was director, general superintendent, public relations counsel, and vice president; and

WHEREAS, Mr. Stewart's death was an occasion not only of mourning for his many friends who found in him warmth of personality and wise counsel, but also an occasion of incalculable loss to the public who were the beneficiaries of his boundless energy and talent; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members by this resolution

express their regret and sorrow upon learning of the death of their beloved former colleague, Albert I. Stewart, and they extend their sincere condolences to his widow, Laura and to his son, Harold; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Mrs. Laura Stewart and to Mr. Harold Stewart.

CHAPTER 82

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 amending Section 1d of Article IV, relating to ballot propositions.

[Filed with Secretary of State May 22, 1964.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1964 First Extraordinary Session commencing on the third day of February, 1964, 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 1d of Article IV thereof, to read:

SEC. 1d. (a) No amendment to the Constitution and no law or amendment thereto whether proposed by the initiative or by the Legislature which names any individual or individuals by name or names to hold any office or offices shall hereafter be submitted to the electors, nor shall any such amendment to the Constitution, law, or amendment thereto hereafter submitted to or approved by the electors become effective for any purpose

(b) No amendment to the Constitution, whether proposed by the initiative or by the Legislature, which names any private corporation, or more than one such corporation, by name or names, to perform any function or have any power or duty, shall be submitted to the electors, nor shall any such amendment to the Constitution, submitted to or approved by the electors at the 1964 general election or any election thereafter become effective for any purpose.

CHAPTER 83

Assembly Concurrent Resolution No. 25—Relative to the establishment of a branch office by the Department of Water Resources.

[Filed with Secretary of State May 22, 1964.]

WHEREAS, Section 125 of the Water Code authorizes the Director of Water Resources with the approval of the Governor to establish branch offices in hydrographic or other regions of the State in order to assure the expeditious conduct of the work of the department in such regions and to assure free and rapid communication of local problems and recommendations to the department; and

WHEREAS, The future work of the department in the San Francisco Bay region might require the establishment of a branch office in that region to fulfill the objectives expressed in Water Code Section 125; and

WHEREAS, The Legislature is very concerned with the welfare of the state employees who will be affected by changes in the organization of the Department of Water Resources and wishes to assure that good personnel practices are followed in any action taken to supplement changes in organization; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Director of Water Resources is requested to study thoroughly the necessity for a branch office of the Department of Water Resources in the San Francisco Bay region; and be it further

Resolved, That the Department of Water Resources include in their study plans for utilization and relocation of present personnel assuring good personnel management practices; and be it further

Resolved, That in connection with such study the director should first establish specifically the necessity for, or the advantage of, such decentralization, the exact duties which should be transferred to such branch office, and the most preferable location for the branch office in the City of San Jose or elsewhere in the region; and be it further

Resolved, That the Department of Water Resources report the results of their study to the Legislature prior to the 1965 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor, to the Administrator of the Resources Agency and to the Director of Water Resources.

CHAPTER 84

Senate Concurrent Resolution No. 19—Relative to the Fairs Allocation and Classification Committee.

[Filed with Secretary of State May 22, 1964.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of fourteen thousand eight hundred dollars ($14,800), 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 85

Senate Concurrent Resolution No. 26—Relative to central filing under Commercial Code.

[Filed with Secretary of State May 22, 1964.]

WHEREAS, The Advisory Committee on the Uniform Commercial Code to the Senate Committee on Judiciary has studied (pursuant to S.C.R. 42—Res. Ch. 114, 1963 Stats.) the methods available to establish a speedy and efficient method of disseminating information centrally filed pursuant to the Commercial Code, and has recommended an automated system as best able to meet the anticipated need and provide adequate service to the public; and

WHEREAS, Under existing provisions of law, sufficient funds will be available to cover the cost of such a system; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That it is the will of this Legislature that the Director of Finance, the Director of General Services and the Secretary of State take whatever action is necessary to have an automated system of central filing installed and ready for operation on January 1, 1965; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Director of Finance, the Director of General Services and to the Secretary of State.

CHAPTER 86

Senate Concurrent Resolution No. 33—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 election consolidated with the general municipal election held therein on April 14, 1964.

[Filed with Secretary of State May 22, 1964.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the amendments hereinafter set forth to the Charter of the City of Mountain View, a municipal corporation in the County of Santa Clara, State of California, as set out in the certificate of the mayor and the city clerk of said city as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF MOUNTAIN VIEW OF THREE CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF MOUNTAIN VIEW.

State of California
County of Santa Clara } ss
City of Mountain View

We, the undersigned, Victor Calvo, 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 sixth 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 said Article XI of the Constitution of the State of California, the City Council of the City of Mountain View, by its Resolution No. 6073, adopted on the 27th day of January, 1964, duly and regularly submitted to the qualified electors of said City of Mountain View three (3) 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 14th day of April, 1964, and consolidated with the

general municipal election of the City of Mountain View to be held in said City of Mountain View on said 14th day of April, 1964.

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 26th day of February, 1964, in the Sunnyvale Daily Standard-Mountain View Register Leader, 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 14th day of April, 1964, 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 Sunnyvale Daily Standard-Mountain View Register Leader.

That pursuant to Resolution No. 6075, duly passed and adopted on January 27, 1964, the City Council of the City of Mountain View did establish a canvassing board to canvass the returns of said general municipal election and consolidated special municipal charter amendment election

That said canvassing board did, in the manner provided by law, duly and regularly canvass the returns of said special municipal charter amendment election consolidated with the general municipal election of the City of Mountain View, as aforesaid, and certify the results thereof to the Council of said City of Mountain View.

That the Council of the City of Mountain View did, by Resolution No. 6194, duly passed and adopted on April 21, 1964, duly find and declare that a majority of the qualified electors voting on each of the separate proposals numbered Proposal No. 1 through Proposal No. 3, voted in favor thereof and that all of said proposals to amend the Charter of said City were ratified.

That a majority of the qualified voters voting on each of said proposals numbered Proposal No. 1 through Proposal No. 3 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. 1:

By amending Section 500 of Article V thereof, to read as follows:

"Section 500. Term of Office. Except as otherwise provided in this Section, the members of the Council shall hold

office for a term of four (4) years from and after the first Tuesday following their election, and continuing until their respective successors qualify.

"No person shall be eligible to serve as a member of the City Council for more than two (2) successive four-year elective terms. Any person appointed or elected to the City Council to fill an unexpired term shall, however, be eligible to serve two (2) successive four-year elective terms upon the expiration of the unexpired term for which he was appointed or elected.

"Ties among candidates for any office shall be settled by the drawing of lots."

Proposal No. 2:

By repealing Section 712 of Article VII thereof, which reads as follows:

"Section 712. Powers and Duties of City Judge; Eligibility for Appointment. If not otherwise provided for by law, there shall be a City Judge who shall be appointed by the Council and who shall preside over the City Court and have the power and perform the duties of a magistrate. To be eligible for appointment as City Judge, the person shall be duly licensed to practice law under the laws of the State of California, and shall have been engaged in the practice of law for at least two (2) years prior to his appointment."

Proposal No. 3:

By repealing Article XV thereof, which reads as follows:

"Article XV—City Court

"Section 1500. Generally. Unless otherwise provided by the Constitution or general laws of the State of California, the Council shall provide by ordinance for the creation, functions, conduct and operation of a City Court."

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 23rd day of April, 1964.

(SEAL)

VICTOR CALVO
Mayor of the City of
Mountain View
JEAN HIXSON
City Clerk of the City of
Mountain View

Now, therefore, be it resolved by the Senate of the State of California, the Assembly concurring, a majority of the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Mountain View as presented to and adopted and ratified by the electors of the said city and as hereinabove fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to, and as parts of, the Charter of the said City of Mountain View.

CHAPTER 87

Assembly Concurrent Resolution No. 41—Relative to applications for public assistance.

[Filed with Secretary of State May 22, 1964.]

WHEREAS, The State Department of Social Welfare has provided, by regulation, that potential welfare recipients may apply for aid by telephone or mail; and

WHEREAS, This authorization is not limited to the disabled or other persons physically incapable of applying for aid at the office of the welfare department; and

WHEREAS, In order to maintain some semblance of personal initiative, effort, and responsibility, an individual should be required to complete the full application process in person, unless he is physically unable to do so; and

WHEREAS, Under no circumstances should the payment of aid be commenced on the basis of the presumptive eligibility of an applicant until he signs an affirmation of eligibility as required by Section 449.6 of the Welfare and Institutions Code; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby requests the State Department of Social Welfare to modify its regulations to require that applications for public assistance be made by the applicants in person, and not by telephone or mail, unless unusual circumstances of disability exist, and to require that an applicant sign an affirmation of eligibility as

a condition to the commencement of aid or presumptive eligibility; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of the State Department of Social Welfare.

CHAPTER 88

Senate Joint Resolution No. 15—Relative to requesting Congress to withhold action on legislation relating to certain activities of officers and shareholders of insurance companies.

[Filed with Secretary of State May 23, 1964]

WHEREAS, The Legislature of the State of California has recognized its duty to the public to assure that insurance companies conduct their business in accordance with high ethical standards and pursuant to sound financial practices; and

WHEREAS, Should the officers and principal shareholders of an insurance company be permitted to derive unfair profits from trading in company shares the stability of the company would be impaired and the confidence of the public in the insurance industry would be shaken; and

WHEREAS, To eliminate such a peril to the insurance industry the Legislature of the State of California is authorizing a study to be made of the activities of officers and principal shareholders of insurance companies, such study to include proposed Sections 1104 3, 1104.5 and 1104.7 of the Insurance Code of the State of California which would read as follows:

1104 3. Every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of stock of a domestic insurer or who is director or officer of such insurer shall file in the office of the Insurance Commissioner on or before the 31st day of January, 1965 or within 10 days after he becomes such beneficial owner, director or officer a statement, in such form as the Insurance Commissioner may prescribe, of the amount of all stock of such insurer of which he is the beneficial owner, and within 10 days after the close of each calendar month thereafter, if there has been a change in such ownership during such month, shall file in the office of the Insurance Commissioner a statement, in such form as the Insurance Commissioner may prescribe, indicating his ownership at the close of the calendar month and such changes in his ownership as have occurred during such calendar month.

1104.5. For the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner, director or officer by reason of his relationship to such insurer, any profit realized by him from any purchase and sale, or any sale and purchase, of any stock of such insurer within any period of less than six months, unless such stock was acquired in good faith in connection with a debt previously

contracted, shall inure to and be recoverable by the insurer, irrespective of any intention on the part of such beneficial owner, director or officer in entering into such transaction of holding the stock purchased or not repurchasing the stock sold for a period exceeding six months. Suit to recover such profit may be instituted at law or in equity in any court of competent jurisdiction by the insurer or by the owner of any stock of the insurer in the name and in behalf of the insurer if the insurer shall fail or refuse to bring such suit within 60 days after request or shall fail diligently to prosecute the same thereafter; but no such suit shall be brought more than two years after the date such profit was realized. This paragraph shall not be construed to cover any transaction where such beneficial owner was not such both at the time of the purchase and sale, or the sale and purchase, of the stock involved, or any transaction or transactions which the Insurance Commissioner may by rules and regulations exempt as not comprehended within the purpose of this paragraph.

1104.7. It shall be unlawful for any such beneficial owner, director or officer, directly or indirectly, to sell any stock of such insurer if the person selling the stock or his principal (i) does not own the stock sold, or (ii) if owning the stock, does not deliver it against such sale within 20 days thereafter, or does not within 5 days after such sale deposit it in the mails or other usual channels of transportation; but no person shall be deemed to have violated this paragraph if he proves that notwithstanding the exercise of good faith he was unable to make such delivery or deposit within such time, or that to do so would cause undue inconvenience or expense; and

WHEREAS, It has come to the attention of the Legislature of the State of California that the Congress of the United States is contemplating the enactment of legislation which, if enacted, would parallel the regulation proposed by the State of California as set forth herein, and would result in a duplication of the reporting and other regulation of insurance companies; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, That the Congress of the United States is respectfully requested to withhold action which would make any such federal legislation applicable to insurance companies domiciled in states which have enacted legislation essentially similar to that proposed in S. 1642 currently pending before the Congress; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President of the United States, to the President pro Tempore of the Senate of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress.

CHAPTER 89

Assembly Joint Resolution No 18—Relative to a St. Joseph of Cupertino airmail stamp.

[Filed with Secretary of State May 26, 1964]

WHEREAS, The issuing of an airmail stamp to commemorate and honor worthy personages and occurrences is a most worthwhile endeavor; and

WHEREAS, It would be most fitting for such a stamp to be issued to honor the Patron Saint of Flight, Saint Joseph of Cupertino; and

WHEREAS, This selection would be most appropriate in view of the millions of our citizens who revere this patron saint; and

WHEREAS, Many public-spirited citizens of the City of Cupertino, California, named in honor of this patron saint, have devoted considerable time and effort on behalf of this worthy cause, 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 Postmaster General of the United States to issue an airmail stamp in honor of the Patron Saint of Flight, Saint Joseph of Cupertino; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to the Postmaster General.

CHAPTER 90

Assembly Concurrent Resolution No. 1—Relative to an investigation of the Oroville Dam housing situation.

[Filed with Secretary of State May 29, 1964]

WHEREAS, The Department of Water Resources is constructing housing for state employees at the Oroville Dam site in Oroville; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Legislative Budget Committee is directed to make a thorough study of the Oroville Dam housing situation, and make a report to the Legislature on this matter with findings and recommendations; and be it further

Resolved, That the committee study include, among other things, matters of origin and ownership of the property involved, the money invested, contracts for construction awarded by the Department of Water Resources, the present and proposed need for the houses involved, taxation of the property, the cost of moving the property when the project is completed, and any recommendation for disposal of the property on such completion; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Chairman of the Joint Legislative Budget Committee.

CHAPTER 91

Assembly Concurrent Resolution No. 6—Relative to salaries of craftsmen in state employment.

[Filed with Secretary of State May 29, 1964.]

WHEREAS, The State Personnel Board and Trustees of the California State Colleges have from time to time reviewed the question of the appropriate salary classification of craftsmen in building trades groups and the groups in private and other public employment with which salary comparisons should be made; and

WHEREAS, Evidence has been newly compiled on this subject by a number of organizations having an interest in this field; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Personnel Board and Trustees of the California State Colleges be requested to receive and review this evidence and other data on the subject which may be submitted to them at an appropriate public hearing called for this purpose; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the State Personnel Board, and the Trustees of the California State Colleges.

CHAPTER 92

Assembly Concurrent Resolution No. 18—Relative to expenses of the joint interim committee created by Section 66503 of the Government Code.

[Filed with Secretary of State May 29, 1964.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the sum of two thousand five hundred dollars ($2,500) or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the joint interim committee created by subdivision (d) of Section 66503 of the Government Code, relating to Bay area transportation problems, 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 93

Assembly Concurrent Resolution No. 40—Relative to salaries of certain craftsmen in state employment.

[Filed with Secretary of State May 29, 1964.]

WHEREAS, The State Personnel Board and Trustees of the California State Colleges have from time to time reviewed the question of the appropriate salary classification of craftsmen in building trades groups and the groups in private and other public employment with which salary comparisons should be made; and

WHEREAS, Evidence has been newly compiled on this subject by a number of organizations having an interest in this field; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Personnel Board and Trustees of the California State Colleges be requested to receive and review this evidence and other data on the subject which may be submitted to them at an appropriate public hearing called for this purpose; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the State Personnel Board and the Trustees of the California State Colleges.

CHAPTER 94

Assembly Concurrent Resolution No. 45—Relative to a study of public elementary and secondary education and creating the Joint Interim Committee on Public Elementary and Secondary Education.

[Filed with Secretary of State May 29, 1964.]

WHEREAS, Several interim legislative investigations have proposed policies and plans for improving public education in California; and

WHEREAS, Local community members elect district and county boards of education to determine local public school policies and plans; and

WHEREAS, The classroom teacher must instruct children in accordance with state and local policies and plans; and

WHEREAS, The development of "A Master Plan for Higher Education" is resulting in improved structure and excellence in higher education; and

WHEREAS, The entire structure of public elementary and secondary education in California needs study for improvement; 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 Public Elementary and Secondary Education is hereby created and authorized and

directed to ascertain, study and analyze all facts relating to the subject of the entire structure of public elementary and secondary education in California; the clarification of the role of the State Board of Education, the county boards of education, and local district boards of education, relating to responsibility and authority for the fiscal controls of the public schools; the clarification of the role of the individual classroom teacher in policy determination for public education; the clarification of the role of classroom teacher, school administration, and governing bodies for the improvement of instruction; the clarification of the roles and manner of selection of the State Superintendent of Public Instruction, the staff of the State Department of Education, and county superintendents of schools; and the establishment of a Master Plan for Public Elementary and Secondary Education, 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 and a "Master Plan for Public Elementary and Secondary Education."

1 5. The Joint Interim Committee on Public Elementary and Secondary Education is also hereby authorized and directed to ascertain, study and analyze all facts relating to the subject of the duties, powers and responsibilities of the county board of education and the county superintendent of schools, including the interrelation thereof to the State, to the county, and to local school districts, and including a means of establishing an adequate structure of fiscal responsibility for the office of the county superintendent of schools and the county boards of education which would recognize the three-way division of their responsibilities to the State, the county, and the local school districts and yet place the county board of education in a relationship to fiscal matters appropriate to the political importance of that body, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of the members of the Assembly Interim Committee on Education and the members of the Senate Fact Finding Committee on Education. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment, with authority to file a final report not later than the fifth legislative day of the 1967 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 cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6 The sum of nine thousand five hundred dollars ($9,500) or so much thereof as may be necessary is 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 this resolution during the 1964-1965 fiscal year, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer

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CHAPTER 95

Assembly Concurrent Resolution No. 68—Relative to financing state general fund construction needs.

[Filed with Secretary of State May 29, 1964]

WHEREAS, Present estimates indicate that a nearly constant level of capital outlay of $150-175 million annually will be needed to keep pace with the demand for new general fund financed state facilities—primarily California's institutions of public higher education; and

WHEREAS, Such state facilities have been financed for the most part since 1956 by borrowing authorized by the electorate in three state construction program bond proposals: $200 million in 1956; $200 million in 1958; $270 million in 1962;

and an additional $380 million proposed for the November 1964 general election ballot; and

WHEREAS, The State's experience to date in using credit to finance construction needs shows that interest payments rise to 50 percent of construction costs; and

WHEREAS, Within 10 years the total debt service cost alone will far exceed the State's outlay for new construction; and

WHEREAS, The Legislature recognizes that there is a need to keep down debt financing on continuing non-revenue-producing public responsibilities in order to preserve the State's fiscal integrity by avoiding the expediency of deferring the costs of current capital outlay for state construction into future budgets, and reducing interest costs; and

WHEREAS, A major shift from the present policy of debt financing toward a pay-as-you-go program will require new sources of current revenue to provide a means of continuing support of the State's annual capital outlay needs; and

WHEREAS, The Senate Fact Finding Committee on Revenue and Taxation and the Assembly Interim Committee on Revenue and Taxation currently are studying California's state-local tax structure and will report their findings together with recommendations to the 1965 Regular Session of the Legislature; and

WHEREAS, The electorate, which will be asked in November to approve three bond proposals, totaling almost $800 million, should be apprised of the Legislature's intent to reduce the need for future bond proposals by establishing a method of financing capital outlay needs that relies far less on borrowing, and that is equitable to both present and future taxpayers, and that produces a maximum of necessary construction at a minimum cost; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby declares its intent to establish a specific program calling for major emphasis on pay-as-you-go financing in meeting the State's capital outlay needs; and be it further

Resolved, As follows:

1. That the initial step toward achieving the objectives of this declaration of public policy shall be that new tidelands revenues resulting from current or subsequent legislative action will be dedicated to the State's capital outlay needs.

2. That the Senate and Assembly interim tax study committees in considering revision of the present tax structure should recognize capital outlay as an annual recurring expense to be financed primarily from current revenues instead of borrowing.

CHAPTER 96

Assembly Concurrent Resolution No. 69—Relative to charter service school buses.

[Filed with Secretary of State May 29, 1964.]

WHEREAS, A question has arisen as to whether buses of charter-party carriers with permits from the Public Utilities Commission, which are used periodically, but not exclusively, for the transportation of public school pupils, are also subject to regulation by the State Board of Education; and

WHEREAS, This situation has adversely affected the ability of such carriers to perform their services adequately and in the best interests of all concerned; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members thereof hereby declare that it was the intention of the Legislature, in enacting Section 16851 of the Education Code, that buses of charter-party carriers with permits from the Public Utilities Commission, which are used periodically, but not exclusively, for the transportation of public school pupils, are not school buses and are subject to the safety rules and regulations of the Public Utilities Commission now adopted and being enforced by the Department of the California Highway Patrol; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Department of the California Highway Patrol, the State Board of Education, and the Public Utilities Commission.

CHAPTER 97

Assembly Joint Resolution No. 13—Relative to tariffs.

[Filed with Secretary of State May 29, 1964.]

WHEREAS, The State of California is vitally concerned in developing industry within this State; and

WHEREAS, The San Diego County area has a particular problem relative to unemployment and lack of industrial development; and

WHEREAS, The State of California and the United States are presently being flooded by imported goods which could be manufactured within the United States; and

WHEREAS, Because of such imports, industry in the United States is placed in a disadvantageous position in the manufacturing of goods and products for sale and distribution within this country; and

WHEREAS, The basic factor in the cost of production of goods is the cost of labor; and

WHEREAS, We have, in the United States, established minimum wage laws for the protection of all of our people, which laws give foreign competitors a boost, in cases where they are not bound by such minimum wage laws; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Secretary of State is requested to consider the Labor Cost Factor in determining tariffs on various goods brought into the United States from other countries, and that representatives of both industry and labor, who can produce facts and figures on the cost of production of goods within the United States, be included on the Tariff Commission, and that the Secretary of State and the Tariff Commission are requested to study the feasibility of using comparable standards so that any individual item which is manufactured abroad and brought into the United States is subject to a tariff which would be equal to the differential in labor cost between the producing country and the average labor cost within the United States; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit copies of this resolution to the Department of State, the Secretary of Labor, the Secretary of Commerce, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 98

Assembly Joint Resolution No. 15—Relative to memorializing the President of the United States to call a White House conference on alcoholism.

[Filed with Secretary of State May 29, 1964.]

WHEREAS, The menace of alcoholism is increasing throughout the United States and is a problem in all parts of the nation; and

WHEREAS, Many states are taking steps to study and combat this menace, but the efforts of an individual state are insufficient to meet a problem which is nationwide; and

WHEREAS, There is a need to better coordinate the steps being taken by individual states in attacking the problems of alcoholism and the rehabilitation of alcoholics, as avoidance of duplication of effort and better dissemination of information on new discoveries and techniques will reduce the tax burden in all states, as well as aid society and the unfortunates in need of treatment; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully requests the President of the United States to call a White House conference on alcoholism, in order that methods may be devised to better coordinate the efforts being made by the states indi-

vidually to combat a nationwide problem; 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 99

Assembly Joint Resolution No 17—Relative to teaching English to non-English-speaking children in the public schools

[Filed with Secretary of State May 29, 1964.]

WHEREAS, In recent years the influx of non-English-speaking pupils in California has increased substantially; an estimate of the California Department of Education indicates as of 1961 there were from 11,000 to 15,000 children of school age in California who had lived in this country for less than four years and at the 1961 rate of entry into this State, about 140 new classrooms a year would be required to house them; and

WHEREAS, This problem exists not only in California, but in Texas, Florida, and New York, as well as other states; and

WHEREAS, The local school districts in California have attempted by various methods to meet this situation, by the use of special classes in English during and after regular school hours, by the employment of bilingual teachers, and by the grouping of students to help each other, referred to as a buddy system, in an effort to provide assistance and encouragement to the non-English-speaking students; and

WHEREAS, Although the National Defense Education Act funds under Title III of that act have been made available for the improvement of the teaching of modern languages, the funds are not available for teaching English as a second language; 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 amend the National Defense Education Act to make funds provided under Title III of that act available for the improvement of the teaching of English for non-English-speaking students and for audiovisual aids, including teaching machines, for such purpose; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President of the United States, the President pro Tempore of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 100

Senate Concurrent Resolution No. 29—Relative to State and Federal Highway Funds.

[Filed with Secretary of State May 29, 1964.]

WHEREAS, The subject of freeways in San Francisco has been highly controversial for many years; and

WHEREAS, There still does not appear to be any substantial agreement among the citizens of San Francisco as to where freeways should be located in their city, or if they want freeways at all; and

WHEREAS, This unfortunate delay could well result in the loss of over two hundred fifty million dollars ($250,000,000) in federal highway funds to the State of California; and

WHEREAS, Highway deficiencies in other areas of California are extremely acute and this sum of money could be spent there at once to overcome these deficiencies if federal and state laws so permitted; and

WHEREAS, The high number of motor vehicle accidents and injuries to our citizens make it compelling that highway improvements be made at the earliest possible time; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Senate Fact Finding Committee on Transportation and Public Utilities and the Assembly Interim Committee on Transportation and Commerce shall constitute a joint interim committee for the purpose of investigating the feasibility and desirability of changes in laws or regulations necessary to cause the expenditure of federal or state freeway funds contemplated to be spent in the City and County of San Francisco up to and including the year 1972 to be made in the other areas of California; and be it further

Resolved, That the Department of Public Works is requested to cooperate with said joint interim committee in making this study, provided that said department shall not delay any studies or work in San Francisco pending the study; and be it further

Resolved, That said joint interim committee shall report its findings and recommendations to the Legislature not later than the fifth legislative day of the 1965 Regular Session of the Legislature.

CHAPTER 101

Senate Concurrent Resolution No. 34—Relative to shelter allowances for public assistance recipients.

[Filed with Secretary of State May 29, 1964.]

WHEREAS, Many public assistance recipients are being forced to move from their homes as a result of condemnation proceed-

ings or other findings by public agencies that their dwellings are uninhabitable; and

WHEREAS, It is almost always impossible for such recipients to pay rentals for standard housing units in other areas; and

WHEREAS, Proposals are now under consideration for the public agencies involved to grant allowances to such recipients to enable them to pay the high rentals, but it is impossible to put such proposals into effect due to the fact that, under existing regulations of the State Department of Social Welfare, the supplemental payments will operate to reduce the grants payable to recipients; and

WHEREAS, The department should revise its allowance for shelter to permit recipients to receive supplemental rent payments made by public agencies to recipients displaced by public action, without loss of their aid grants, where the budgetary needs of such recipients are raised above the maximum grant limits; and

WHEREAS, The revised allowance for shelter should be limited to situations in which the supplemental payments by such public agencies are conditioned upon their being used to meet increased housing costs and for no other purpose; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Department of Social Welfare is hereby requested to revise allowances for shelter to permit public assistance recipients to receive supplemental rent payments made by public agencies to recipients displaced by public action, where such recipients are required to pay increased rent, and where the supplemental payments are conditioned upon their being used in meeting the costs of such increased rent and for no other purpose; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Director of the Department of Social Welfare.

CHAPTER 102

Senate Concurrent Resolution No. 38—Relative to the retirement of Senator John A. Murdy, Jr.

[Filed with Secretary of State May 29, 1964.]

John A. Murdy, Jr., of Orange County, representing the 35th Senatorial District of California, has announced he is retiring from the Senate at the conclusion of this, his third, term in office.

Senator Murdy first took his seat in the Senate of the State of California on January 5, 1953. Essentially a modest man, his unwavering integrity soon became apparent, winning for him friendship and respect, and election to the Senate Committee on Rules, where he has served with distinction.

Already distinguished as a successful farmer and businessman, John A. Murdy, Jr. brought to the Senate a business acumen and understanding of fiscal policy which made his service invaluable on the Joint Legislative Budget Committee and the Senate Finance Committee. His wealth of practical experience has enhanced the work of the Senate committees on agriculture and education.

As a member and vice chairman of the Senate Committee on Water Resources, his was a great contribution to formation of policy on this most important natural resource of our State.

Masked by his quiet demeanor is a sense of humor and a capacity for warm friendship which will be greatly missed; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Legislature express to Senator John A Murdy, Jr., warm congratulations upon his successful legislative career and commend him for the significant, loyal and dedicated service he has rendered to the people of his district and of the State of California; and extend to him and to Mrs. Murdy their best wishes for continued success and for many hours of happy leisure; and be it further

Resolved, That the Secretary of the Senate is hereby requested to transmit a suitably prepared copy of this resolution to Senator John A. Murdy, Jr.

CHAPTER 103

Senate Concurrent Resolution No. 39—Relative to financing state general fund construction needs.

[Filed with Secretary of State May 29, 1964.]

WHEREAS, Present estimates indicate that a nearly constant level of capital outlay of $150–175 million annually will be needed to keep pace with the demand for new general fund financed state facilities—primarily California's institutions of public higher education; and

WHEREAS, Such state facilities have been financed for the most part since 1956 by borrowing authorized by the electorate in three State Construction Program bond proposals: $200 million in 1956; $200 million in 1958; $270 million in 1962; and an additional $380 million proposed for the November 1964 general election ballot; and

WHEREAS, The State's experience to date in using credit to finance construction needs shows that interest payments rise to 50 percent of construction costs; and

WHEREAS, Within 10 years the total debt service cost alone will far exceed the State's outlay for new construction; and

WHEREAS, The Legislature recognizes that there is a need to keep down debt financing on continuing non-revenue-producing

public responsibilities in order to preserve the State's fiscal integrity by avoiding the expediency of deferring the costs of current capital outlay for state construction into future budgets, and reducing interest costs; and

WHEREAS, A major shift from the present policy of debt financing toward a pay-as-you-go program will require new sources of current revenue to provide a means of continuing support of the State's annual capital outlay needs; and

WHEREAS, The Senate Fact Finding Committee on Revenue and Taxation and the Assembly Interim Committee on Revenue and Taxation currently are studying California's state-local tax structure and will report their findings together with recommendations to the 1965 Regular Session of the Legislature; and

WHEREAS, The electorate, which will be asked in November to approve three bond proposals totaling almost $800 million, should be apprised of the Legislature's intent to reduce the need for future bond proposals by establishing a method of financing capital outlay needs that relies far less on borrowing, and that is equitable to both present and future taxpayers, and that produces a maximum of necessary construction at a minimum cost; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby declares its intent to establish a specific program calling for major emphasis on pay-as-you-go financing in meeting the State's capital outlay needs; and be it further

Resolved, As follows:

1. That the initial step toward achieving the objectives of this declaration of public policy shall be that new tidelands revenues resulting from current or subsequent legislative action will be dedicated to the State's capital outlay needs.

2. That the Senate and Assembly interim tax study committees in considering revision of the present tax structure should recognize capital outlay as an annual recurring expense to be financed primarily from current revenues instead of borrowing.

CHAPTER 104

Senate Concurrent Resolution No. 40—Relative to final adjournment of the 1964 First Extraordinary Session of the Legislature.

[Filed with Secretary of State May 29, 1964.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the 1964 First Extraordinary Session of the Legislature of the State of California shall adjourn sine die at noon on the 23d day of May, 1964

CHAPTER 105

Senate Joint Resolution No. 16—Relative to the passage of H.R. 3846.

[Filed with Secretary of State May 29, 1964.]

WHEREAS, This year more than a million acres of the American landscape will be engulfed by urban sprawl; and

WHEREAS, Already, many existing parks, beaches and campgrounds often are so overcrowded that families seeking the outdoors must be turned away; and

WHEREAS, Within the next 35 years our nation's population will nearly double and outdoor recreation demands will at least triple; and

WHEREAS, California is making an effort to provide additional recreational areas for the expanding population in this State through Proposition No. 1 at the November 1964 general election; and

WHEREAS, The federal government is making the same effort through the Land and Water Conservation Fund Bill (H.R. 3846) designed to make it possible to establish a plan and procedures for the states and the federal government through a 25-year program of matching grants-in-aid for state and local outdoor recreation needs and for acquisition of essential outdoor recreation lands to insure adequate outdoor recreational opportunities for future generations of Americans; and

WHEREAS, H.R. 3846 is responsive to key recommendations of the bipartisan Outdoor Recreation Resources Review Commission appointed by former President Eisenhower; was recommended to Congress by President Kennedy; and was introduced with strong bipartisan support, including that of President Johnson; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the California Legislature urges the passage of the Land and Water Conservation Fund Bill (H.R. 3846); and be it further

Resolved, That the Secretary of the Senate 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 106

Senate Joint Resolution No. 17—Relative to renaming the Tehama-Colusa Canal.

[Filed with Secretary of State May 29, 1964.]

WHEREAS, Not only as a tribute to Clair Engle but also as a matter of sheer justice, the Tehama-Colusa irrigation canal should be renamed the Clair Engle Canal; and

WHEREAS, Many have given generously and effectively of their time and energy to push the canal from a mere paper plan to its authorization by Congress and now, it appears, to the eve of its actual construction; and

WHEREAS, But it seems safe to say that without Clair Engle's vision, energy and aggressiveness the dream of a long canal, irrigating some 200,000 acres of dry farming land, would never have materialized; and

WHEREAS, The official name of "Tehama-Colusa Canal" is a paradox because even present plans call for it to extend into northern Yolo County, and it seems almost certain that they will be revised to push it through Yolo and Solano Counties as well; and

WHEREAS, It is fitting that the canal be renamed in honor of the man who so well deserves the tribute; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges that the Tehama-Colusa Canal be renamed the Clair Engle Canal; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of the resolution to the President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

STATUTES OF CALIFORNIA

SECOND EXTRAORDINARY SESSION

1964

Began Monday, March 30, 1964, and Adjourned
Saturday, May 23, 1964

PROCLAMATION BY THE GOVERNOR

CONVENING THE LEGISLATURE IN SECOND EXTRAORDINARY SESSION

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, An extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now, therefore,

I, EDMUND G. BROWN, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on the thirtieth day of March, 1964, at 12 noon of said day for the following purpose and to legislate upon the following subject:

To consider and act upon the Budget Bill for the succeeding fiscal year and revenue acts necessary therefor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-fifth day of March, 1964.

EDMUND G. BROWN
Governor of California

[SEAL]

[ATTEST] FRANK M. JORDAN
Secretary of State

STATUTES OF CALIFORNIA

PASSED AT THE 1964 SECOND EXTRAORDINARY SESSION OF THE LEGISLATURE

CHAPTER 1

An act to add Section 9107 to the Vehicle Code, relating to privately owned transit vehicles.

[Approved by Governor May 13, 1964. Filed with Secretary of State May 14, 1964.]

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

SECTION 1. Section 9107 is added to the Vehicle Code, to read:

9107. The weight fees for commercial vehicles specified in Section 9400 of this code shall not apply to:

(a) Any vehicle operated by a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, which is subject to the jurisdiction of the Public Utilities Commission:

(1) When such vehicle is operated exclusively on any line or lines having a one-way route mileage not exceeding 15 miles, and if each such line is operated:

(i) In urban or suburban areas or between cities in close proximity, or

(ii) Between nonadjacent urban or suburban areas or cities, the area between which is substantially residential, commercial or industrial as distinguished from rural; and

(2) When the principal business of such passenger stage corporation is the operation of vehicles on a route or routes as defined in paragraph (1) of this subdivision.

(b) Any vehicle operated exclusively on any line or lines within the limits of a single city by a person engaged as a common carrier of passengers between fixed termini or over a regular route, 98 percent of whose operations, as measured by total route mileage operated, are exclusively within the limits of a single city, and who by reason thereof is not a passenger stage corporation subject to the jurisdiction of the Public Utilities Commission.

CHAPTER 2

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 4, 1964. Filed with Secretary of State June 5, 1964.]

I object to the following appropriations in Assembly Bill No. 1 (Second Extraordinary Session):

Item 42—For support of Department of Agriculture and State Livestock Health Committee. I reduce this item from $11,309,280 to $11,283,380 by reducing paragraph (a) Personal Services from $15,626,732 to $15,600,832.

Item 177—For support of the Department of Public Health. I reduce this appropriation from $10,395,484 to $10,335,484 by reducing paragraph (b) Operating Expenses and Equipment from $3,956,603 to $3,896,603.

Item 275—For expenditure by Department of Water Resources, from moneys transferred to the Water Resources Revolving Fund. I eliminate this item.

Item 287—For educational assistance to veterans and veterans' dependents, Department of Veterans Affairs. I reduce this appropriation from $3,730,483 to $2,504,800 by reducing paragraph (a) Educational Assistance to veterans from $1,825,683 to $600,000.

Item 354—For capital outlay, Trustees of the California State Colleges I reduce this appropriation from $5,073,800 to $4,895,800 by reducing paragraph (d) Construct swimming pool from $188,000 to $10,000.

Item 395 6—For local assistance, for the purpose of the Emergency Flood Relief Law to repair damage or destruction to public streets, highways and bridges by storm and flood or flood conditions. I reduce this appropriation from $800,000 to $65,000.

EDMUND G. BROWN, Governor

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

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1964."

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1964-65 fiscal year beginning July 1, 1964, and ending June 30, 1965. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006, Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

LEGISLATIVE

Item		Amount
1—For salaries of Senators		240,000
2—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate		1,250
3—For expenses of Members of the Senate		138,600
4—For contingent expenses of the Senate, including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate to be transferred by the State Controller to the Senate Contingent Fund.		2,531,321
5—For salaries of Assemblymen		480,000
6—For mileage of Assemblymen and statutory officers of the Assembly		5,000
7—For expenses of Members of the Assembly		277,200
8—For contingent expenses of the Assembly including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly to be transferred by the State Controller to the Assembly Contingent Fund.		3,884,878
9—For payment of the State's proportionate share of the expenses of the National Conference of Legislative Leaders to be transferred by the State Controller in equal amounts to the Senate and Assembly Contingent Funds.		1,000
10—For legislative printing, binding, mailing and other necessary expenses and in addition thereto any amounts received from the sale of legislative publications.		1,200,000
11—For support of Legislative Counsel Bureau, in accordance with the following schedule		706,030
Schedule:		
(a) Personal Services	673,242	
(b) Operating Expenses and Equipment	41,788	
Total of schedule	715,030	
Less estimated reimbursements	9,000	
Net appropriation	706,030	
12—For support of California Law Revision Commission, in accordance with the following schedule		113,989
Schedule:		
(a) Personal Services	78,643	

Item		Amount
(b) Operating Expenses and Equipment	35,346	
Total of schedule	113,989	
13—For support of California Commission on Uniform State Laws		10,050
14—For State's contribution to the Legislators' Retirement Fund, in accordance with Section 9358 of the Government Code		350,000
14.5—For support of the Joint Legislative Retirement Committee, for contractual services of a data processing firm and an actuarial firm for an actuarial valuation study of out-of-state service for members of the State Teachers' Retirement System		35,000
JUDICIAL		
15—For support of Supreme Court of California		1,026,031
16—For support of Judicial Council		386,990
17—For additional support of Judicial Council, to be expended for extra compensation and traveling expenses of judges assigned by the Judicial Council		70,000
18—For support of Commission on Judicial Qualifications		33,370
19—For support of District Court of Appeal, First Appellate District		547,317
20—For support of District Court of Appeal, Second Appellate District		772,040
21—For support of District Court of Appeal, Third Appellate District		205,572
22—For support of District Court of Appeal, Fourth Appellate District		231,499
23—For support of District Court of Appeal, Fifth Appellate District		192,459
EXECUTIVE		
24—For support of Governor and of Governor's office (exempt from the provisions of Sections 603, 12410 and 13320 of the Government Code)		897,166
25—For support of Governor's residence (exempt from the provisions of Sections 603, 12410 and 13320 of the Government Code)		17,400
26—For special contingent expenses, Governor's office (exempt from the provisions of Sections 603, 12410 and 13320 of the Government Code)		15,000

Item			Amount
27—For support of Office of Consumer Counsel including the expenses of advisory committees appointed under Section 12057 of the Government Code			122,954
28—For support of California Disaster Office, California State Disaster Council and advisory committees, in accordance with the following schedule			1,323,432
and in addition any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.			
Schedule:			
(a) Personal Services	1,250,767		
(b) Operating Expenses and Equipment	1,118,335		
Total of schedule	2,369,102		
Less estimated reimbursements	1,045,670		
Net appropriation	1,323,432		
provided, that no positions established with funds available under provisions of Public Law 85-606, shall be continued past the date that such funds cease to be available.			
29—For support of the Co-ordinating Council on Urban Policy, as provided by Sections 34200 through 34212 of the Government Code			50,000
30—For support of Lieutenant Governor, in accordance with the following schedule			120,020
Schedule:			
(a) Personal Services	84,394		
(b) Operating Expenses and Equipment	35,626		
Total of schedule	120,020		

GENERAL ADMINISTRATION

31—For support of Board of Administration of the State Employees' Retirement System, payable from the State Employees' Retirement Fund, pursuant to Section 20202.5 of the Government Code, in accordance with the following schedule			1,769,407
Schedule:			
(a) Personal Services	1,658,441		
(b) Operating Expenses and Equipment	854,991		
Total of schedule	2,513,432		

Item		Amount
Less estimated amounts available from other sources:		
(c) Reimbursements	465,586	
(d) Amount payable from State Employees' Contingency Reserve Fund (Item 32)	258,439	
(e) Amount payable from General Fund (Item 33)	20,000	
Net appropriation	1,769,407	
32—For support of Board of Administration of the State Employees' Retirement System, payable from the State Employees' Contingency Reserve Fund, in accordance with the provisions of Section 22840 of the Government Code		258,439
33—For support of Board of Administration of the State Employees' Retirement System		20,000
34—For support of Department of General Services, in accordance with the following schedule		6,138,075
Schedule:		
(a) Personal Services	12,803,441	
(b) Operating Expenses and Equipment	7,621,706	
Total of schedule	20,425,147	
Less estimated amounts available from other sources:		
(c) Reimbursements	13,379,905	
(d) Amount payable from the State School Building Aid Fund (Item 35)	907,167	
Net appropriation	6,138,075	
34.5—For payment of automobile liability claims and salaries and expenses incident to investigation, adjustment and defense thereof, or for premiums for automobile liability insurance, Department of General Services, in accordance with the following schedule		193,116
Schedule:		
(a) Expenses	844,233	
Less estimated reimbursements	651,117	
Net appropriation	193,116	
34.6—For operation of state-owned airplanes, to be allocated by the Department of Finance		189,407
35—For support of Department of General Services, payable from the State School Building Aid Fund		907,167

Item			Amount
35.1—For support of Commission on California State Government Organization and Economy for study of management manpower requirements in state government			100,000
36—For support of Office of Architecture and Construction, Department of General Services, payable from the Division of Architecture Public Building Fund, in accordance with the following schedule			1,304,438
Schedule:			
(a) Personal Services	1,004,157		
(b) Operating Expenses and Equipment	300,281		
Total of schedule	1,304,438		
37—For support of Capitol Building and Planning Commission			2,500
38—For support of California Commission on Interstate Co-operation			68,535
39—For support of State Personnel Board, in accordance with the following schedule			3,670,891
Schedule:			
(a) Personal Services	3,344,830		
(b) Operating Expenses and Equipment	751,960		
Total of schedule	4,096,790		
Less estimated reimbursements	425,899		
Net appropriation	3,670,891		
40—For support of Secretary of State, in accordance with the following schedule			573,794
Schedule:			
(a) Personal Services	464,526		
(b) Operating Expenses and Equipment	114,521		
Total of schedule	579,047		
Less estimated reimbursements	5,253		
Net appropriation	573,794		
40.5—For installation and operation of an automated filing system to service the provisions of the Uniform Commercial Code, which becomes operative January 1, 1965, to be transferred to and in augmentation of Item 40, Budget Act of 1964, upon order of the Department of Finance			220,133
furthermore, it is the intent of the Legislature to have the system installed and operative by			

Item		Amount
	the effective date prescribed in the Uniform Commercial Code.	
40.7—For support of the California Heritage Preservation Commission		6,800
41—For printing constitutional amendments and other ballot measures, Secretary of State. Notwithstanding other provisions of this section, the appropriation made by this item is available for payment of expenditures incurred during the 1963-64 fiscal year		250,000
	AGRICULTURE	
42—For support of Department of Agriculture and State Livestock Health Committee, in accordance with the following schedule		11,309,280
Schedule:		
(a) Personal Services	15,626,732	
(b) Operating Expenses and Equipment	4,819,262	
Total of schedule	20,445,994	
Less estimated amounts available from other sources:		
(c) Reimbursements	720,129	
(d) Amount payable from the Department of Agriculture Fund (Item 44)	8,250,526	
(e) Amount payable from the Fair and Exposition Fund (Item 45)	166,059	
Net appropriation	11,309,280	
43—For cooperation with the federal government in marketing research under the provisions of Public Law 733 (79th Congress) and Section 1286 of the Agricultural Code, Department of Agriculture		88,147
44—For support of Department of Agriculture, payable from the Department of Agriculture Fund		8,250,526
45—For support of Department of Agriculture, payable from the Fair and Exposition Fund		166,059
46—For support of California Museum of Science and Industry, Department of Agriculture, payable from the California Museum of Science and Industry Fund		686,352
47—For augmentation of the California Museum of Science and Industry Fund to be transferred to the California Museum		279,588

Item		Amount
of Science and Industry Fund by the State Controller.		
48—For support of Poultry Improvement Commission, payable from the Poultry Testing Project Fund, in accordance with the following schedule		145,365
Schedule:		
(a) Personal Services	77,042	
(b) Operating Expenses and Equipment	70,037	
Total of schedule	147,079	
Less estimated reimbursements	1,714	
Net appropriation	145,365	
49—For augmentation of the Poultry Testing Project Fund to be transferred by the State Controller to the Poultry Testing Project Fund.		75,086
CORRECTIONS		
50—For support of Youth and Adult Corrections Agency, in accordance with the following schedule		76,060
Schedule:		
(a) Personal Services	62,510	
(b) Operating Expenses and Equipment	13,550	
Total of schedule	76,060	
51—For support of Departmental Administration, Adult Authority, Board of Trustees, California Institution for Women and Board of Corrections, Department of Corrections and institutions and prisons under the jurisdiction of the department, to be transferred to and in augmentation of the support appropriations, Budget Act of 1964, for Departmental Administration, Adult Authority, Board of Trustees, California Institution for Women, and Board of Corrections, Department of Corrections and its institutions and prisons upon order of the Department of Finance, in accordance with the following schedule		1,571,337
Schedule:		
(a) Departmental Administration, Adult Authority, Board of Trustees, California Institution for Women and Board of Corrections	1,472,299	

Item		Amount
(c) California State Prison at Folsom	10,057	
(d) California Institution for Men	5,330	
(e) Medical Facility	15,432	
(f) California Men's Colony—East Facility	8,528	
(g) California Men's Colony—West Facility	10,660	
(h) California State Prison at San Quentin	16,871	
(i) Correctional Institution at Tehachapi	32,160	
Total of schedule	1,571,337	
52—For support of Departmental Administration, Adult Authority, Board of Trustees, California Institution for Women and Board of Corrections, Department of Corrections, in accordance with the following schedule		6,146,396
Schedule:		
(a) Personal Services	5,268,577	
(b) Operating Expenses and Equipment	1,814,084	
Total of schedule	7,082,661	
Less estimated reimbursements	936,265	
Net appropriation	6,146,396	
53—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Sections 6400 et seq. and 11190 et seq. of the Penal Code and Sections 3295 and 3297 of the Health and Safety Code, in accordance with the provisions of Section 26749 of the Government Code		100,000
54—For expenses of returning fugitives from justice from outside the State, in accordance with the provisions of Sections 1549 and 1557 of the Penal Code		350,000
55—For court costs and county charges, payable under Sections 4700 and 4700.5 of the Penal Code, in connection with coroners' services and trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections		100,000

Item		Amount
56—For support of California Conservation Center, Department of Corrections, in accordance with the following schedule		4,184,623
Schedule:		
(a) Personal Services	2,581,274	
(b) Operating Expenses and Equipment	1,692,475	
(c) Inmate Pay—Work Projects	193,745	
Total of schedule	4,467,494	
Less estimated reimbursements	282,871	
Net appropriation	4,184,623	
57—For support of Sierra Conservation Center, Department of Corrections, in accordance with the following schedule		693,234
Schedule:		
(a) Personal Services	372,214	
(b) Operating Expenses and Equipment	325,295	
(c) Inmate Pay—Work Projects	1,625	
Total of schedule	699,134	
Less estimated reimbursements	5,900	
Net appropriation	693,234	
58—For support of Southern Conservation Center, Department of Corrections, in accordance with the following schedule		2,256,587
Schedule:		
(a) Personal Services	1,448,062	
(b) Operating Expenses and Equipment	813,933	
(c) Inmate Pay—Work Projects	156,061	
Total of schedule	2,418,056	
Less estimated reimbursements	161,469	
Net appropriation	2,256,587	
59—For support of Correctional Institution at Tehachapi, Department of Corrections, in accordance with the following schedule		1,387,332
Schedule:		
(a) Personal Services	897,009	
(b) Operating Expenses and Equipment	502,189	
(c) Inmate Pay—Work Projects	5,500	
Total of schedule	1,404,698	

Item		Amount
Less estimated reimbursements	17,366	
Net appropriation	1,387,332	
60—For support of Correctional Training Facility, Department of Corrections, in accordance with the following schedule		7,059,421
Schedule:		
(a) Personal Services	4,582,258	
(b) Operating Expenses and Equipment	2,537,988	
(c) Inmate Pay—Work Projects	100,373	
Total of schedule	7,220,619	
Less estimated reimbursements	161,198	
Net appropriation	7,059,421	
61—For support of Deuel Vocational Institution, Department of Corrections, in accordance with the following schedule		4,457,098
Schedule:		
(a) Personal Services	3,299,957	
(b) Operating Expenses and Equipment	1,201,981	
(c) Inmate Pay—Work Projects	12,047	
Total of schedule	4,513,985	
Less estimated reimbursements	56,887	
Net appropriation	4,457,098	
62—For support of California State Prison at Folsom, Department of Corrections, in accordance with the following schedule		4,250,231
Schedule:		
(a) Personal Services	2,822,583	
(b) Operating Expenses and Equipment	1,533,943	
(c) Inmate Pay—Work Projects	16,970	
Total of schedule	4,373,496	
Less estimated reimbursements	123,265	
Net appropriation	4,250,231	
63—For support of California Institution for Men, Department of Corrections, in accordance with the following schedule		4,270,252
Schedule:		
(a) Personal Services	3,023,833	
(b) Operating Expenses and Equipment	1,392,894	

Item		Amount
(c) Inmate Pay—Work Projects	16,940	
Total of schedule	4,433,667	
Less estimated reimbursements	163,415	
Net appropriation	4,270,252	
64—For support of Medical Facility, Department of Corrections, in accordance with the following schedule		5,272,032
Schedule:		
(a) Personal Services	4,044,190	
(b) Operating Expenses and Equipment	1,304,900	
(c) Inmate Pay—Work Projects	17,900	
Total of schedule	5,366,990	
Less estimated reimbursements	94,958	
Net appropriation	5,272,032	
65—For support of California Men's Colony—East Facility, Department of Corrections, in accordance with the following schedule		4,639,308
Schedule:		
(a) Personal Services	3,173,408	
(b) Operating Expenses and Equipment	1,746,334	
(c) Inmate Pay—Work Projects	30,476	
Total of schedule	4,950,218	
Less estimated reimbursements	310,910	
Net appropriation	4,639,308	
66—For support of California Men's Colony—West Facility, Department of Corrections, in accordance with the following schedule		2,417,136
Schedule:		
(a) Personal Services	1,533,361	
(b) Operating Expenses and Equipment	888,525	
(c) Inmate Pay—Work Projects	29,073	
Total of schedule	2,450,959	
Less estimated reimbursements	33,823	
Net appropriation	2,417,136	
67—For support of Rehabilitation Center, Department of Corrections, in accordance with the following schedule		5,669,032
Schedule:		
(a) Personal Services	3,553,287	

Item		Amount
(b) Operating Expenses and Equipment	2,121,674	
(c) Inmate Pay—Work Projects	17,100	
Total of schedule	5,692,061	
Less estimated reimbursements	23,029	
Net appropriation	5,669,032	
68—For support of California State Prison at San Quentin, Department of Corrections, in accordance with the following schedule		7,661,172
Schedule:		
(a) Personal Services	4,629,469	
(b) Operating Expenses and Equipment	3,284,772	
(c) Inmate Pay—Work Projects	171,897	
Total of schedule	8,086,138	
Less estimated reimbursements	424,966	
Net appropriation	7,661,172	
69—For support of California Institution for Women, Department of Corrections, in accordance with the following schedule		2,328,193
Schedule:		
(a) Personal Services	1,658,179	
(b) Operating Expenses and Equipment	707,874	
(c) Inmate Pay—Work Projects	9,221	
Total of schedule	2,375,274	
Less estimated reimbursements	47,081	
Net appropriation	2,328,193	
70—For support of Departmental Administration, Department of the Youth Authority and agencies under the jurisdiction of the department, to be transferred to and in augmentation of the support appropriations, Budget Act of 1964, of the department and its agencies upon order of the Department of Finance, in accordance with the following schedule		350,970
Schedule:		
(a) Departmental Administration	231,277	
(b) Northern California Reception Center and Clinic	510	
(c) Southern California Reception Center and Clinic	770	

Item		Amount
(d) Youth Authority Conservation Camps	13,535	
(e) Fricot Ranch School for Boys	1,370	
(f) Fred C. Nelles School for Boys	3,170	
(g) Paso Robles School for Boys	30,611	
(h) Preston School of Industry	40,808	
(i) Youth Training School	5,490	
(j) Los Guilucos School for Girls	19,252	
(k) Ventura School for Girls	4,177	
Total of schedule	350,970	
71—For maintenance of persons committed to Department of the Youth Authority and paroled to the custody of private homes, to be transferred to and in augmentation of Item 76, Budget Act of 1964, upon order of the Department of Finance		125,202
72—For support of Departmental Administration, Department of the Youth Authority and agencies under the jurisdiction of the department, to be transferred to and in augmentation of the support appropriations, Budget Act of 1964, of the department and its agencies on written authorization of the Department of Finance		840,116
73—For support of Departmental Administration, Department of the Youth Authority, in accordance with the following schedule		5,955,486
Schedule:		
(a) Personal Services	4,616,838	
(b) Operating Expenses and Equipment	1,446,748	
Total of schedule	6,063,586	
Less estimated reimbursements	108,100	
Net appropriation	5,955,486	
74—For deportation of nonresidents committed to Department of the Youth Authority and expenses in connection with the Interstate Compact on Juveniles		56,800
75—For transportation of persons committed to Department of the Youth Authority to or between its facilities, including the return of parole violators		61,500
76—For maintenance of persons committed to Department of the Youth Authority and paroled		

Item		Amount
to the custody of private homes, in accordance with the following schedule		542,872
Schedule:		
(a) Operating Expenses	562,600	
Total of schedule	562,600	
Less estimated reimbursements	19,728	
Net appropriation	542,872	
77—For support of Northern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule		1,660,333
Schedule:		
(a) Personal Services	1,351,121	
(b) Operating Expenses and Equipment	331,662	
Total of schedule	1,682,783	
Less estimated reimbursements	22,450	
Net appropriation	1,660,333	
78—For support of Southern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule		1,912,879
Schedule:		
(a) Personal Services	1,547,435	
(b) Operating Expenses and Equipment	375,884	
Total of schedule	1,923,319	
Less estimated reimbursements	10,440	
Net appropriation	1,912,879	
79—For support of Youth Authority Conservation Camps, Department of the Youth Authority, in accordance with the following schedule		1,051,410
Schedule:		
(a) Personal Services	607,399	
(b) Operating Expenses and Equipment	402,401	
(c) Inmate Pay—Work Projects	51,480	
Total of schedule	1,061,280	
Less estimated reimbursements	9,870	
Net appropriation	1,051,410	
80—For support of Fricot Ranch School for Boys, Department of the Youth Authority, in accordance with the following schedule		1,071,947

Item		Amount
Schedule:		
(a) Personal Services	844,590	
(b) Operating Expenses and Equipment	250,777	
Total of schedule	1,095,367	
Less estimated reimbursements	23,420	
Net appropriation	1,071,947	
81—For support of Fred C. Nelles School for Boys, Department of the Youth Authority, in accordance with the following schedule		2,282,290
Schedule:		
(a) Personal Services	1,819,944	
(b) Operating Expenses and Equipment	473,396	
Total of schedule	2,293,340	
Less estimated reimbursements	11,050	
Net appropriation	2,282,290	
82—For support of Northern California Youth Center, Department of the Youth Authority, in accordance with the following schedule		89,231
Schedule:		
(a) Personal Services	75,401	
(b) Operating Expenses and Equipment	13,830	
Total of schedule	89,231	
83—For support of Paso Robles School for Boys, Department of the Youth Authority, in accordance with the following schedule		1,837,773
Schedule:		
(a) Personal Services	1,461,346	
(b) Operating Expenses and Equipment	392,577	
Total of schedule	1,853,923	
Less estimated reimbursements	16,150	
Net appropriation	1,837,773	
84—For support of Preston School of Industry, Department of the Youth Authority, in accordance with the following schedule		3,386,478
Schedule:		
(a) Personal Services	2,806,205	
(b) Operating Expenses and Equipment	695,518	
Total of schedule	3,501,723	

Item		Amount
Less estimated reimbursements	115,245	
Net appropriation	3,386,478	
85—For support of Youth Training School, Department of the Youth Authority, in accordance with the following schedule		3,982,519
Schedule:		
(a) Personal Services	3,035,688	
(b) Operating Expenses and Equipment	977,421	
Total of schedule	4,013,109	
Less estimated reimbursements	30,590	
Net appropriation	3,982,519	
86—For support of Los Guilucos School for Girls, Department of the Youth Authority, in accordance with the following schedule		1,347,924
Schedule:		
(a) Personal Services	1,121,250	
(b) Operating Expenses and Equipment	257,164	
Total of schedule	1,378,414	
Less estimated reimbursements	30,490	
Net appropriation	1,347,924	
87—For support of Ventura School for Girls, Department of the Youth Authority, in accordance with the following schedule		1,999,385
Schedule:		
(a) Personal Services	1,603,923	
(b) Operating Expenses and Equipment	404,992	
Total of schedule	2,008,915	
Less estimated reimbursements	9,530	
Net appropriation	1,999,385	

EDUCATION

88—For support of Department of Education, Superintendent of Public Instruction and State Board of Education, in accordance with the following schedule		3,382,927
Schedule:		
(a) Personal Services	3,888,368	
(b) Operating Expenses and Equipment	1,009,314	
Total of schedule	4,897,682	

Item		Amount
Less estimated amounts available from other sources:		
(c) Reimbursements	1,406,755	
(d) Amount payable from State School Building Aid Fund (Item 90)	108,000	
Net appropriation	3,382,927	
88.1—For support of the Department of Education, to be transferred to and in augmentation of Item 88, Budget Act of 1964 provided, that none of this appropriation may be expended unless the allowance provided by Section 18106, Education Code, is reduced to $101,000.		28,000
89—For support of Department of Education provided, that the appropriation made by this item is limited to carrying out the provisions of Chapter 98, Statutes of 1963.		346,000
90—For support of the Department of Education, payable from the State School Building Aid Fund		108,000
91—For cooperation with the federal government for the improvement of instruction under the provisions of Title 3 of the National Defense Education Act of 1958, Department of Education		272,385
92—For cooperation with the federal government for the improvement of statistical services under the provisions of Title 10 of the National Defense Education Act of 1958, Department of Education		44,773
93—For support of Division of Libraries, Department of Education, Public Library Development Board and Board of Library Examiners, in accordance with the following schedule		1,193,136
Schedule:		
(a) Personal Services	897,362	
(b) Operating Expenses and Equipment	304,974	
Total of schedule	1,202,336	
Less estimated reimbursements	9,200	
Net appropriation	1,193,136	
94—For support of California School for the Blind, in accordance with the following schedule		740,978

Item		Amount
Schedule:		
(a) Personal Services	630,009	
(b) Operating Expenses and Equipment	157,043	
Total of schedule	787,052	
Less estimated reimbursements	46,074	
Net appropriation	740,978	
95—For support of School for Cerebral Palsied Children, Northern California, in accordance with the following schedule		525,591
Schedule:		
(a) Personal Services	467,154	
(b) Operating Expenses and Equipment	69,287	
Total of schedule	536,441	
Less estimated reimbursements	10,850	
Net appropriation	525,591	
96—For support of School for Cerebral Palsied Children, Southern California, in accordance with the following schedule		485,433
Schedule:		
(a) Personal Services	431,328	
(b) Operating Expenses and Equipment	60,405	
Total of schedule	491,733	
Less estimated reimbursements	6,300	
Net appropriation	485,433	
97—For support of California School for the Deaf, Berkeley, in accordance with the following schedule		1,826,737
Schedule:		
(a) Personal Services	1,615,837	
(b) Operating Expenses and Equipment	274,020	
Total of schedule	1,889,857	
Less estimated reimbursements	63,120	
Net appropriation	1,826,737	
98—For support of California School for the Deaf, Riverside, in accordance with the following schedule		1,964,888
Schedule:		
(a) Personal Services	1,748,733	

Item		Amount
(b) Operating Expenses and Equipment	237,206	
Total of schedule	1,985,939	
Less estimated reimbursements	21,051	
Net appropriation	1,964,888	
99—For support of Vocational Education, Department of Education, in accordance with the following schedule		695,075
Schedule:		
(a) Personal Services	1,147,409	
(b) Operating Expenses and Equipment	731,782	
Total of schedule	1,879,191	
Less estimated amounts available from other sources:		
(c) Reimbursements	74,956	
(d) Federal grants	1,109,160	
Net appropriation	695,075	
100—For support of State Teachers' Retirement System, in accordance with the following schedule		784,502
Schedule:		
(a) Personal Services	605,695	
(b) Operating Expenses and Equipment	178,807	
Total of schedule	784,502	
100.5—For additional support of State Teachers' Retirement System		50,000
provided, that $10,000 shall be for securing of information from retired teachers for the purpose of an actuarial valuation of out-of-state service, and $40,000 shall be for an actuarial valuation of all members of the State Teachers' Retirement System.		
HIGHER EDUCATION		
101—For support of Co-ordinating Council for Higher Education, in accordance with the following schedule		333,268
Schedule:		
(a) Personal Services	227,704	
(b) Operating Expenses and Equipment	105,564	
Total of schedule	333,268	

Item			Amount
	The amount provided by this item is an addition to any funds received from the federal government by the Co-ordinating Council for Higher Education, as the state agency for preparing and administering a state plan for the construction of academic and related facilities for institutions of higher education.		
102	For payment of the State's share of the operating costs of the Western Interstate Commission for Higher Education, Co-ordinating Council for Higher Education		15,000
103	For support of University of California, exempt from Section 31 of this act, in accordance with the following schedule		3,404,385
	Schedule:		
	(a) General administration	165,552	
	(b) Instruction and research	1,729,878	
	(c) Organized research	557,639	
	(d) Libraries	607,533	
	(e) Maintenance and operation of plant	251,232	
	(f) Student services	44,075	
	(g) General institutional services and expense	48,476	
	Total of schedule	3,404,385	
104	For support of University of California, exempt from Section 31 of this act		168,275,059
105	For research in the conversion of sea water and brackish water to fresh water, University of California, exempt from Section 31 of this act		334,900
106	For support of the University of California to be allocated to the California College of Medicine, in accordance with the following schedule		335,377
	Schedule:		
	(a) Personal Services	1,402,668	
	(b) Operating Expenses and Equipment	287,596	
	Total of schedule	1,690,264	
	Less estimated amounts available from other sources:		
	(c) Reimbursements	735,918	
	(d) Private grants	475,000	
	(e) Federal funds	143,969	
	Net appropriation	335,377	

Item		Amount
	The appropriation made by this item shall be available for expenditure from January 1, 1965, through June 30, 1965.	
	It is the intent of the Legislature in making this appropriation to facilitate the continued operation of the California College of Medicine pursuant to an affiliation agreement between the Regents of the University and the Trustees of the California College of Medicine and that in the event that a mutually satisfactory affiliation agreement shall not be effected any property transferred to the Regents of the University of California by the Trustees of the California College of Medicine shall revert to the Trustees of the California College of Medicine.	
107—For	California College of Medicine salary adjustments, to be allocated by the Department of Finance, subject to the effecting of an affiliation agreement between the Regents of the University of California and the Trustees of the California College of Medicine, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including retirement contributions, of increases in compensation provided for in any increased salary range established on or after January 1, 1965, by the salary-fixing authority ----------	43,500
	Allocations shall be made by the Department of Finance upon certification by the salary-fixing authority that proposed salary ranges are substantially comparable to the prevailing rates for comparable services in private business and public employment including the California state services.	
	Before any increased salary range is established, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the agency or may be made available from the appropriation in this item, to meet the cost of the increased salary range.	
108—For	support of Hastings College of Law, in accordance with the following schedule------	485,435
	Schedule:	
	(a) Personal Services ---------- 625,505	
	(b) Operating Expenses and Equipment ---------- 115,715	
	Total of schedule---------- 741,220	

Item		Amount
Less estimated reimbursements	255,785	
Net appropriation	485,435	
108.1—For Hastings College of Law salary adjustments, to be allocated by the Department of Finance to the Hastings College of Law, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including retirement contributions, of increases in compensation provided for in any increased salary range established on or after January 1, 1964, by the board of governors of the college		26,000
Allocations to the Hastings College of Law shall be made by the Department of Finance upon certification by the board of governors of the college that proposed salary ranges are substantially comparable to the prevailing rates for comparable services in private business and public employment including the California state services.		
Before the board of governors of the college establish any increased salary range, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the agency or may be made available from the appropriation in this item, to meet the cost of the increased salary range.		
109—For support of the California State Colleges, to be transferred to and in augmentation of the support appropriations, Budget Act of 1964, of the various state colleges, upon order of the Trustees of the California State Colleges, in accordance with the following schedule		1,783,773
Schedule:		
(a) Library program improvement	1,000,000	
(b) Sabbatical leaves	200,000	
(c) Out-of-state travel	30,000	
(d) Master of Social Work program	75,000	
(f) Joint doctoral program	18,000	
(g) Management improvement	151,900	
(h) Electronic data processing	75,000	
(i) Year-round operation study	233,873	
Total of schedule	1,783,773	

Item		Amount
provided, that a portion of the amount made available for the year-round operation study may be transferred to the support appropriation for the Trustees of the California State Colleges.		
110—For support of Trustees of the California State Colleges, in accordance with the following schedule		1,343,762
Schedule:		
(a) Personal Services	1,001,954	
(b) Operating Expenses and Equipment	354,808	
Total of schedule	1,356,762	
Less estimated reimbursements	13,000	
Net appropriation	1,343,762	
111—For support of the international program of Trustees of the California State Colleges, in accordance with the following schedule		254,422
Schedule:		
(a) Personal Services	37,959	
(b) Operating Expenses and Equipment	234,551	
Total of schedule	272,510	
Less estimated reimbursements	18,088	
Net appropriation	254,422	
112—For student loan funds authorized by Section 24001 of the Education Code for the purpose of making part of the payments pursuant to agreements entered into under Title II of the Act of Congress, cited as the National Defense Education Act of 1958, on behalf of the several state colleges. This appropriation is to be allocated by the Trustees of the California State Colleges to the several state colleges		331,000
113—For support of Chico State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		4,684,935
Schedule:		
(a) Personal Services	4,566,628	
(b) Operating Expenses and Equipment	709,497	
Total of schedule	5,276,125	
Less estimated reimbursements	591,190	
Net appropriation	4,684,935	

Item		Amount
114—For support of Fresno State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		7,205,403
Schedule:		
(a) Personal Services	7,296,829	
(b) Operating Expenses and Equipment	1,096,962	
Total of schedule	8,393,791	
Less estimated reimbursements	1,188,388	
Net appropriation	7,205,403	
115—For support of State College at Hayward, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		3,055,102
Schedule:		
(a) Personal Services	2,836,820	
(b) Operating Expenses and Equipment	557,957	
Total of schedule	3,394,777	
Less estimated reimbursements	339,675	
Net appropriation	3,055,102	
116—For support of Humboldt State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		3,689,948
Schedule:		
(a) Personal Services	3,446,048	
(b) Operating Expenses and Equipment	589,729	
Total of schedule	4,035,777	
Less estimated reimbursements	345,829	
Net appropriation	3,689,948	
117—For support of Long Beach State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		10,127,288
Schedule:		
(a) Personal Services	10,450,087	
(b) Operating Expenses and Equipment	1,572,836	
Total of schedule	12,022,923	

Item		Amount
Less estimated reimbursements	1,895,635	
Net appropriation	10,127,288	
118—For support of Los Angeles State College of Applied Arts and Sciences, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		11,189,174
Schedule:		
(a) Personal Services	11,743,674	
(b) Operating Expenses and Equipment	1,789,805	
Total of schedule	13,533,479	
Less estimated reimbursements	2,344,305	
Net appropriation	11,189,174	
119—For support of Orange State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		3,299,315
Schedule:		
(a) Personal Services	3,237,808	
(b) Operating Expenses and Equipment	587,548	
Total of schedule	3,825,356	
Less estimated reimbursements	526,041	
Net appropriation	3,299,315	
120—For support of State College at Palos Verdes, in accordance with the following schedule		414,735
Schedule:		
(a) Personal Services	269,251	
(b) Operating Expenses and Equipment	147,509	
Total of schedule	416,760	
Less estimated reimbursements	2,025	
Net appropriation	414,735	
121—For support of Sacramento State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		6,060,528
Schedule:		
(a) Personal Services	6,296,618	
(b) Operating Expenses and Equipment	935,953	
Total of schedule	7,232,571	

Item		Amount
Less estimated reimbursements	1,172,043	
Net appropriation	6,060,528	
122—For support of State College at San Bernardino, in accordance with the following schedule		408,449
Schedule:		
(a) Personal Services	303,250	
(b) Operating Expenses and Equipment	188,022	
Total of schedule	491,272	
Less estimated reimbursements	82,823	
Net appropriation	408,449	
123—For support of San Diego State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		11,637,373
Schedule:		
(a) Personal Services	11,855,100	
(b) Operating Expenses and Equipment	1,746,949	
Total of schedule	13,602,049	
Less estimated reimbursements	1,964,676	
Net appropriation	11,637,373	
124—For support of San Fernando Valley State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		7,810,020
Schedule:		
(a) Personal Services	7,677,856	
(b) Operating Expenses and Equipment	1,305,877	
Total of schedule	8,983,733	
Less estimated reimbursements	1,173,713	
Net appropriation	7,810,020	
125—For support of San Francisco State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		11,004,116
Schedule:		
(a) Personal Services	11,556,934	

Item		Amount
(b) Operating Expenses and Equipment	1,649,262	
Total of schedule	13,206,196	
Less estimated reimbursements	2,202,080	
Net appropriation	11,004,116	
126—For support of San Jose State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		14,907,152
Schedule:		
(a) Personal Services	15,266,857	
(b) Operating Expenses and Equipment	2,284,941	
Total of schedule	17,551,798	
Less estimated reimbursements	2,644,646	
Net appropriation	14,907,152	
127—For support of Sonoma State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		1,281,574
Schedule:		
(a) Personal Services	1,177,695	
(b) Operating Expenses and Equipment	276,606	
Total of schedule	1,454,301	
Less estimated reimbursements	172,727	
Net appropriation	1,281,574	
128—For support of Stanislaus State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		903,809
Schedule:		
(a) Personal Services	835,064	
(b) Operating Expenses and Equipment	165,110	
Total of schedule	1,000,174	
Less estimated reimbursements	96,365	
Net appropriation	903,809	
129—For support of California State Polytechnic College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		11,576,208

Item		Amount
Schedule:		
(a) Personal Services	11,100,615	
(b) Operating Expenses and Equipment	2,164,775	
Total of schedule	13,265,390	
Less estimated reimbursements	1,689,182	
Net appropriation	11,576,208	
130—For support of California Maritime Academy, in accordance with the following schedule		494,683
Schedule:		
(a) Personal Services	592,042	
(b) Operating Expenses and Equipment	231,409	
Total of schedule	823,451	
Less estimated reimbursements	328,768	
Net appropriation	494,683	
131—For support of the State Scholarship Commission, in accordance with the following schedule		4,012,480
Schedule:		
(a) Personal Services	98,155	
(b) Operating Expenses and Equipment	3,914,325	
Total of schedule	4,012,480	
EMPLOYMENT		
132—For support of California Commission on Manpower, Automation and Technology, payable from the Department of Employment Contingent Fund		75,000
FISCAL AFFAIRS		
133—For support of State Board of Control, in accordance with the following schedule		26,154
Schedule:		
(a) Personal Services	21,178	
(b) Operating Expenses and Equipment	4,976	
Total of schedule	26,154	
134—For support of State Controller, in accordance with the following schedule		4,575,378
Schedule:		
(a) Personal Services	4,223,981	

Item		Amount
(b) Operating Expenses and Equipment	1,566,758	
Total of schedule	5,790,739	
Less estimated amounts available from other sources:		
(c) Reimbursements	141,407	
(d) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 135)	150,886	
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 136)	761,224	
(f) Amount payable from the State School Building Aid Fund (Item 137)	161,844	
Net appropriation	4,575,378	
135—For support of State Controller, payable from the Motor Vehicle Transportation Tax Fund		150,886
136—For support of State Controller, payable from the Motor Vehicle Fuel Fund		761,224
137—For support of State Controller, payable from the State School Building Aid Fund		161,844
138—For support of State Board of Equalization, in accordance with the following schedule		15,763,339
Schedule:		
(a) Personal Services	18,074,667	
(b) Operating Expenses and Equipment	3,960,071	
Total of schedule	22,034,738	
Less estimated amounts available from other sources:		
(c) Reimbursements	4,356,399	
(d) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 139)	980,000	
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 140)	935,000	
Net appropriation	15,763,339	
139—For support of State Board of Equalization, payable from the Motor Vehicle Transportation Tax Fund		980,000
140—For support of State Board of Equalization, payable from the Motor Vehicle Fuel Fund		935,000
141—For support of Department of Finance, in accordance with the following schedule		3,095,493

Item		Amount
Schedule:		
(a) Personal Services	2,696,534	
(b) Operating Expenses and Equipment	1,524,326	
(c) For allocation to the San Francisco World Trade Center Authority for expenditure in the manner and for the purposes authorized under the provisions of the World Trade Center Authorities Act approved July 17, 1947, Chapter 1508, Statutes of 1947, including, but not limited to expenses for surveys, plans, estimates, preliminary engineering and other expenses (preliminary or otherwise) incident to the acquisition, construction, financing, promotion and operation of a world trade center in the City and County of San Francisco	87,000	
Total of schedule	4,307,860	
Less estimated amounts available from other sources:		
(d) Reimbursements	112,000	
(e) Amount payable from the Fair and Exposition Fund (Item 142)	103,000	
(f) Estimated grants from the federal government or agencies thereof	997,367	
Net appropriation	3,095,493	
142—For support of Department of Finance, payable from the Fair and Exposition Fund		103,000
143—For support of California State Fair and Exposition, Department of Finance, payable from the State Fair Fund		3,001,231
144—For augmentation of the State Fair Fund to be transferred to the State Fair Fund by the State Controller.		292,110
And in addition, there is appropriated from the General Fund, not to exceed $250,000, to be made available upon order of the Department of Finance, for temporary loans to the State Fair Fund to meet cash needs.		
144.1—For augmentation of the State Fair Fund, to be allocated by the Director of Finance		150,000

Item		Amount
provided, that the amounts to be expended from this item shall be repaid under such terms and conditions as may be prescribed by the Director of Finance.		
145—For support of State Lands Division, State Lands Commission, Department of Finance in accordance with the following schedule		981,895
Schedule:		
(a) Personal Services	1,111,378	
(b) Operating Expenses and Equipment	225,641	
Total of schedule	1,337,019	
Less estimated amounts available from other sources:		
(c) Reimbursements	85,600	
(d) Amounts payable from the City of Long Beach under the provisions of Chapter 1398, Statutes of 1963	269,524	
Net appropriation	981,895	
145.1—For support of State Lands Division, State Lands Commission, Department of Finance, in defense of the United States Supreme Court Case Number 5, United States of America vs. State of California		304,433
146—For support of Franchise Tax Board, in accordance with the following schedule		10,490,225
Schedule:		
(a) Personal Services	8,721,541	
(b) Operating Expenses and Equipment	1,768,684	
Total of schedule	10,490,225	
147—For support of State Treasurer, in accordance with the following schedule		430,046
Schedule:		
(a) Personal Services	394,529	
(b) Operating Expenses and Equipment	168,193	
Total of schedule	562,722	
Less estimated reimbursements	132,676	
Net appropriation	430,046	

HEALTH AND WELFARE

148—For support of Health and Welfare Agency, in accordance with the following schedule		67,672

Item		Amount
Schedule:		
(a) Personal Services	55,772	
(b) Operating Expenses and Equipment	11,900	
Total of schedule	67,672	
149—For support of Citizens' Advisory Committee on Aging, in accordance with the following schedule		71,051
Schedule:		
(a) Personal Services	45,277	
(b) Operating Expenses and Equipment	25,774	
Total of schedule	71,051	
150—For support of Office of Atomic Energy Development and Radiation Protection, Departmental Co-ordinating Committee on Atomic Energy Development and Radiation Protection and the Advisory Council on Atomic Energy Development and Radiation Protection		47,649
151—For support of Department of Mental Hygiene and agencies under the jurisdiction of the department, to be transferred to and in augmentation of the support appropriations, Budget Act of 1964, of the department and its agencies upon order of the Department of Finance		1,431,744
152—For family care of patients paroled or on leave of absence from state institutions of the Department of Mental Hygiene pursuant to Section 6726 of the Welfare and Institutions Code, Department of Mental Hygiene, to be transferred in augmentation of Item 156		410,610
153—For support of Department of Mental Hygiene, in accordance with the following schedule		7,954,494
Schedule:		
(a) Personal Services	6,421,999	
(b) Operating Expenses and Equipment	2,374,988	
Total of schedule	8,796,987	
Less estimated amounts available from other sources:		
(c) Reimbursements	149,387	

Item		Amount
(d) Estimated grants from the federal government or agencies thereof	693,106	
Net appropriation	7,954,494	
154—For transportation of patients and other persons committed to state institutions of the Department of Mental Hygiene, to be expended by the Department of Mental Hygiene, in accordance with the following schedule		102,490
Schedule:		
(a) Operating Expenses	142,347	
Total of schedule	142,347	
Less estimated reimbursements	39,857	
Net appropriation	102,490	
155—For expenses of deportation and transfer of patients of the Department of Mental Hygiene, Department of Mental Hygiene, in accordance with the following schedule		126,632
Schedule:		
(a) Operating Expenses	131,632	
Total of schedule	131,632	
Less estimated reimbursements	5,000	
Net appropriation	126,632	
156—For family care of patients paroled or on leave of absence from state institutions of the Department of Mental Hygiene pursuant to Section 6726 of the Welfare and Institutions Code, Department of Mental Hygiene		3,102,480
157—For care and treatment of mentally retarded persons in private medical facilities, Department of Mental Hygiene		250,000
158—For research projects, Department of Mental Hygiene, to be expended only on allocations to agencies of the Department of Mental Hygiene authorized by the Department of Finance		987,000
The appropriation made by this item shall remain available for allocation, reallocation, and expenditure until June 30, 1967.		
And in addition any amounts received for research projects from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		

Item		Amount
159—For support of Day Treatment Centers, Department of Mental Hygiene, to be expended in accordance with the following schedule		605,824
Schedule:		
(a) Personal Services	453,865	
(b) Operating Expenses and Equipment	151,959	
Total of schedule	605,824	
160—For support of Outpatient Mental Hygiene Clinics, Department of Mental Hygiene, in accordance with the following schedule		964,201
Schedule:		
(a) Personal Services	938,787	
(b) Operating Expenses and Equipment	179,248	
Total of schedule	1,118,035	
Less estimated amounts available from other sources:		
(c) Estimated grants from the federal government or agencies thereof	153,834	
Net appropriation	964,201	
160.5—For support of Langley Porter Neuropsychiatric Institute and Neuropsychiatric Institute at University of California at Los Angeles, Department of Mental Hygiene, in accordance with the following schedule		6,853,376
Schedule:		
(a) Personal Services	5,690,658	
(b) Operating Expenses and Equipment	1,298,774	
Total of schedule	6,989,432	
Less estimated reimbursements	136,056	
Net appropriation	6,853.376	
163.5—For support of the hospitals for the mentally ill, Department of Mental Hygiene, in accordance with the following schedule		101,616,259
Schedule:		
(a) Personal Services	84,534,285	
(b) Operating Expenses and Equipment	18,126,156	
Total of schedule	102,660,441	
Less estimated reimbursements	1,044,182	
Net appropriation	101,616,259	

Item		Amount
173.5—For support of the hospitals for the mentally retarded, Department of Mental Hygiene, in accordance with the following schedule		39,702,018
Schedule:		
(a) Personal Services	33,530,983	
(b) Operating Expenses and Equipment	6,548,161	
Total of schedule	40,079,144	
Less estimated reimbursements	377,126	
Net appropriation	39,702,018	
177—For support of Department of Public Health, in accordance with the following schedule		10,395,484
Schedule:		
(a) Personal Services	10,001,533	
(b) Operating Expenses and Equipment	3,956,603	
Total of schedule	13,958,136	
Less estimated amounts available from other sources:		
(c) Reimbursements	847,262	
(d) Estimated grants from the federal government or agencies thereof	2,715,390	
Net appropriation	10,395,484	
provided, that the Department of Public Health limit expenditures for special projects to no more than $4,471,651 during the 1964-65 fiscal year, except that this limitation shall not apply to special project funds which flow through the department to local agencies but shall apply to special project funds which are used by the department itself.		
178—For support of Department of Public Health for a medical care studies unit, in accordance with the following schedule		50,000
Schedule:		
(a) Medical care studies unit	150,000	
Total of schedule	150,000	
Less estimated grants from the federal government or agencies thereof	100,000	
Net appropriation	50,000	

Item			Amount
	provided, that no part of the General Fund shall be expended until other funds are made available for this purpose.		
179—For the support of Department of Public Health for supplemental laboratory services in the control of tuberculosis			55,000
180—For support of Motor Vehicle Pollution Control Board, Department of Public Health, in accordance with the following schedule			518,913
	Schedule:		
	(a) Personal Services	194,767	
	(b) Operating Expenses and Equipment	324,146	
	Total of schedule	518,913	
181—For support of Department of Rehabilitation, in accordance with the following schedule			4,849,759
	Schedule:		
	(a) Personal Services	4,255,314	
	(b) Operating Expenses and Equipment	5,776,566	
	Total of schedule	10,031,880	
	Less estimated amounts available from other sources:		
	(c) Reimbursements	212,448	
	(d) Federal grants	4,969,673	
	Net appropriation	4,849,759	
182—For support of Berkeley Center, California Industries for the Blind, in accordance with the following schedule			168,580
	Schedule:		
	(a) Personal Services	74,473	
	(b) Operating Expenses and Equipment	99,440	
	Total of schedule	173,913	
	Less estimated federal grants	5,333	
	Net appropriation	168,580	
183—For support of Los Angeles Center, California Industries for the Blind, in accordance with the following schedule			140,783
	Schedule:		
	(a) Personal Services	114,210	
	(b) Operating Expenses and Equipment	26,573	
	Total of schedule	140,783	

Item		Amount
184—For support of San Diego Center, California Industries for the Blind, in accordance with the following schedule		65,188
Schedule:		
(a) Personal Services	47,275	
(b) Operating Expenses and Equipment	17,913	
Total of schedule	65,188	
185—For support of Orientation Center for the Blind, in accordance with the following schedule		143,227
Schedule:		
(a) Personal Services	242,166	
(b) Operating Expenses and Equipment	51,547	
Total of schedule	293,713	
Less estimated amounts available from other sources:		
(c) Reimbursements	2,660	
(d) Federal grants	147,826	
Net appropriation	143,227	
186—For support of Department of Social Welfare. Such appropriation, together with any grants made available by the federal government for support of the Department of Social Welfare during the 1964-65 fiscal year, shall be expended in accordance with the following schedule		4,712,103
Schedule:		
(a) Personal Services	6,586,091	
(b) Operating Expenses and Equipment	1,903,502	
Total of schedule	8,489,593	
Less estimated amounts available from other sources:		
(c) Reimbursements	318,775	
(d) Estimated grants from the federal government	3,458,715	
Net appropriation	4,712,103	
provided, that any rule or regulation adopted by the Director of the State Department of Social Welfare during the fiscal year 1964-65 which adds to the cost of any public assistance program shall only be effective from and after the date upon which it is approved		

Item		Amount
as to availability of funds by the Department of Finance. All such additional costs shall be reported by the Department of Finance to the Joint Legislative Budget Committee quarterly.		
HIGHWAY TRANSPORTATION		
187—For support of the Highway Transportation Agency, payable from the Motor Vehicle Fund, in accordance with the following schedule		72,254
Schedule:		
(a) Personal Services	55,837	
(b) Operating Expenses and Equipment	16,417	
Total of schedule	72,254	
187.5—For support of the Vehicle Equipment Safety Commission, payable from the Motor Vehicle Transportation Tax Fund		6,000
188—For support of the Highway Transportation Agency, payable from the Motor Vehicle Fund, in augmentation of Item 175, Budget Act of 1963, in accordance with the following schedule		3,417
Schedule:		
(a) Operating Expenses	3,417	
Total of schedule	3,417	
Notwithstanding other provisions of this section, the appropriation made by this item is available for payment of expenditures incurred during the 1963-64 fiscal year.		
189—For support of Department of the California Highway Patrol, payable from the Motor Vehicle Fund, in accordance with the following schedule		44,956,064
Schedule:		
(a) Personal Services	33,822,454	
(b) Operating Expenses and Equipment	11,660,011	
Total of schedule	45,482,465	
Less estimated reimbursements	526,401	
Net appropriation	44,956,064	
provided, that no part of this appropriation shall be expended to establish or to reclassify additional uniformed supervisorial positions in addition to those provided for the 1964-65 Budget; provided further, that no part of		

Item	Amount
this appropriation shall be expended in payment for services of personnel assigned to enforce the provisions of the ordinances of any city or county; provided further, however, that this restriction shall not limit the authority of members of the California Highway Patrol to enforce any city or county ordinance as an incident to their assigned duties with respect to traffic law enforcement; provided further, that no expenditure shall be made from the appropriation made by this item in connection with the activities of the California Highway Patrol Auxiliary; provided further, that no expenditure from this appropriation shall be made for or relating to: (a) the temporary transfer for any duration of uniformed personnel from field commands to the Sacramento headquarters, (b) increasing the number of uniformed personnel at the Sacramento headquarters from the strength shown in the 1964-65 Budget, (c) the holding of senior staff or zone conferences at more than quarterly intervals, (d) uniformed personnel in the grade of lieutenant on the staff of zone commanders in zones II, III, IV, and V, and (e) the inservice training of uniformed personnel at any place other than their normal duty station more frequently than once every four years; provided further, that the amount available to pay members of the California Highway Patrol in the classification of state traffic sergeant and state traffic officer for overtime working hours of duty performed in addition to those hours spent in the regular duty status shall be used to increase the available man-hours for road patrol and to prohibit state traffic sergeants and state traffic officers in the accumulation and use of compensatory time off in excess of 24 hours in any three-month period, during the fiscal year 1964-65. These funds shall not be used to pay individuals, nor shall compensatory time off be accumulated and used for overtime in the performance of any of the following duties: 1. When in travel status. 2. When in a training status. 3. When assigned to desk or office duties. 4. When attending or participating in competitive pistol matches.	

Item		Amount
	5. When participating in monthly pistol qualifications.	
	6. When attending monthly unit organizational meetings.	
	The above limitations shall not preclude or be construed as preventing the State Personnel Board or the Department of the California Highway Patrol imposing any additional limitations which they may deem necessary for the proper administration of payment of overtime.	
190—For support of Department of the California Highway Patrol, payable from the Motor Vehicle Fund, in augmentation of Item 176, Section 2, Budget Act of 1963, in accordance with the following schedule		854,481
Schedule:		
	(a) Personal Services 332,611	
	(b) Operating Expenses and Equipment 521,870	
	Total of schedule 854,481	
	Notwithstanding other provisions of this section, the appropriation made by this item is available for payment of expenditures incurred during the 1963-64 fiscal year.	
191—For payment of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $250,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund; provided, that amounts authorized from this item shall be made for purchase or operation of motor vehicles or purchase of required automobile accessories upon showing that such amounts are in excess of the amounts provided for in the appropriations to be augmented.		
191.1—For payment of a tort liability claim in the case of Elinore Marie Greenwell vs. California, Department of the California Highway Patrol, payable from the Motor Vehicle Fund provided, that the unexpended balance on June 30, 1965, shall revert to the Motor Vehicle Fund.		911
192—For support of Department of Motor Vehicles, payable from the Motor Vehicle Fund, in accordance with the following schedule		35,592,018

Item		Amount
Schedule:		
(a) Personal Services	34,004,807	
(b) Operating Expenses and Equipment	9,213,231	
Total of schedule	43,218,038	
Less estimated amounts available from other sources:		
(c) Reimbursements	2,030,618	
(d) Amount payable from Motor Vehicle License Fee Fund (Item 193)	5,595,402	
Net appropriation	35,592,018	
193—For support, Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund to be transferred to the Motor Vehicle Fund in augmentation of Item 192, as provided by Section 11003 of the Revenue and Taxation Code.		5,595,402
194—For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $350,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund.		
195—For support of Division of Aeronautics, Department of Public Works, in accordance with the following schedule		142,181
Schedule:		
(a) Personal Services	91,454	
(b) Operating Expenses and Equipment	71,727	
Total of schedule	163,181	
Less estimated amounts available from other sources:		
(c) Reimbursements	6,000	
(d) Amount payable from the Airport Assistance Fund (Item 196)	15,000	
Net appropriation	142,181	
196—For support of Division of Aeronautics, Department of Public Works, payable from the Airport Assistance Fund to be transferred to the General Fund in augmentation of Item 195.		15,000

Item		Amount
197—For support of Board of Harbor Commissioners for Humboldt Bay		2,547

INDUSTRIAL RELATIONS

198—For support of Department of Industrial Relations, in accordance with the following schedule		17,192,006
Schedule:		
(a) Personal Services	14,078,239	
(b) Operating Expenses and Equipment	3,609,738	
Total of schedule	17,687,977	
Less estimated amounts available from other sources:		
(c) Reimbursements	453,038	
(d) Amount payable from the Department of Employment Contingent Fund (Item 199)	42,933	
Net appropriation	17,192,006	
199—For support of Department of Industrial Relations, payable from the Department of Employment Contingent Fund		42,933
200—For support of State Fire Marshal, in accordance with the following schedule		598,628
Schedule:		
(a) Personal Services	740,407	
(b) Operating Expenses and Equipment	169,043	
Total of schedule	909,450	
Less estimated amounts available from other sources:		
(c) Reimbursements	191,334	
(d) Amount payable from Dry Cleaners' Fund (Item 201)	119,488	
Net appropriation	598,628	
201—For support of State Fire Marshal, payable from the Dry Cleaners' Fund		119,488

JUSTICE

202—For support of Department of Justice, in accordance with the following schedule		10,579,487
Schedule:		
(a) Personal Services	9,346,417	

Item		Amount
(b) Operating Expenses and Equipment	2,690,855	
Total of schedule	12,037,272	
Less estimated reimbursements	1,457,785	
Net appropriation	10,579,487	
202.1—For support of Department of Justice, in accordance with the following schedule		149,470
Schedule:		
(a) Operating Expenses and Equipment	149,470	
Total of schedule	149,470	

The amount appropriated in this item is to provide funds to initiate and implement an electronic data processing system for the Bureaus of Criminal Identification and Investigation, Narcotics, and Statistics; provided, that none of these funds are to be expended until a firm decision has been made by the Department of Justice and concurred in by the Department of Finance committing the Department of Justice to a definite program including the decision as to specific equipment to be acquired for this program.

203—For support of Commission on Peace Officers' Standards and Training, payable from the Peace Officers' Training Fund, in accordance with the following schedule		73,102
Schedule:		
(a) Personal Services	50,162	
(b) Operating Expenses and Equipment	22,940	
Total of schedule	73,102	

MILITARY AFFAIRS

204—For support of Military Department, in accordance with the following schedule		3,096,888
Schedule:		
(a) Personal Services	2,545,352	
(b) Operating Expenses and Equipment	1,198,889	
Total of schedule	3,744,241	
Less estimated reimbursements	647,353	
Net appropriation	3,096,888	

Item		Amount
provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Adjutant General, the California National Guard or the California National Guard Reserve from the federal government.		
205—For payment of military retirements in accordance with the provisions of Sections 228 and 256 of the Military and Veterans Code, Military Department		70,530
REGULATION AND LICENSING		
206—For support of Department of Alcoholic Beverage Control, in accordance with the following schedule		4,541,501
Schedule:		
(a) Personal Services	3,596,475	
(b) Operating Expenses and Equipment	957,026	
Total of schedule	4,553,501	
Less estimated reimbursements	12,000	
Net appropriation	4,541,501	
207—For support of Alcoholic Beverage Control Appeals Board, in accordance with the following schedule		121,434
Schedule:		
(a) Personal Services	91,588	
(b) Operating Expenses and Equipment	29,846	
Total of schedule	121,434	
208—For support of California Districts Securities Commission, in accordance with the following schedule		72,713
Schedule:		
(a) Personal Services	70,480	
(b) Operating Expenses and Equipment	15,875	
Total of schedule	86,355	
Less estimated reimbursements for services to districts and other agencies	13,642	
Net appropriation	72,713	

Item		Amount
209—For support of California Horse Racing Board, payable from the Fair and Exposition Fund, in accordance with the following schedule		217,698
Schedule:		
(a) Personal Services	143,417	
(b) Operating Expenses and Equipment	74,281	
Total of schedule	217,698	
210—For support of State Banking Department, Department of Investment, payable from the State Banking Fund, in accordance with the following schedule		937,871
Schedule:		
(a) Personal Services	749,904	
(b) Operating Expenses and Equipment	187,967	
Total of schedule	937,871	
211—For support of Division of Corporations, Department of Investment, in accordance with the following schedule		3,003,871
Schedule:		
(a) Personal Services	3,281,058	
(b) Operating Expenses and Equipment	503,297	
Total of schedule	3,784,355	
Less estimated reimbursements	780,484	
Net appropriation	3,003,871	
212—For support of Department of Insurance, payable from the Insurance Fund, in accordance with the following schedule		2,985,829
Schedule:		
(a) Personal Services	2,399,872	
(b) Operating Expenses and Equipment	631,937	
Total of schedule	3,031,809	
Less estimated reimbursements	45,980	
Net appropriation	2,985,829	
213—For augmentation of the Insurance Fund, to be transferred to said fund by the State Controller during the month of January 1965. The amount transferred shall be equal to the amount of surplus line brokers taxes transferred from the Insurance Tax Fund to the General Fund during the period from Novem-		

Item		Amount
	ber 1, 1963, to December 31, 1964, inclusive, pursuant to Section 1775.7 of the Insurance Code, but shall not exceed $500,000. Any balance remaining in this appropriation after making the required transfer shall immediately be reverted to the unappropriated surplus of the General Fund	500,000
214—For support of Division of Real Estate, Department of Investment, payable from the Real Estate Fund, in accordance with the following schedule		2,603,452
Schedule:		
(a) Personal Services	1,901,744	
(b) Operating Expenses and Equipment	1,106,634	
Total of schedule	3,008,378	
Less estimated amount available from other sources:		
(c) Amount payable from the Real Estate Education, Research and Recovery Fund (Item 215)	404,926	
Net appropriation	2,603,452	
215—For educational and research needs of the real estate industry in California, payable from the Real Estate Education, Research and Recovery Fund to be allocated by the Department of Finance in amounts as it finds necessary to the University of California, exempt from Section 31 of this act and to the Division of Real Estate, Department of Investment, to carry out the provisions of Section 10451.5 of the Business and Professions Code.		664,926
216—For support of Division of Savings and Loan, Department of Investment, payable from the Savings and Loan Inspection Fund, in accordance with the following schedule		1,526,405
Schedule:		
(a) Personal Services	1,283,405	
(b) Operating Expenses and Equipment	424,000	
Total of schedule	1,707,405	
Less estimated reimbursements	181,000	
Net appropriation	1,526,405	

Item			Amount
217—For support of Board of Pilot Commissioners for the Harbor of San Diego			1,435
218—For support of Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund, in accordance with the following schedule			26,512
Schedule:			
(a) Personal Services	17,775		
(b) Operating Expenses and Equipment	8,737		
Total of schedule	26,512		
219—For support of Department of Professional and Vocational Standards, payable from the Professional and Vocational Standards' Fund, pursuant to the provisions of Sections 203 and 405 of the Business and Professions Code, in accordance with the following schedule			2,283,704
Schedule:			
(a) Personal Services	1,578,563		
(b) Operating Expenses and Equipment	904,237		
Total of schedule	2,482,800		
Less estimated reimbursements	199,096		
Net appropriation	2,283,704		
220—For support of State Board of Accountancy, payable from the Accountancy Fund, in accordance with the following schedule			331,733
Schedule:			
(a) Personal Services	97,285		
(b) Operating Expenses and Equipment	234,448		
Total of schedule	331,733		
221—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners' Fund, in accordance with the following schedule			125,328
Schedule:			
(a) Personal Services	77,372		
(b) Operating Expenses and Equipment	47,956		
Total of schedule	125,328		
222—For Support of State Athletic Commission, in accordance with the following schedule			187,095

Item		Amount
Schedule:		
(a) Personal Services	126,631	
(b) Operating Expenses and Equipment	60,464	
Total of schedule	187,095	
223—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund, in accordance with the following schedule		263,820
Schedule:		
(a) Personal Services	80,866	
(b) Operating Expenses and Equipment	182,954	
Total of schedule	263,820	
224—For support of Cemetery Board, payable from the Cemetery Fund, in accordance with the following schedule		63,128
Schedule:		
(a) Personal Services	37,428	
(b) Operating Expenses and Equipment	25,700	
Total of schedule	63,128	
225—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund, in accordance with the following schedule		110,838
Schedule:		
(a) Personal Services	39,726	
(b) Operating Expenses and Equipment	71,112	
Total of schedule	110,838	
226—For support of State Board of Registration for Civil and Professional Engineers, payable from the Professional Engineers' Fund, in accordance with the following schedule		439,395
Schedule:		
(a) Personal Services	267,703	
(b) Operating Expenses and Equipment	171,692	
Total of schedule	439,395	
227—For support of Collection Agency Licensing Bureau, Department of Professional and Vocational Standards, payable from the Collection Agency Fund, in accordance with the following schedule		225,096
Schedule:		
(a) Personal Services	112,165	

Item		Amount
(b) Operating Expenses and Equipment	112,931	
Total of schedule	225,096	
228—For support of Contractors' State License Board, payable from the Contractors' License Fund, in accordance with the following schedule		1,790,393
Schedule:		
(a) Personal Services	1,143,733	
(b) Operating Expenses and Equipment	646,660	
Total of schedule	1,790,393	
229—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund, in accordance with the following schedule		497,349
Schedule:		
(a) Personal Services	154,616	
(b) Operating Expenses and Equipment	342,733	
Total of schedule	497,349	
230—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund, in accordance with the following schedule		158,232
Schedule:		
(a) Personal Services	102,484	
(b) Operating Expenses and Equipment	55,748	
Total of schedule	158,232	
231—For support of State Board of Dry Cleaners, payable from the Dry Cleaners' Fund, in accordance with the following schedule		325,026
Schedule:		
(a) Personal Services	91,266	
(b) Operating Expenses and Equipment	233,760	
Total of schedule	325,026	
232—For support of Bureau of Electronic Repair Dealer Registration, Department of Professional and Vocational Standards, payable from the Electronic Repair Dealer Registration Fund, in accordance with the following schedule		252,272
Schedule:		
(a) Personal Services	63,307	

Item		Amount
(b) Operating Expenses and Equipment	188,965	
Total of schedule	252,272	
233—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers' Fund, in accordance with the following schedule		84,432
Schedule:		
(a) Personal Services	49,828	
(b) Operating Expenses and Equipment	34,604	
Total of schedule	84,432	
234—For support of Bureau of Furniture and Bedding Inspection, Department of Professional and Vocational Standards, payable from the Bureau of Furniture and Bedding Inspection Fund, in accordance with the following schedule		568,373
Schedule:		
(a) Personal Services	148,934	
(b) Operating Expenses and Equipment	426,759	
Total of schedule	575,693	
Less estimated reimbursements	7,320	
Net appropriation	568,373	
235—For support of State Board of Guide Dogs for the Blind		2,495
236—For support of California State Board of Landscape Architects, payable from the State Board of Landscape Architects' Fund, in accordance with the following schedule		24,307
Schedule:		
(a) Personal Services	10,476	
(b) Operating Expenses and Equipment	13,831	
Total of schedule	24,307	
237—For support of Bureau of Marriage Counselors, Department of Professional and Vocational Standards, payable from the Marriage Counselors Fund, in accordance with the following schedule		1,775
Schedule:		
(a) Operating Expenses and Equipment	1,775	
Total of schedule	1,775	

Item		Amount
238—For support of Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners, in accordance with the following schedule		596,835
Schedule:		
(a) Personal Services	166,745	
(b) Operating Expenses and Equipment	430,090	
Total of schedule	596,835	
239—For support of the Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners from those moneys deposited under the provisions of Section 2614 of the Business and Professions Code, in accordance with the following schedule		18,316
Schedule:		
(a) Personal Services	3,838	
(b) Operating Expenses and Equipment	14,478	
Total of schedule	18,316	
240—For support of Board of Medical Examiners of the State of California, payable from the Physical Therapy Fund, in accordance with the following schedule		16,246
Schedule:		
(a) Personal Services	3,938	
(b) Operating Expenses and Equipment	12,308	
Total of schedule	16,246	
241—For support of California Board of Nursing Education and Nurse Registration, payable from the California Board of Nursing Education and Nurse Registration Fund, in accordance with the following schedule		566,018
Schedule:		
(a) Personal Services	246,928	
(b) Operating Expenses and Equipment	319,090	
Total of schedule	566,018	
242—For support of State Board of Optometry, payable from the State Optometry Fund, in accordance with the following schedule		65,378
Schedule:		
(a) Personal Services	26,838	

Item		Amount
(b) Operating Expenses and Equipment	38,540	
Total of schedule	65,378	
243—For support of Board of Osteopathic Examiners of the State of California, payable from the Contingent Fund of the Board of Osteopathic Examiners, in accordance with the following schedule		22,876
Schedule:		
(a) Personal Services	10,544	
(b) Operating Expenses and Equipment	12,332	
Total of schedule	22,876	
244—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund, in accordance with the following schedule		437,584
Schedule:		
(a) Personal Services	233,585	
(b) Operating Expenses and Equipment	205,799	
Total of schedule	439,384	
Less estimated reimbursements	1,800	
Net appropriation	437,584	
245—For support of Bureau of Private Investigators and Adjusters, Department of Professional and Vocational Standards, payable from the Private Investigator and Adjuster Fund, in accordance with the following schedule		158,064
Schedule:		
(a) Personal Services	53,363	
(b) Operating Expenses and Equipment	112,087	
Total of schedule	165,450	
Less estimated reimbursements	7,386	
Net appropriation	158,064	
246—For support of Certified Shorthand Reporters Board, payable from the Shorthand Reporters' Fund, in accordance with the following schedule		26,141
Schedule:		
(a) Personal Services	4,033	

Item		Amount
(b) Operating Expenses and Equipment	22,108	
Total of schedule	26,141	
247—For support of Board of Social Work Examiners of the State of California, payable from the Registered Social Workers' Fund, in accordance with the following schedule		33,793
Schedule:		
(a) Personal Services	21,303	
(b) Operating Expenses and Equipment	12,490	
Total of schedule	33,793	
248—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund, in accordance with the following schedule		417,948
Schedule:		
(a) Personal Services	151,659	
(b) Operating Expenses and Equipment	266,289	
Total of schedule	417,948	
249—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund, in accordance with the following schedule		39,364
Schedule:		
(a) Personal Services	6,029	
(b) Operating Expenses and Equipment	33,335	
Total of schedule	39,364	
250—For support of Board of Vocational Nurse Examiners of the State of California, payable from the Vocational Nurse Examiners' Fund, in accordance with the following schedule		150,444
Schedule:		
(a) Personal Services	76,787	
(b) Operating Expenses and Equipment	73,657	
Total of schedule	150,444	
251—For support of Yacht and Ship Brokers Commission, payable from the Yacht and Ship Brokers' Fund, in accordance with the following schedule		23,704
Schedule:		
(a) Personal Services	23,327	

Item		Amount
(b) Operating Expenses and Equipment	14,416	
Total of schedule	37,743	
Less estimated reimbursements	14,039	
Net appropriation	23,704	
252—For support of Public Utilities Commission in accordance with the following schedule		4,320,662
Schedule:		
(a) Personal Services	6,886,193	
(b) Operating Expenses and Equipment	1,625,746	
Total of schedule	8,511,939	
Less estimated amounts available from other sources:		
(c) Reimbursements	100,000	
(d) Amount payable from the Transportation Rate Fund (Item 253)	4,091,277	
Net appropriation	4,320,662	
253—For support of Public Utilities Commission, payable from the Transportation Rate Fund		4,091,277

RESOURCES

254—For support of Resources Agency, in accordance with the following schedule		114,000
Schedule:		
(a) Personal Services	70,577	
(b) Operating Expenses and Equipment	43,423	
Total of schedule	114,000	
255—For a study for purposes of developing a comprehensive master recreation plan for the Sacramento-San Joaquin Delta and along the Sacramento River, Resources Agency		40,000
256—For support of Department of Conservation, and in addition thereto any amounts received from sale of mineral information service, and an amount equal to that received under Section 2210 of the Public Resources Code from the sale of publications issued by the Division of Mines and Geology, in accordance with the following schedule		26,797,837
Schedule:		
(a) Personal Services	25,139,835	

Item		Amount
(b) Operating Expenses and Equipment	7,966,536	
(c) Youth Trainee Pay	73,560	
(d) Emergency Fire Suppression and Detection	200,000	
Total of schedule	33,379,931	
Less estimated amounts available from other sources:		
(e) Estimated reimbursements	5,588,625	
(f) Amount payable from Petroleum and Gas Fund (Item 257)	894,789	
(g) Amount payable from Subsidence Abatement Fund (Item 258)	98,680	
Net appropriation	26,797,837	
257—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund		894,789
258—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Subsidence Abatement Fund		98,680
259—For allotment pursuant to Section 4006 of the Public Resources Code for the prevention and suppression of forest fires on state responsibility lands within the counties shown below, Department of Conservation, in accordance with the following schedule		2,123,767
Schedule:		
(a) Kern County	535,330	
(b) Los Angeles County	842,628	
(c) Marin County	162,164	
(d) Santa Barbara County	283,881	
(e) Ventura County	299,764	
Total of schedule	2,123,767	
260—For direct allotment to the United States Forest Service, for prevention and suppression of forest fires on private and state-owned lands located within and adjacent to the boundaries of United States National Forests within this State, Department of Conservation		1,282,631
261—For white pine blister rust control on state and private lands, Department of Conservation; provided, that any amount expended from this item for the control of white pine blister rust on private lands must be matched		

Item		Amount
by an expenditure of an equal amount from sources other than the appropriation made by this item. Control to be effected in accordance with Sections 4451 through 4459 of the Public Resources Code, and may be pursuant to an agreement which may provide for the advance of the State's contribution or any part thereof to the federal government		75,000
262—For forest insect control, Department of Conservation, to be expended in accordance with Sections 4451 through 4459 of the Public Resources Code		20,000
263—For wild land vegetation and soil mapping project in cooperation with the California Forest and Range Experiment Station of the United States Department of Agriculture and the University of California, Department of Conservation		116,111
264—For watershed research at the San Dimas Experimental Forest in cooperation with the California Forest and Range Experiment Station of the United States Department of Agriculture, Department of Conservation		23,472
265—For forest and fire research, Department of Conservation		173,002
266—For geological exploration in cooperation with United States Geological Survey, Department of Conservation		30,000
provided, that any amount withdrawn from this item must be matched by an expenditure of a like amount by the federal government in this State for this purpose.		
267—For publication of portions of a state geologic map, Department of Conservation, and in addition any amounts received from sale of state geologic maps, in accordance with the following schedule		15,754
Schedule:		
(a) Operating Expenses	23,599	
Total of schedule	23,599	
Less estimated reimbursements	7,845	
Net appropriation	15,754	
268—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, payable from moneys in the Fish and Game Preservation Fund including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are		

Item		Amount
hereby appropriated to the extent required to meet the appropriation made by this item. The appropriation made by this item shall be expended in accordance with the following schedule		10,841,565
Schedule:		
(a) Personal Services	7,539,498	
(b) Operating Expenses and Equipment	4,374,388	
Total of schedule	11,913,886	
Less estimated reimbursements	1,072,321	
Net appropriation	10,841,565	
269—To pay for the purchase of land for game production, improvement of waterfowl areas and research in game management under the provisions of the Pittman-Robertson Act, and in fish restoration and management projects under the provisions of the Dingell-Johnson Act, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenue subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item, in accordance with the following schedule		1,314,700
Schedule:		
(a) Pittman-Robertson Program	893,800	
(b) Dingell-Johnson Program	420,900	
Total of schedule	1,314,700	
provided, that any moneys received from the federal government in reimbursement of expenditures from this item shall be credited to this appropriation and reverted to the unappropriated balance of the Fish and Game Preservation Fund.		
270—For State's share of the expenses of the Pacific Marine Fisheries Commission, in accordance with the Pacific Marine Fisheries Compact, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item		26,600
271—For research in the development of commercial fisheries of the Pacific Ocean and of ma-		

Item			Amount
	rine products, Marine Research Committee, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 8046 of the Fish and Game Code		90,644
272—For support of Wildlife Conservation Board, payable from the Wildlife Restoration Fund, in accordance with the following schedule			85,467
	Schedule:		
	(a) Personal Services	55,024	
	(b) Operating Expenses and Equipment	30,443	
	Total of schedule	85,467	
	provided, that any money in the Wildlife Restoration Fund in excess of the appropriation made by this item shall continue to be available pursuant to Section 1352 of the Fish and Game Code.		
273—For support of Department of Parks and Recreation, and in addition thereto any amounts received from fees, rentals and other returns for the use of any state park area in accordance with the following schedule			8,865,725
	Schedule:		
	(a) Personal Services	9,861,947	
	(b) Operating Expenses and Equipment	3,777,824	
	Total of schedule	13,639,771	
	Less estimated amounts available from other sources:		
	(c) Reimbursements	4,100,921	
	(d) Amount payable from Small Craft Harbor Revolving Fund (Item 274)	673,125	
	Net appropriation	8,865,725	
274—For support of Department of Parks and Recreation, in carrying out the functions of the Division of Small Craft Harbors, and in addition thereto any amounts received from sale of registration lists, payable from the Small Craft Harbor Revolving Fund			673,125
275—For expenditure by Department of Water Resources, from moneys transferred to the Water Resources Revolving Fund, in accordance with the following schedule, payable from the Water Resources Revolving Fund			45,471,140

Item		Amount
	Schedule:	
	(a) Personal Services 31,039,738	
	(b) Operating Expenses and Equipment 15,894,648	
	Total of schedule 46,934,386	
	Less estimated reimbursements 1,463,246	
	Net appropriation 45,471,140	
	provided, that any remaining balances in the Water Resources Revolving Fund continue to be appropriated by and subject to Section 135 of the Water Code; provided further, that no part of the funds made available under this item shall be expended for right-of-way acquisitions and final design (as defined on page 738 of the Governor's Budget) of transmission lines for power generated at Oroville or Thermalito of the Feather River Facilities, until the Department of Water Resources has completed a comprehensive report on the power loads, resources and transmission related to said facilities and said report has been submitted to the Legislature and presented to the California Water Commission at a public hearing at which time an opportunity to comment has been offered to all interested parties. Said report shall include engineering and cost data for all alternatives to state construction and operation of said transmission lines.	
276	—For transfer to the Water Resources Revolving Fund to be transferred by the State Controller in such amounts as the Department of Finance may authorize for support of Department of Water Resources, including cooperative work with other agencies, in accordance with the following schedule	10,180,739
	Schedule:	
	(a) General investigations 3,572,596	
	(b) Basic data 2,722,188	
	(c) Project planning 725,275	
	(d) Operations 1,738,561	
	(e) Other activities 1,342,089	
	(f) Services 105,474	
	(g) Reduction to be allocated to programs 25,444	
	Total of schedule 10,180,739	
	(h) General management 3,964,740	

Item		Amount
	Less estimated reimbursements from programs:	
	(1) General Fund	860,348
	(2) Other	3,104,392
	Net appropriation	10,180,739

provided, that the money so transferred be placed in a special account in that fund and shall not be available for expenditure after June 30, 1965, and any unencumbered balances shall be returned to the General Fund as of June 30, 1965; and provided further, that any amount withdrawn from this item and expended for work in the federal cooperative program must be matched by an expenditure of like amount by the federal government in this State for this purpose; and further provided, that $50,000 from (c) in the above schedule shall be available for Yuba River debris control subject to the provisions of Sections 340 through 342 of the Water Code.

276.1—For transfer to the Water Resources Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize, for the support of the Department of Water Resources for a feasibility study and report on the Ewing Dam and Reservoir located in Ewing Gulch approximately one-half mile north of Hayfork in the County of Trinity 45,000

277—For support of Department of Water Resources, for transfer to the Water Resources Revolving Fund, payable from the California Water Fund 100,311

to be transferred by the State Controller in such amounts as the Department of Finance shall authorize for conducting pre-land-acquisition recreation surveys; provided, that the moneys so transferred be placed in a special account in that fund and shall not be available for expenditure after June 30, 1965, and any unencumbered balances shall be returned to the California Water Fund as of June 30, 1965.

278—For support of State Water Rights Board, and in addition any amounts received from filing fees for recordation of wells shall be expended in accordance with the following schedule 986,636

Item		Amount
Schedule:		
(a) Personal Services	850,917	
(b) Operating Expenses and Equipment	194,719	
Total of schedule	1,045,636	
Less estimated reimbursements	59,000	
Net appropriation	986,636	
279—For support of Reclamation Board, in accordance with the following schedule		145,199
Schedule:		
(a) Personal Services	706,207	
(b) Operating Expenses and Equipment	227,740	
Total of schedule	933,947	
Less estimated reimbursements	788,748	
Net appropriation	145,199	
provided, that notwithstanding the provisions of Section 28 of this act, the amount of reimbursements in this item shall not exceed $788,748, plus an amount equivalent to any augmentation authorized for this appropriation.		
280—For support of Colorado River Board of California, in accordance with the following schedule		232,706
Schedule:		
(a) Personal Services	182,489	
(b) Operating Expenses and Equipment	50,217	
Total of schedule	232,706	
281—For support of Colorado River Boundary Commission, in accordance with the following schedule		16,759
Schedule:		
(a) Personal Services	5,159	
(b) Operating Expenses and Equipment	11,600	
Total of schedule	16,759	
282—For support of Klamath River Compact Commission		4,627
283—For support of California-Nevada Interstate Compact Commission		71,133
284—For support of State Water Quality Control Board and the regional water pollution con-		

Item		Amount
trol boards, in accordance with the following schedule		977,646
Schedule:		
(a) Personal Services	656,588	
(b) Operating Expenses and Equipment	601,658	
Total of schedule	1,258,246	
Less estimated amounts available from other sources:		
(c) Estimated grants from the federal government or agencies thereof	280,600	
Net appropriation	977,646	

VETERANS AFFAIRS

285—For support of Department of Veterans Affairs, in accordance with the following schedule		644,319
Schedule:		
(a) Personal Services	625,231	
(b) Operating Expenses and Equipment	158,918	
Total of schedule	784,149	
Less estimated amounts available from other sources:		
(c) From Veterans' Farm and Home Building Fund of 1943 (Item 286)	139,830	
Net appropriation	644,319	
286—For support of Department of Veterans Affairs, payable from the Veterans' Farm and Home Building Fund of 1943 to be transferred to the General Fund in augmentation of Item 285.		139,830
287—For educational assistance to veterans and veterans' dependents, Department of Veterans Affairs, to be expended under the provisions of Sections 890 through 899 and Sections 981 through 981.7 of the Military and Veterans Code, in accordance with the following schedule		3,730,483
Schedule:		
(a) Educational assistance to veterans	1,825,683	

Item		Amount
(b) Educational assistance to veterans' dependents	1,904,800	
Total of schedule	3,730,483	
288—For support of Veterans' Home of California, in accordance with the following schedule		3,684,229
Schedule:		
(a) Personal Services	4,264,729	
(b) Operating Expenses and Equipment	1,128,962	
Total of schedule	5,393,691	
Less estimated amounts available from other sources:		
(c) Reimbursements	62,400	
(d) Estimated grants from the federal government	1,647,062	
Net appropriation	3,684,229	
provided, that none of the funds herein appropriated shall be expended for the payment of sick leave pay for member employees		
289—For hospitalization and care of members, to be expended pursuant to Sections 1086.1 and 1086.2 of the Military and Veterans Code, Woman's Relief Corps Home		3,900
290—For support of United Spanish War Veterans Commission		3,400

PROVISIONS FOR SALARY INCREASES

291—For Salary Increase Fund, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, the University of California, the Trustees of the California State Colleges, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each additional position established in the state service, the compensation, or a portion thereof, of which is chargeable to the General Fund, the increase in compensation provided for in any increased salary range or rate including retirement contributions established on or after January 1, 1964 for the 1964-65 fiscal year under the provisions of Items 35, 36 and 37, Chapter 8, Statutes of 1963, First Extraordinary Session	1,155,000

Item		Amount
	For additional positions authorized, the compensation, or portion thereof, of which is chargeable to special funds, there is hereby appropriated from each special fund, to which such compensation is chargeable, an amount sufficient to provide increases in compensation including retirement contributions for each such position, in accordance with this item, which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.	
291.5	—For salary increases, to be allocated by the Department of Finance to the several state offices, boards, bureaus, commissions, departments and other state agencies, in augmentation of appropriations for support or other purposes, in such amounts as will defray the cost, including retirement contributions, of increases authorized in 1964, in the compensation of state officers and employees whose salaries are subject to the approval of the Director of Finance under the provisions of Section 18004 of the Government Code	293,260
	For positions authorized, the compensation, or portion thereof, which is chargeable to special funds, there is hereby appropriated from each special fund, to which such compensation is chargeable, an amount sufficient to provide increases in compensation including retirement contributions for each such position, in accordance with this item, which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.	
	RESERVE FOR CONTINGENCIES	
293	—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies	1,000,000
	and in addition, $500,000 is appropriated for loans that may be made from the Emergency Fund to state agencies which derive their support from the General Fund or from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the	

Item		Amount
State Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law.		
MISCELLANEOUS		
294—For support of California Arts Commission		50,000
294.1—For support of the State Advisory Commission on Indian Affairs, including the expenses of the advisory committee, in augmentation of the appropriation made by Chapter 2139, Statutes of 1961, and Chapter 1924, Statutes of 1963		10,750
295—For claim of the Secretary of the State Board of Control, to be paid from the several funds, in accordance with the following schedule		231,928
Schedule:		
(a) General Fund	135,792	
(b) Fish and Game Preservation Fund	396	
(c) State Highway Fund	21,939	
(d) Motor Vehicle Fund	34,337	
(e) Motor Vehicle Fuel Fund	166	
(f) California Water Fund	180	
(g) Real Estate Fund	150	
(h) Division of Architecture Revolving Fund	193	
(i) State Construction Program Fund	379	
(j) Water Resources Revolving Fund	1,432	
Special Deposit Fund:		
(k) California Olympic Commission Trust Account	338	
(*l*) Unemployment Compensation Disability Fund	427	
(m) Unclaimed Property Fund	209	
(n) Unemployment Administration Fund	108	
(o) San Francisco Harbor Improvement Fund	265	
(p) Funds in the possession of and under the control of the 48th District Agricultural Association	1,000	
(q) Harbor Bond Sinking Fund	32,745	

Item		Amount
	(r) Motor Vehicle Transportation Tax Fund	1,872
	Total of schedule	$31,928
295.1	—For the Teachers' Retirement Fund, in payment of the claims of said fund against the following account numbers: SR 229 5, SR 13372, SR 23082, SR 22215, SR 22168, DR 11744, SR 26907, SR 23031, SR 22788, SR 31078, DR 11780, and DR 11102	13,029
	It is the intent of the Legislature that this appropriation shall constitute full payment to the Teachers' Retirement Fund for the excess disbursements made from such fund for the above accounts prior to January 1, 1964, without any loss or diminution whatsoever of benefits to retired employees.	
295.5	—For support of Los Angeles World Trade Center Authority	10,000
296	—For payment of interest on order of the Director of Finance on transfers of money from any special fund, which is subject to investment, to the General Fund under Section 16310 of the Government Code, computed at a rate determined by the Department of Finance to be the rate of interest allowed interest bearing time deposits in banks for a similar period of time	87,500
297	—For augmentation of Service Revolving Fund to be transferred by the State Controller in such amounts and for such periods as the Department of Finance may authorize	954,416
	provided, that any portion of this item may be used for purchase of equipment for the Printing Division.	
297.5	—For allocation by executive order of the Department of Finance to state agencies in augmentation of their support appropriations for purchase of data processing equipment	117,797
	From each special fund in the State Treasury, there is hereby appropriated an amount sufficient to provide for the purchase of data processing equipment, which amount shall be made available by executive order of the Department of Finance in accordance with this item.	
298	—For augmentation of the Service Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Con-	

Item		Amount
	troller shall transfer to this item from any appropriation made from the General Fund by the provisions of Section 2 of this act that part of such appropriation which is intended to be used and is available for the purchase or replacement of automobiles.	
299	For the State's contribution for the cost of a basic health benefits plan, for annuitants and other employees, in accordance with Sections 22828 and 22829 of the Government Code, which is not chargeable to any other appropriation	845,000
300	For payment of per diem and mileage allowance to each presidential elector, in accordance with Section 25108 of the Elections Code, Secretary of State	1,500
301	For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law and for payment of prior judgments, liens or encumbrances pursuant to Section 12516 of the Government Code	20,000
302	For the administration, investigation, adjustment, defense and payment of tort liability claims, settlements, compromises and judgments against the State, its officers, servants and employees, for expenditure by the Department of Finance in its discretion in respect to, or for allocation by the Department of Finance in its discretion to, state agencies, departments, boards, bureaus or commissions supported from the General Fund; or for the purchase of insurance protecting the State, its officers, servants and employees against such tort liability claims, including the defense of such claims whether or not liability exists, Department of Finance	970,000
	and in addition thereto there is hereby appropriated from each fund, other than the General Fund, an amount sufficient to pay the cost of administration, investigation, adjustment, defense, and payment of tort liability claims, settlements, compromises and judgments against the State or the state agency supported from such fund, arising from activities of such state agency, or for the purchase of insurance protecting the State, its officers, servants and employees of such state agency against tort liability claims	

Item		Amount
	and for the defense of such claims whether or not liability exists; provided, that no expenditures from any such appropriation from a fund other than the General Fund for payment of tort liability claims shall be made unless approved by the Department of Finance in its discretion; and provided further, that any funds appropriated herein may be expended for either, or any combination, of the purposes specified herein as may be approved by the Department of Finance.	
303—For the payment of workmen's compensation benefits in comformance with the provisions of Sections 3201 through 6002 and Sections 6100 through 6149 of the Labor Code and Public Law 108, Chapter 225, 81st Congress, First Session, as adopted by Section 340 of the Military and Veterans Code, to state officers and employees whose salaries or wages at time of compensable injury or death were payable in whole or in part from the General Fund		3,000,000
304—For payment of the additional compensation for subsequent injury provided for by Sections 4750 through 4755 of the Labor Code, Department of Industrial Relations		775,000
305—For temporary transfers to the General Fund in accordance with Section 16310 of the Government Code, payable from the California Water Fund; provided, that this item does not authorize any transfer which will interfere with the object for which said California Water Fund was created.		

CAPITAL OUTLAY SECTION

SEC. 2.1. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1964-65, 1965-66 and 1966-67 fiscal years. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

EXECUTIVE

Item		Amount
305.5—For capital outlay, California Disaster Office, California State Disaster Council and advisory committee, in accordance with the following schedule		33,800
Schedule:		
(a) Minor projects	33,800	
Total of schedule	33,800	

Item		Amount
and in addition thereto any funds received from the federal government.		
GENERAL ADMINISTRATION		
306—For capital outlay, Department of General Services, in accordance with the following schedule		1,630,076
Schedule:		
(a) Land acquisition of mountaintops	100,000	
(b) Alter Sacramento buildings	708,000	
(c) Air-condition State Office Building No. 1	233,000	
(d) Replace elevators, State Capitol	125,000	
(e) Repaint State Capitol	90,200	
(f) Equip Stockton building	19,246	
(g) Study for Sacramento garage	5,000	
(h) Alter San Francisco buildings	100,000	
(i) Alter Los Angeles buildings	200,000	
(j) Minor projects	49,630	
Total of schedule	1,630,076	
306.1—For capital outlay, Department of General Services, in accordance with the following schedule		775,000
Schedule:		
(a) Alterations and planning study, State Capitol Building and Annex	775,000	
Total of schedule	775,000	
to be allocated by the Joint Committee on Legislative Building Space Needs created by Chapter 17, Statutes of 1964.		
AGRICULTURE		
306.5—For capital outlay, 1-A District Agricultural Association, in accordance with the following schedule		150,380
Schedule:		
(a) Minor projects	150,380	
Total of schedule	150,380	
to be allocated by the Director of Finance, provided that the amounts to be expended		

Item		Amount
from this item shall be repaid under such terms and conditions as may be prescribed by the Director of Finance. Notwithstanding other provisions of this section, the appropriation made by this item is available for payment of expenditures incurred during the 1963-64 fiscal year.		
307—For capital outlay, California Museum of Science and Industry, in accordance with the following schedule		64,000
Schedule:		
(a) Alter and reroof main museum building	55,000	
(b) Minor projects	9,000	
Total of schedule	64,000	
307.6—For capital outlay, 46th District Agricultural Association, Department of Agriculture, in accordance with the following schedule, payable from any moneys in the possession of, and under control of, the 46th District Agricultural Association		1,600
Schedule:		
(a) Construct curbs, gutters and sidewalks	1,600	
Total of schedule	1,600	

CORRECTIONS

308—For capital outlay, Department of Corrections, in accordance with the following schedule		469,664
Schedule:		
(a) Minor projects	469,664	
Total of schedule	469,664	
to be allocated by the Department of Finance.		
309—For capital outlay, Department of the Youth Authority, in accordance with the following schedule		411,100
Schedule:		
(a) Minor projects	411,100	
Total of schedule	411,100	
to be allocated by the Department of Finance.		

EDUCATION

310—For capital outlay, California School for the Blind, in accordance with the following schedule		6,000

Item		Amount
Schedule:		
(a) Minor projects	6,000	
Total of schedule	6,000	
311—For capital outlay, California School for the Deaf, Berkeley, in accordance with the following schedule		5,000
Schedule:		
(a) Minor projects	5,000	
Total of schedule	5,000	
312—For capital outlay, California School for the Deaf, Riverside, in accordance with the following schedule		12,242
Schedule:		
(a) Minor projects	12,242	
Total of schedule	12,242	

HIGHER EDUCATION

313—For capital outlay, University of California, exempt from Section 31 of this act, in accordance with the following schedule provided, that withdrawals shall be as required to meet current obligations as certified by the University of California notwithstanding any other provision of law.		2,016,100
Schedule:		
(a) Minor projects	2,016,100	
Total of schedule	2,016,100	
314—For capital outlay, California State Colleges, in accordance with the following schedule		943,450
Schedule:		
(a) Minor projects	943,450	
Total of schedule	943,450	
to be allocated by the Trustees of the California State Colleges		
315—For capital outlay, California Maritime Academy, in accordance with the following schedule		16,600
Schedule:		
(a) Minor projects	16,600	
Total of schedule	16,600	

EMPLOYMENT

Item		Amount
316—For capital outlay, Department of Employment, in accordance with the following schedule, payable from the Department of Employment Contingent Fund		2,008,907
Schedule:		
(a) Land acquisition for buildings—San Jose	900,000	
(b) Land acquisition for parking lot—Sacramento	400,000	
(c) Land acquisition for building—Palo Alto	375,000	
(d) Land acquisition for building—San Luis Obispo	150,000	
(e) Land acquisition for building—Oroville	125,000	
(f) Preliminary planning	35,000	
(g) Minor projects	23,907	
Total of schedule	2,008,907	

HEALTH AND WELFARE

317—For capital outlay, Department of Mental Hygiene, in accordance with the following schedule		1,174,904
Schedule:		
(a) Minor projects	1,174,904	
Total of schedule	1,174,904	
to be allocated by the Department of Finance.		
318—For capital outlay, Department of Public Health, in accordance with the following schedule		273,400
Schedule:		
(a) Construct and equip Cancer Research Facility—Berkeley	273,400	
Total of schedule	273,400	

HIGHWAY TRANSPORTATION

319—For capital outlay, Department of the California Highway Patrol, in accordance with the following schedule, payable from the Motor Vehicle Fund		874,330
Schedule:		
(a) Land acquisition for office—Mt. Shasta	15,000	

Item		Amount
	(b) Land acquisition for office—Carlsbad	15,000
	(c) Land acquisition for office—Redding	15,000
	(d) Construct area office building—Bishop	233,567
	(e) Construct area office building—Carlsbad	168,359
	(f) Construct addition to headquarters shop building—Sacramento	226,069
	(h) Preliminary planning	15,000
	(i) Minor projects	186,335
	Total of schedule	874,330
320—For capital outlay, Department of Motor Vehicles, in accordance with the following schedule, payable from the Motor Vehicle Fund		2,090,570
Schedule:		
	(a) Land acquisition—Sacramento	350,000
	(b) Land acquisition for parking—Yuba City	12,000
	(c) Construct office building—Palo Alto	259,180
	(d) Construct office building—Montebello	399,630
	(e) Construct office building—Santa Maria	178,500
	(f) Construct office building—Berkeley	285,000
	(g) Construct office and street improvements—North Hollywood	324,760
	(h) Construct office addition—San Diego	145,500
	(i) Preliminary planning	20,000
	(j) Minor projects	116,000
	Total of schedule	2,090,570
321—For expenditure by Department of Public Works for research on highway safety, payable from the Motor Vehicle Transportation Tax Fund and in addition, any amounts received for research projects from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item, provided, such research is to be conducted jointly by Division of Highways, Department of Public Works, the Department of Motor		215,000

Item		Amount
	Vehicles and the Department of the California Highway Patrol.	
321.1	—For capital outlay, Department of Public Works, for surveys, preliminary plans, estimates of costs, preliminary engineering, traffic and revenue studies, financial feasibility studies and other preliminary expenses to determine the feasibility of a system of toll bridges and approaches north of the San Francisco-Oakland Bay Bridge, said study to include bridges over the Napa River and Sonoma Creek and approaches, including as approaches the following designated segments of state highway routes: (a) Route 37 from Route 121 near Sears Point to Route 80 near Lake Chabot; (b) From Route 80 to Route 37 via the freeway route in Vallejo adopted by the California Highway Commission on January 25, 1962, comprising Route 141 and a portion of Route 29; (c) Route 29 from Route 37 in Vallejo near Sonoma Boulevard to the junction 1.3 miles north of the Napa county line with the freeway route adopted by the California Highway Commission on January 25, 1962; payable out of 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 ----------	100,000
	provided, that 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 be accredited to the State Highway Fund available for construction of highways in County Group No. 1, as specified in Streets and Highways Code Section 187 from the proceeds of the first sale of revenue bonds issued for the construction of said system of toll bridges and approaches under the provisions of the California Toll Bridge Authority Act.	
	MILITARY AFFAIRS	
322	—For capital outlay, Military Department, in accordance with the following schedule------	408,844

Item		Amount
Schedule:		
(a) Project planning, working drawings and supervision of construction financed from federal funds	100,000	
(b) Construct street improvements—Merced Armory	32,000	
(c) Minor projects	276,844	
Total of schedule	408,844	
322.1—For capital outlay, Military Department, for the construction and equipment of two armories in Los Angeles County, one to be located in Antelope Valley and one near Norwalk, subject to allocation by the Director of Finance and in addition thereto, any grants made available by the federal government; provided, that the moneys expended from this appropriation shall be repaid from the proceeds of the sale of the Los Angeles Hope Street Armory under such terms and conditions as may be prescribed by the Director of Finance.		548,500
REGULATION AND LICENSING		
323—For capital outlay, Department of Professional and Vocational Standards, in accordance with the following schedule, payable from the Professional and Vocational Standards' Fund		138,950
Schedule:		
(a) Remodel cafeteria, Business and Professions Building	120,150	
(b) Minor projects	18,800	
Total of schedule	138,950	
RESOURCES		
324—For capital outlay, Department of Conservation in accordance with the following schedule		974,807
Schedule:		
(a) Land acquisition for Northern California Training Center	20,000	
(b) Land acquisition for lookouts and forest fire stations	80,000	
(c) Engineering, planning and inspection services	124,807	

Item		Amount
(d) Minor projects	750,000	
Total of schedule	974,807	
325—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item. The appropriation made by this item shall be expended in accordance with the following schedule		303,860
Schedule:		
(a) Construct bioassay laboratory	157,000	
(b) Equip bioassay laboratory	12,060	
(c) Planning and working drawings for expansion of Cedar Creek fish hatchery	30,000	
(d) Minor projects	104,800	
Total of schedule	303,860	
326—For capital outlay, Department of Parks and Recreation, in accordance with the following schedule		5,700,500
Schedule:		
(a) Land acquisition—statewide	500,000	
(b) Major projects	4,156,320	
(1) Angel Island State Park — continuing development of Ayala Cove and area restoration	253,350	
(2) Big Basin Redwoods State Park — continuing development	437,950	
(3) Del Norte Coast Redwoods State Park—initial development	453,800	
(4) Doheny State Beach—beach erosion control	249,795	
(5) Grover Hot Springs State Park — repair pool and construct sanitary facilities	59,700	
(6) Humboldt Redwoods State Park — restoration, erosion control and bank protection	165,000	

Item		Amount
(7)	Mitchell Caverns State Reserve—water system development	78,750
(8)	Salton Sea State Recreation Area—continuing development	230,000
(9)	San Buenaventura State Beach — beach erosion control	68,475
(10)	San Clemente State Beach — construct street sidewalk	4,725
(11)	San Francisco Maritime State Historic Park — continuing restoration of historic ships	66,140
(12)	Squaw Valley State Recreation Area — mechanical repairs and improvements to Blythe Arena	354,600
(13)	Torrey Pines State Reserve — initial beach area development	368,600
(14)	Millerton Lake State Recreation Area—historic building restoration, Millerton Courthouse	65,000
(15)	Alameda State Beach —initial development	185,000
(16)	Santa Monica State Beach — bay dredging and beach improvement	300,000
(17)	San Buenaventura State Beach—continuing development	245,950
(18)	Seacliff State Beach—continuing development	443,900
(19)	Columbia State Historic Park — historic building restoration	125,585
(c)	Minor projects	1,044,180
	Total of schedule	5,700,500
326.1—For capital outlay, Department of Parks and Recreation, in accordance with the following schedule		60,000

Item		Amount
Schedule:		
(a) Bidwell Mansion State Historical Monument—development, phase I	60,000	
Total of schedule	60,000	
327—For capital outlay, Department of Water Resources, for transfer to Item 326, Department of Parks and Recreation, in accordance with the following schedule		351,000
Schedule:		
(a) Grizzly Valley Reservoir—recreation facilities, onshore and boating facilities development	220,000	
(b) Del Valle Reservoir—recreation facilities, onshore development	50,000	
(c) San Luis Reservoir—recreation facilities, tree planting	45,000	
(d) Castaic Reservoir — recreation facilities, tree planting	36,000	
Total of schedule	351,000	
327.1—For capital outlay, Department of Water Resources, in accordance with the following schedule		775,000
Schedule:		
(a) Frenchman Reservoir — recreation facilities, access roads including paving	775,000	
Total of schedule	775,000	
329—For capital outlay, Department of Water Resources, in accordance with the following schedule		44,000
Schedule:		
(a) Minor projects	44,000	
Total of schedule	44,000	

VETERANS AFFAIRS

330—For capital outlay, Veterans' Home of California, in accordance with the following schedule		218,350
Schedule:		
(a) Minor projects	218,350	
Total of schedule	218,350	

UNALLOCATED

Item	Amount
331—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies ---------- The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	200,000
332—For miscellaneous repairs, improvements and equipment, to be allocated to state agencies by the Department of Finance upon the approval of the State Public Works Board----------	100,000

STATE CONSTRUCTION BOND ACT PROGRAM

SEC. 2.2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1964-65, 1965-66 and 1966-67 fiscal years for expenditure only for the programs contemplated by the State Construction Program Bond Act of 1955, the State Construction Program Bond Act of 1958, the State Construction Program Bond Act of 1962, or any State Construction Program Bond Act thereafter enacted. All such appropriations shall be paid out of the State Construction Program Fund.

GENERAL ADMINISTRATION

Item		Amount
333—For capital outlay, Department of General Services, in accordance with the following schedule, payable from the State Construction Program Fund ----------		437,500
Schedule:		
(a) Land acquisition of building sites, San Francisco -------	437,500	

CORRECTIONS

334—For capital outlay, Sierra Conservation Center, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund----------		1,400,000
Schedule:		
(a) Equip conservation center--	1,400,000	
Total of schedule--------	1,400,000	
335—For capital outlay, Correctional Institution at Tehachapi, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		9,000,000

Item		Amount
Schedule:		
(a) Construct additional capacity and partial renovation of existing institution	9,000,000	
Total of schedule	9,000,000	
337—For capital outlay, Institution for Men, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		25,000
Schedule:		
(a) Equip inmate activity building	25,000	
Total of schedule	25,000	
338—For capital outlay, Medical Correctional Institution, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		300,000
Schedule:		
(a) Site acquisition	300,000	
Total of schedule	300,000	
339—For capital outlay, Medical Facility, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		456,730
Schedule:		
(a) Project planning, including working drawings, for special security facility	270,000	
(b) Equip psychiatric treatment unit	80,730	
(c) Construct irrigation water supply line	106,000	
Total of schedule	456,730	
340—For capital outlay, State Prison at San Quentin, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		844,300
Schedule:		
(a) Replace boilers	241,000	
(b) Construct inmate activity building	603,300	
Total of schedule	844,300	
341—For capital outlay, Institution for Women, Department of Corrections, in accordance		

Item		Amount
with the following schedule, payable from the State Construction Program Fund		569,530
Schedule:		
(a) Construct dining rooms	359,530	
(b) Equip kitchens and dining rooms	210,000	
Total of schedule	569,530	
342—For capital outlay, Fricot Ranch School for Boys, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		107,700
Schedule:		
(a) Construct water supply and storage facilities	107,700	
Total of schedule	107,700	
343—For capital outlay, Fred C. Nelles School for Boys, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		306,820
Schedule:		
(a) Equip two living units	26,100	
(b) Construct living unit	280,720	
Total of schedule	306,820	
344—For capital outlay, Northern California Youth Center, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		14,155,345
Schedule:		
(a) Equip institution No. 1 and central services	997,860	
(b) Construct administration building	443,700	
(c) Construct institution No. 2	6,166,200	
(d) Construct institution No. 3	6,122,585	
(e) Working drawings for laundry plant	50,000	
(f) Working drawings for girls' reception center and training school	375,000	
Total of schedule	14,155,345	
345—For capital outlay, Paso Robles School for Boys, Department of the Youth Authority, in accordance with the following schedule,		

Item		Amount
payable from the State Construction Program Fund		64,100
Schedule:		
(a) Construct athletic field lighting	64,100	
Total of schedule	64,100	
346—For capital outlay, Southern California Youth Center, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		100,000
Schedule:		
(a) Project planning including working drawings	100,000	
Total of schedule	100,000	
347—For capital outlay, Ventura School for Girls, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		1,563,475
Schedule:		
(a) Construct 100-bed reception center	1,400,450	
(b) Construct two home economics classrooms	147,800	
(c) Equip two home economics classrooms	15,225	
Total of schedule	1,563,475	

HIGHER EDUCATION

348—For capital outlay, University of California, exempt from Section 31 of this act, in accordance with the following schedule, payable from the State Construction Program Fund, provided, that withdrawals shall be as required to meet current obligations as certified by the University of California notwithstanding any other provision of law.		59,483,200
Schedule:		
(a) Preliminary plans and programming	929,000	
(b) General planning studies	115,000	
(c) Construct Sierra Foothill Range Agricultural Field Station—step 1	290,500	
(d) Construct and equip West Side Agricultural Field Station—step 3	178,000	

Item		Amount
(e)	Equip Wurster Hall—Berkeley	381,900
(f)	Equip biochemistry building—Berkeley	471,000
(g)	Equip chemistry unit 2—Berkeley	200,000
(h)	Equip space sciences laboratory—Berkeley	100,000
(i)	Construct alterations to Moses Hall—Berkeley	396,300
(j)	Construct storm drain system—Berkeley	245,000
(k)	Construct and equip alterations to South Hall—Berkeley	375,000
(*l*)	Construct engineering materials laboratory addition—Berkeley	3,958,000
(m)	Construct alterations to Agriculture Hall—Berkeley	379,800
(n)	Construct and equip alterations to life sciences building—Berkeley	176,000
(o)	Working drawings for mathematical sciences building—Berkeley	163,000
(p)	Land acquisition—Berkeley	420,000
(q)	Equip physical sciences unit 2—Davis	771,000
(r)	Construct utilities—Davis	1,165,800
(s)	Construct engineering building—Davis	3,900,800
(t)	Working drawings for alterations to physical sciences unit 1—Davis	17,100
(u)	Working drawings for veterinary medical facilities unit 1—Davis	160,000
(v)	Construct and equip second floor addition to Cruess Hall—Davis	259,600
(w)	Working drawings for biological sciences unit 3—Davis	97,800
(x)	Working drawings for library expansion, step 2—Davis	97,500
(y)	Working drawings for general campus improvements—Davis	20,000

Item	Amount
(z) Construct and equip general services unit 1—Davis	164,800
(aa) Equip library unit 1 — Irvine	220,500
(bb) Equip social sciences and humanities unit 1—Irvine	284,500
(cc) Equip natural sciences unit 1—Irvine	838,400
(dd) Equip cafeteria—Irvine	93,600
(ee) Acquisition of books — Irvine	200,000
(ff) Equip multipurpose unit 1—Irvine	170,800
(gg) Construct utilities and site development—Irvine	2,942,000
(hh) Construct and equip corporation yard unit 1—Irvine	390,000
(ii) Equip chemistry-geology building addition — Los Angeles	250,000
(jj) Equip Knudsen Hall — Los Angeles	210,000
(kk) Equip main library alterations, step 1—Los Angeles	76,800
(*ll*) Construct central campus utilities—Los Angeles	354,800
(mm) Working drawings for Franz Hall addition, step 2—Los Angeles	140,000
(nn) Construct utilities to the center for the health sciences—Los Angeles	348,300
(oo) Construct central campus site development — Los Angeles	209,200
(pp) Construct chemistry - geology building alterations—Los Angeles	1,232,500
(qq) Construct law building addition—Los Angeles	2,075,000
(rr) Working drawings for theater arts unit 2 — Los Angeles	87,600
(ss) Working drawings for mathematical sciences building addition—Los Angeles	145,000
(tt) Equip physical rehabilitation unit—Los Angeles Center for the Health Sciences	747,700

Item	Amount
(uu) Equip school of dentistry unit — Los Angeles Center for the Health Sciences	109,000
(vv) Construct hospital and clinics unit 2 b, step 1 (Jules Stein Eye Institute) —Los Angeles Center for the Health Sciences	89,400
(ww) Construct hospital and clinics unit 2 b, step 2—Los Angeles Center for the Health Sciences	7,445,000
(xx) Equip physical sciences unit 3—Riverside	890,000
(yy) Equip cafeteria—Riverside	72,700
(zz) Construct boiler addition No. 3—Riverside	195,200
(aaa) Construct utilities and site improvements—Riverside	100,300
(bbb) Construct flood control storm drain—Riverside	186,000
(ccc) Construct utilities and site improvements for Moreno Ranch, step 1—Riverside	168,500
(ddd) Construct agricultural sciences building—Riverside	2,816,600
(eee) Working drawings for life sciences unit 2—Riverside	99,000
(fff) Construct classroom and office unit 1—Riverside	2,256,000
(ggg) Construct and equip glasshouses and headhouses —Riverside	389,000
(hhh) Construct and equip agricultural engineering shops —Riverside	105,800
(iii) Construct corporation yard addition—Riverside	155,000
(jjj) Equip building D for first college—San Diego	716,700
(kkk) Equip general services and cafeteria building, step 1—San Diego	80,600
(*lll*) Acquisition of books — San Diego	200,000
(mmm) Construct utilities and site improvements—San Diego	666,500
(nnn) Construct building F for first college—San Diego	3,319,700

Item		Amount
	(ooo) Acquisition of books—San Diego Medical Center	159,400
	(ppp) Equip health sciences instruction and research unit 1—San Francisco	989,000
	(qqq) Land acquisition—San Francisco	860,000
	(rrr) Equip marine biology laboratory—Santa Barbara	32,000
	(sss) Equip administration building—Santa Barbara	158,700
	(ttt) Equip engineering laboratories—Santa Barbara	214,100
	(uuu) Land acquisition—Santa Barbara	484,900
	(vvv) Construct utility and site improvements — Santa Barbara	941,000
	(www) Construct engineering unit 1—Santa Barbara	3,062,600
	(xxx) Working drawings for classroom and office unit 3 —Santa Barbara	124,200
	(yyy) Working drawings for library unit 3—Santa Barbara	128,000
	(zzz) Construct cyclotron building—Santa Barbara	334,000
	(aaaa) Equip natural sciences unit 1—Santa Cruz	614,000
	(bbbb) Acquisition of books—Santa Cruz	200,000
	(cccc) Construct utilities and site improvements — Santa Cruz	942,700
	(dddd) Construct library unit 1—Santa Cruz	2,550,000
	(eeee) Construct academic and dining facilities of residential college No. 2—Santa Cruz	840,000
	(ffff) Working drawings for academic facilities of residential college No. 3—Santa Cruz	18,000
	(gggg) Construct and equip fieldhouse—Santa Cruz	320,000
	Total of schedule	59,483,200

349—For capital outlay, University of California, exempt from Section 31 of this act, to be allo-

Item		Amount
cated by executive order of the Director of Finance to the Regents of the University of California upon agreement between the Department of Finance and the University of California as to the proper scope, architectural and engineering design, and estimate of cost of each project in this item, in accordance with the following schedule, payable from the State Construction Program Fund		1,732,700
Schedule:		
(a) Working drawings for school of public health building—Los Angeles Center for the Health Sciences	63,900	
(b) Working drawings for basic science building—San Diego Medical Center	346,200	
(c) Construct interior completion of three floors of health sciences instruction and research unit 1—San Francisco	1,073,000	
(d) Working drawings for central heating plant and distribution system—Santa Cruz	51,600	
(e) Construct completion of Surge Unit I at San Francisco Medical Center	198,000	
provided, that when federal funds become available for this project a like amount will be reimbursed to the State for this advance of the federal portion of the above project.		
Total of schedule	1,732,700	
For capital outlay, University of California, exempt from Section 31 of this act, to be allocated by executive order of the Director of Finance to the Regents of the University of California upon agreement between the Department of Finance and the University of California as to the proper scope, architectural and engineering design, and estimate of cost of each project in this item, in accordance with the following schedule, payable from the State Construction Program Fund		451,000

Item		Amount
	Schedule:	
	(a) Construct alterations — San Francisco General Hospital	451,000
	Total of schedule	451,000
350	For capital outlay, University of California, exempt from Section 31 of this act, in accordance with the following schedule, payable from the State Construction Program Fund— provided that withdrawals shall be as required to meet current obligations as certified by the University of California notwithstanding any other provision of law.	0

If grants of money from the federal government for health sciences projects become available for any one or more of the projects for which an appropriation is made in Item 348, Budget Act of 1964, Schedule (a) to (gggg) inclusive, and Item 349, Budget Act of 1964, Schedule (a) to (d) inclusive, with the result that the total amount required to be expended for that project from the state funds so appropriated is reduced, subject to the approval of the Director of Finance an amount of funds equal to the amount of the reduction may be transferred from the appropriation of Item 348, Budget Act of 1964, and Item 349, Budget Act of 1964, to Item 350, Budget Act of 1964, for use by the University of California as the State's contribution for any matching fund requirements for federal grants for any one or more of the projects relating to health sciences which are approved by the federal government for a federal grant and which also are among the projects listed below.

Schedule:

(a)	Equip school of dentistry unit—Los Angeles Center for Health Sciences	250,000
(b)	Equip basic sciences unit 2A—Los Angeles Center for Health Sciences	757,500
(c)	Equip hospital and clinics unit 2B—step 2—Los Angeles Center for Health Sciences	1,000,000
(d)	Working drawings and construct alterations to hospital and clinics unit 1—step 1—	

Item	Amount
Los Angeles Center for Health Sciences	78,200
(e) Working drawings and construct alterations to basic sciences unit 1—Los Angeles Center for Health Sciences	738,600
(f) Working drawings and construct alterations to hospital and clinics unit 1—step 2—Los Angeles Center for Health Sciences	555,700
(g) Equip expansion of teaching facilities to accommodate 128-student medical class—San Francisco Medical Center	237,500
(h) Equip clinics expansion—San Francisco Medical Center	629,000
(i) Working drawings, construct, and equip alterations to medical sciences building — San Francisco Medical Center	175,900
(j) Working drawings, construct, and equip University of California hospital conversion—step 2—San Francisco Medical Center	2,318,000
(k) Working drawings, construct, and equip unit for pharmacy graduate teaching program—San Francisco Medical Center	768,000
(*l*) Working drawings and construct alterations to clinics expansion — San Francisco Medical Center	1,045,700
(m) Working drawings, construct, and equip alterations to San Francisco General Hospital — San Francisco Medical Center	92,600
(n) Working drawings, construct, and equip alterations to medical sciences building—San Francisco Medical Center	172,500
(o) Construct and equip basic sciences building—San Diego Medical Center	13,213,300

Item		Amount
	(p) Working drawings, construct, and equip University hospital building—San Diego Medical Center	9,110,700
	(q) Working drawings, construct, and equip clinical sciences building—San Diego Medical Center	3,810,400
	(r) Preliminary plans for medical projects	214,000
	Total of schedule	35,167,600
	Less estimated amounts available from other sources	35,167,600
	Net appropriation	0
351—For capital outlay, University of California for the California College of Medicine, in accordance with the following schedule, payable from the State Construction Program Fund		62,500
	Schedule:	
	(a) Preliminary plans and programs for basic sciences building	62,500
	Total of schedule	62,500
	provided, that no expenditure shall be made from this appropriation prior to January 1, 1965.	
352—For project planning, Trustees of the California State Colleges, subject to approval by the State Public Works Board, in accordance with the following schedule, payable from the State Construction Program Fund		980,000
	Schedule:	
	(a) Project planning for the 1964-65 fiscal year	730,000
	(b) Project planning for the 1965-66 fiscal year	200,000
	(c) General studies	50,000
	Total of schedule	980,000
	The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	
353—For capital outlay, Trustees of the California State Colleges, to be allocated to the California State Colleges, in accordance with the		

Item		Amount
following schedule, payable from the State Construction Program Fund		52,335,210
Schedule:		
Chico State College:		
(a) Construct farm buildings—phase II	388,200	
(b) Construct air conditioning—humanities classroom building	115,500	
(c) Construct air conditioning—social science building	117,000	
Fresno State College:		
(d) Equip library addition	260,000	
(e) Equip remodeled biology classrooms—phase III	38,000	
(f) Construct outdoor physical education facility	60,000	
(g) Working drawings for administration - faculty office building	45,000	
(h) Construct air conditioning for social science building	61,980	
(i) Construct air conditioning for speech arts building	54,702	
(j) Construct air conditioning for science building—wing H	87,668	
State College at Hayward:		
(k) Construct physical education facilities	2,632,700	
(*l*) Construct cafeteria	1,180,300	
(m) Construct site development—access road	583,000	
(n) Equip corporation yard and boiler plant—phase II	52,800	
(o) Equip science building—phase II	516,000	
(p) Equip fine arts building—phase II	65,000	
Humboldt State College:		
(q) Site acquisition	120,000	
Long Beach State College:		
(r) Equip physical education addition	104,500	
(s) Construct language-arts classroom and office building (classroom building No. 6)	1,848,200	

Item		Amount
	(t) Construct industrial arts building No. 2	695,700
	(u) Construct corporation yard	227,500
	(v) Equip corporation yard	23,000
	(w) Construct air conditioning for classroom building No. 5	150,300
	Los Angeles State College of Applied Arts and Sciences:	
	(x) Construct administration building addition	2,575,800
	(y) Construct classroom building No. 2 and parking structure	6,013,000
	(z) Construct site development and access road	400,000
	Orange State College:	
	(aa) Equip music-speech-drama building	400,000
	(bb) Equip science building—phase III	400,000
	(cc) Construct library building	4,716,000
	(dd) Site development—phase III	520,500
	(ee) Construct physical education facilities	260,700
	(ff) Working drawings for conversion of science building classrooms to laboratories	45,000
	(gg) Site development—phase IV	150,000
	(hh) Working drawings for cafeteria	54,000
	State College at Palos Verdes:	
	(ii) Initial complement of library books—second increment	150,000
	(jj) Equip temporary buildings	127,200
	Sacramento State College:	
	(kk) Construct outdoor physical education facilities	266,100
	(*ll*) Equip outdoor physical education facilities	3,500
	(mm) Construct air conditioning for business administration building	74,000

Item	Amount
State College at San Bernardino:	
(nn) Initial complement of library books—second increment	150,000
(oo) Construct temporary buildings	1,039,000
(pp) Equip temporary buildings	125,000
(qq) Working drawings for science classroom building	137,500
(rr) Construct physical education fieldhouse	666,000
(ss) Construct outdoor physical education facility	200,000
San Diego State College:	
(tt) Equip business administration and mathematics building—phase II	31,200
(uu) Equip cafeteria	89,000
(vv) Working drawings for music-classroom building	62,000
(ww) Remodel life science building—phase III	284,000
(xx) Equip life science building—phase III	30,000
(yy) Construct women's physical education addition	238,600
(zz) Construct site development	219,600
San Fernando Valley State College:	
(aaa) Equip engineering building—phase I	295,000
(bbb) Equip administration-education building	200,000
(ccc) Equip classroom building No. 1—phase II	396,000
(ddd) Equip fine arts building—third increment	48,500
(eee) Site acquisition	2,000,000
(fff) Construct additional boiler	99,000
(ggg) Construct outdoor physical education facility	245,000
(hhh) Equip library building—third increment	107,000
San Francisco State College:	
(iii) Equip classroom building No. 3 addition	125,000

Item	Amount
(jjj) Construct multipurpose classroom — phase II and equip	48,000
(kkk) Construct music-speech building addition —phase II and equip	950,000
(*lll*) Remodel physical education fields	178,000
San Jose State College:	
(mmm) Equip classroom building No. 1	100,000
(nnn) Construct science building No. 2	5,452,800
(ooo) Site acquisition	1,325,000
(ppp) Construct outdoor physical education facility	190,400
(qqq) Construct air conditioning for library	182,500
Sonoma State College:	
(rrr) Construct boiler plant —phase II	276,000
(sss) Initial complement of equipment—phase III	131,000
(ttt) Construct music classroom building	1,296,500
(uuu) Construct cafeteria	796,500
(vvv) Construct outdoor physical education facility—phase II	317,500
(www) Construct site development—phase III	1,494,700
Stanislaus State College:	
(xxx) Equip classroom building No. 1—phase II	235,000
(yyy) Equip library building—phase II	135,000
(zzz) Working drawings for physical education facilities	76,100
California State Polytechnic College—San Luis Obispo Campus:	
(aaaa) Equip administration building	100,000
(bbbb) Construct biological science addition	1,563,000
(cccc) Construct physical education facilities	262,200

Item		Amount
(dddd) Equip physical education facilities	12,000	
(eeee) Remodel old administration building—phase II	150,000	
(ffff) Remodel engineering east	97,700	
(gggg) Equip remodeled engineering east	200,000	
(hhhh) Construct agriculture units	112,000	
(iiii) Construct site development	274,600	
California State Polytechnic College—Kellogg-Voorhis Campus:		
(jjjj) Equip engineering addition—phase II	720,000	
(kkkk) Equip biological science laboratories	65,000	
(*llll*) Construct physical education facilities	2,781,360	
(mmmm) Construct site development and equipment	102,000	
(nnnn) Construct air conditioning—business classroom building	50,100	
(oooo) Construct air conditioning—science building	290,000	
Total of schedule	52,335,210	
354—For capital outlay, Trustees of the California State Colleges, to be allocated by executive order of the Director of Finance to the Trustees of the California State Colleges upon agreement between the Department of Finance and the Trustees of the California State Colleges as to the proper scope, architectural and engineering design, and estimate of cost of each project in this item, in accordance with the following schedule, payable from the State Construction Program Fund		5,073,800
Schedule:		
Humboldt State College:		
(a) Working drawings, art-music building addition	77,200	
State College at Hayward:		
(b) Working drawings for classroom building No. 1	165,000	
(c) Working drawings for site development—phase V	10,000	
(d) Construct swimming pool	188,000	

Item		Amount
	Los Angeles State College of Applied Arts and Sciences:	
	(d) Working drawings for library addition	170,000
	State College at Palos Verdes:	
	(e) Construct site development —phase I	1,300,000
	(f) Construct temporary buildings	1,338,600
	(g) Working drawings for science building	88,000
	(h) Working drawings for library–classroom–administration building	147,000
	State College at San Bernardino:	
	(i) Construct site development —phase I	1,000,000
	San Francisco State College:	
	(j) Working drawings for life science building	240,000
	San Diego State College:	
	(k) Working drawings for library building	350,000
	Total of schedule	5,073,800

HEALTH AND WELFARE

355—For capital outlay, Langley Porter Neuropsychiatric Institute, in accordance with the following schedule, payable from the State Construction Program Fund		900,000
Schedule:		
(a) Site acquisition for new institute—phase III	900,000	
Total of schedule	900,000	
356—For capital outlay, Atascadero State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		1,221,715
Schedule:		
(a) Construct addition to visiting area	210,400	

Item		Amount
(b) Equip addition to visiting area	6,500	
(c) Construct treatment area	430,205	
(d) Equip treatment area	18,500	
(e) Construct rehab therapy unit	556,110	
Total of schedule	1,221,715	
357—For capital outlay, Camarillo State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		339,800
Schedule:		
(a) Alterations to receiving and treatment unit	339,800	
Total of schedule	339,800	
358—For capital outlay, Mendocino State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		274,600
Schedule:		
(a) Air-condition wards 1, 2, 3, and 4	242,600	
(b) Equip remodeled and modernized wards 7 and F—phase III	32,000	
Total of schedule	274,600	
359—For capital outlay, Metropolitan State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		79,100
Schedule:		
(a) Air-condition receiving and treatment building	79,100	
Total of schedule	79,100	
360—For capital outlay, Napa State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		114,500
Schedule:		
(a) Remodel serving areas, south ward group, phase III	108,500	
(b) Equip remodeled serving areas, south ward group, phase III	6,000	
Total of schedule	114,500	
361—For capital outlay, Stockton State Hospital, in accordance with the following schedule,		

Item		Amount
payable from the State Construction Program Fund		1,387,200
Schedule:		
(a) Construct central food service unit—south area	1,387,200	
Total of schedule	1,387,200	
362—For capital outlay, Fairview State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		334,200
Schedule:		
(a) Remodel and modernize ward building No. 1	334,200	
Total of schedule	334,200	
363—For capital outlay, Pacific State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		241,800
Schedule:		
(a) Modernize laundry	145,000	
(b) Additional water supply	96,800	
Total of schedule	241,800	
364—For capital outlay, Porterville State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		108,300
Schedule:		
(a) Modernize laundry	108,300	
Total of schedule	108,300	
364.5—For capital outlay, Department of Mental Hygiene, in accordance with the following schedule, payable from the State Construction Program Fund		75,000
Schedule:		
(a) Working drawings for mentally retarded 500-bed facility, phase I	75,000	
Total of schedule	75,000	
RESOURCES		
366—For capital outlay, Department of Conservation, in accordance with the following schedule, payable from the State Construction Program Fund		4,498,287

Item	Amount
Schedule:	
(a) Land acquisition for two forestry conservation camps	75,000
(b) Land acquisition for Minnewawa conservation camp	25,000
(c) Construct Butte County Ranger Unit Headquarters office building	78,210
(d) Equip Butte County Ranger Unit Headquarters office building	840
(e) Construct Orange County Ranger Unit Headquarters office building	151,460
(f) Equip Orange County Ranger Unit Headquarters office building	1,698
(g) Construct San Diego County Ranger Unit Headquarters	724,900
(h) Equip San Diego County Ranger Unit Headquarters	18,438
(i) Construct Alderpoint forest fire station	157,164
(j) Equip Alderpoint forest fire station	2,130
(k) Construct Shingletown forest fire station	97,710
(*l*) Equip Shingletown forest fire station	1,685
(m) Construct Clearlake Oaks forest fire station	85,690
(n) Equip Clearlake Oaks forest fire station	368
(o) Construct Placer County Ranger Unit Headquarters	535,247
(p) Equip Placer County Ranger Unit Headquarters	6,720
(s) Construct two conservation camps—phase II	1,200,000
(t) Equip two conservation camps—phase II	225,000
(u) Construct two conservation camps—phase I	249,970
(v) Equip two conservation camps—phase I	160,582
(w) Construct Ben Lomond conservation camp	620,000
(x) Equip Ben Lomond conservation camp	26,050
(y) Construct paint shop at Konocti conservation camp	50,000

Item		Amount
(z) Equip paint shop at Konocti conservation camp	4,425	
Total of schedule	4,498,287	

VETERANS AFFAIRS

367—For capital outlay, Veterans' Home of California, in accordance with the following schedule, payable from the State Construction Program Fund		469,324
Schedule:		
(a) Replace reservoir cover	53,724	
(b) Construct addition and alterations to medical treatment center	363,900	
(c) Equip addition and alterations to medical treatment center	51,700	
Total of schedule	469,324	

UNALLOCATED

368—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies, payable from the State Construction Program Fund	500,000

The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.

369—If grants of money from the federal government for projects consisting of preliminary plans, working drawings, construction and equipment for academic and related facilities for institutions of higher education become available for any one or more of the projects for preliminary plans, working drawings, construction, and equipment for academic and related facilities for which an appropriation is made by this act, payable from the State Construction Program Fund, to the University of California, or to a state college, with the result that the total amount required to be expended for that project from the state funds so appropriated is reduced, subject to the approval of the Director of Finance an amount of funds equal to the amount of the

Item	Amount
reduction in a project may be transferred from the appropriations contained in this act for use by the University of California, and an amount equal to the amount of the reduction in a project for a state college may be transferred for use by the state colleges, and are hereby appropriated for projects listed below for academic and related facilities for the University of California or the state colleges as the State's contribution for any matching requirements for federal grants for any one or more of the projects for academic and related facilities for institutions of higher education which are approved by the federal government for a federal grant, in accordance with the following schedule	0
UNIVERSITY OF CALIFORNIA	
Schedule:	
(a) Construct mathematical sciences building—Berkeley	4,975,000
(b) Equip chemistry unit 2—Berkeley	511,000
(c) Equip engineering materials laboratory—Berkeley	600,000
(d) Working drawings for undergraduate library—Berkeley	122,000
(e) Construct addition to Franz Hall—step 2—Los Angeles	4,204,000
(f) Equip addition to law building	214,000
(g) Construct addition to mathematical sciences building—Los Angeles	4,085,000
(h) Equip addition to administration building—Los Angeles	171,500
(i) Equip art unit 2—Los Angeles	301,900
(j) Working drawings and construct alterations to main library—step 2—Los Angeles	576,100
(k) Working drawings for north campus library unit 2—Los Angeles	92,000
(*l*) Equip engineering building—Davis	1,000,000
(m) Construct veterinary medical facilities unit 1—Davis	4,320,000

Item		Amount
(n)	Construct biological sciences unit 3—Davis	2,858,900
(o)	Construct expansion to library—step 2—Davis	2,600,000
(p)	Working drawings for classroom and office unit 3—Davis	96,500
(q)	Equip physical sciences unit 4—Riverside	650,000
(r)	Equip agricultural sciences building—Riverside	600,000
(s)	Construct life sciences unit 2—Riverside	3,013,600
(t)	Equip classroom and office unit 1—Riverside	200,000
(u)	Working drawings for library unit 3—Riverside	60,000
(v)	Equip engineering unit 1—Santa Barbara	674,000
(w)	Construct classroom and office unit 3—Santa Barbara	4,531,000
(x)	Construct library unit 3—Santa Barbara	3,723,000
(y)	Working drawings for classroom and office unit 4—Santa Barbara	95,900
(z)	Equip building F for first college—San Diego	664,600
(aa)	Working drawings for physics—engineering unit 1—Irvine	124,000
(bb)	Equip library unit 1—Santa Cruz	281,800
(cc)	Construct residential college No. 3—Santa Cruz	1,272,200
	Total of schedule	42,618,000
	Less estimated amounts available from other sources	42,618,000
	Net appropriation	0

STATE COLLEGES

	State College at Hayward:	
(dd)	Equip music classroom building	350,000
(ee)	Working drawings for library–audio-visual–administration building	296,000

Item	Amount
(ff) Working drawings for speech-drama building	72,000
California State Polytechnic College — Kellogg-Voorhis Campus:	
(gg) Equip engineering addition	500,000
(hh) Construct library-classroom building	4,922,000
(ii) Working drawings for science addition	122,500
California State Polytechnic College—San Luis Obispo Campus:	
(jj) Equip biological science addition	300,000
(kk) Working drawings and construction of education and business building	724,500
Chico State College:	
(*ll*) Equip music-drama building	500,000
(mm) Equip engineering building	250,000
(nn) Working drawings for classroom building No. 1	52,000
(oo) Working drawings and construction to remodel applied arts building	295,000
Fresno State College:	
(pp) Construct administration-faculty office addition	1,000,000
Humboldt State College:	
(qq) Construct art-music addition	1,000,000
(rr) Working drawings for biological science addition	20,000
Long Beach State College:	
(ss) Equip industrial arts building No. 2	150,000
(tt) Working drawings for engineering building No. 2	63,000
Los Angeles State College of Applied Arts and Sciences:	
(uu) Construct library addition	6,800,000
(vv) Equip engineering faculty office building	750,000

Item	Amount
(ww) Working drawings for science building	147,000
(xx) Working drawings and construction to remodel classroom building No. 1	328,000
Orange State College:	
(yy) Equip science building	500,000
(zz) Equip library-audio-visual building	500,000
(aaa) Construction and equipment to convert science building classrooms to laboratories	667,000
(bbb) Working drawings for administration-classroom building	175,000
(ccc) Working drawings for art-classroom building	75,000
(ddd) Working drawings to convert science building classrooms to laboratories	7,000
Sacramento State College:	
(eee) Equip science building	500,000
(fff) Equip music building	400,000
(ggg) Working drawings for classroom building	60,000
(hhh) Working drawings, construction, and equipment to remodel music-speech building	100,000
(iii) Working drawings, construction, and equipment to remodel science wings	300,000
State College at San Bernardino:	
(jjj) Equip temporary buildings	200,000
(kkk) Construct science-classroom building	4,750,000
(*lll*) Working drawings for library-administration-audio-visual and classroom building	125,000
San Diego State College:	
(mmm) Equip business administration-mathematics building	288,000
(nnn) Construct classroom-library building	8,245,000

Item	Amount
(ooo) Construct music-classroom building	3,155,000
(ppp) Equip speech-drama building	450,000
(qqq) Equip engineering building	345,000
(rrr) Working drawings for art classroom addition	102,000
(sss) Working drawings for science addition	46,000
(ttt) Working drawings and construction of life science laboratories	373,000
San Fernando Valley State College:	
(uuu) Equip engineering building	500,000
San Francisco State College:	
(vvv) Equip music-speech building addition	300,000
(www) Construct physical science building	3,800,000
(xxx) Construct life science building	3,000,000
(yyy) Working drawings for classroom building	101,000
(zzz) Working drawings for library completion	84,000
San Jose State College:	
(aaaa) Equip science building No. 2	400,000
Sonoma State College:	
(bbbb) Equip music classroom building	240,000
(cccc) Equip classroom building I	300,000
(dddd) Equip science building I	400,000
(eeee) Working drawings for library	67,000
State College at Palos Verdes:	
(ffff) Construct science building	2,412,000
(gggg) Construct library-classroom-administration building	4,037,000

Item		Amount
(hhhh) Working drawings for classroom building No. 1		51,000
Stanislaus State College:		
(iiii) Construct music-classroom building		1,063,000
Total of schedule		56,760,000
Less estimated amounts available from other sources		56,760,000
Net appropriation		0

LOCAL ASSISTANCE SECTION

SEC. 2.3. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1964-65 fiscal year beginning July 1, 1964, and ending June 30, 1965. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006, Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

AGRICULTURE

Item		Amount
371—For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Agriculture, to be expended in accordance with the provisions of Section 63.5 of the Agricultural Code		177,600

CORRECTIONS

372—For reimbursements to counties for construction of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with Section 891 of the Welfare and Institutions Code		495,000

Item		Amount
Notwithstanding other provisions of this section, the amount made available by this item shall be available for expenditure until June 30, 1966; provided, that not more than $345,000 of said amount may be expended during the 1964-65 fiscal year.		
373—For reimbursements to counties for maintenance of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Sections 880 through 890 of the Welfare and Institutions Code		3,189,720
374—For payment of the State's share, as determined by the Department of Finance, of expenses incurred by local agencies in supervising and controlling juveniles as defined by Sections 600 to 607, inclusive, Welfare and Institutions Code, at the international border between California and Mexico, pursuant to Section 1760(d) of said code, Department of the Youth Authority		44,555
EDUCATION		
375—For support of child care centers, Department of Education, to be apportioned by the department in the manner provided by Section 11 of Chapter 1427, Statutes of 1953, as amended, directly to school districts maintaining child care centers pursuant to Sections 16601 through 16640 and Sections 16645.1 through 16645.28 of the Education Code, in accordance with the following schedule		6,413,688
Schedule:		
(a) Child care centers	6,288,856	
(b) Pilot centers for physically handicapped and mentally retarded children	124,832	
Total of schedule	6,413,688	
376—For transfer by State Controller to the Teachers' Retirement Fund for State Teachers' Retirement System		52,500,000
377—For publishing, purchasing and shipping free textbooks, Department of Education, in accordance with the following schedule		12,713,866
Schedule:		
(a) Personal Services	111,764	

Item		Amount
(b)	Operating Expenses and Equipment	12,622,102
	Total of schedule	12,733,866
	Less estimated reimbursements	20,000
	Net appropriation	12,713,866

provided, that none of the moneys appropriated by this item may be expended for publishing, purchasing or shipping any textbook, which has been conditionally approved or adopted by the State Board of Education subject to the condition that revisions will be made in such textbook by the publisher, unless and until such revisions have been made to the complete satisfaction of said board.

Provided, that none of this appropriation shall be available to finance contracts in respect to basic textbooks adopted by the State Board of Education during the 1963-64 fiscal year in which the total price, including sales and use tax, for any textbook submitted on a finished book basis exceeds by more than 13 percent the average of the three highest total prices for a competitive textbook submitted on the basis of leasing plates to the State or in which said total price for any such textbook exceeds by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of General Services, and the average royalty cost of the three highest priced competitive textbooks, except that upon a finding by the State Board of Education that a book submitted on a finished book basis is clearly superior in quality and utility to others submitted on a leased plate basis, this appropriation shall be available to finance contracts at a cost to be agreed upon by the State Board of Education if such cost does not exceed by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of General Services and the average royalty cost of the three highest priced competitive textbooks.

Provided further, that none of this appropriation shall be available to finance contracts for textbooks adopted as supplemental textbooks by the State Board of Education during the 1963-64 fiscal year in which the unit price, including sales and use tax, for any textbook

Item		Amount
	submitted on a finished book basis exceeds the unit manufacturing cost of such textbook as estimated by the State Department of General Services, multiplied by the average of the ratios of the total computed unit cost of each other supplementary textbook submitted to the State on a leased plate basis for the same grade level to the unit manufacturing cost of each such other textbook, plus 13 percent of the unit manufacturing cost of the textbook which is offered on a finished book basis.	
	For the purposes of this item, three means all if fewer than three competitive textbooks are submitted on a leased plate basis and textbooks includes teachers' manuals or editions.	
	The Department of Finance shall maintain a procedure which will indicate any cases in which the numbers and estimated costs of textbooks represented in printing orders placed during the budget year vary from the amounts contained in the budget schedule submitted by the Department of Education upon which this item of appropriation is based, and the Department of Finance shall unallot all amounts which are made available because of such differences. Upon presentation of need, the Department of Finance may reallot such funds as it finds necessary. It shall report all such actions to the Joint Legislative Budget Committee prior to August 1, 1965.	
378—For assistance to public libraries, Division of Libraries, Department of Education, to be apportioned by the Division of Libraries as provided in Chapter 1.5 (commencing with Section 27111) of Division 20 of the Education Code		792,484
379—For vocational education programs in public school districts conducted under the provisions of Sections 6251 through 6254 of the Education Code, Department of Education, in accordance with the following schedule		230,271
Schedule:		
(a) Payments to public school districts	5,984,305	
Total of schedule	5,984,305	
Less estimated amounts available from other sources:		
(b) Federal grants	5,754,034	
Net appropriation	230,271	

HEALTH AND WELFARE

Item		Amount
380	For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 8 of the Welfare and Institutions Code	11,679,948
381	For assistance to counties, and cities and counties, to be expended for services to physically handicapped children, including children diagnosed as suffering from phenylketonuria in accordance with provisions of Sections 249 through 271 of the Health and Safety Code, Department of Public Health ... provided, that $1,905,500 shall be for statewide diagnoses; not to exceed $50,000 shall be for state care of physically handicapped children whose county of residence cannot be established and the balance of this appropriation shall be made available to the several counties as follows:	11,560,842

(a) The State Department of Public Health shall allocate to each county and city and county an amount which, when added to the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, shall equal three times the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, or shall equal the sum needed for the fiscal year as estimated by the State Department of Public Health and approved by the county or city and county not to exceed twenty thousand dollars ($20,000), whichever is the greater.

(b) If the amount allocated to any county or city and county pursuant to subsection (a) when added to the sum provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, is less than the sum needed for the fiscal year as estimated by the State Department of Public Health and approved by the county or city and county, the State Department of Public Health shall make available to the county or city and county an additional amount not to exceed twice any amount provided by the county or city and county in addition to that required by Section 270 of the Health and Safety Code.

(c) For the purpose of administration by independent counties there shall be allocated an amount equal to two-thirds of the expendi-

Item		Amount
	tures for the local administration of each independent county's program, made in accordance with a budget approved by the Department of Public Health; provided, however, that such amount shall not exceed 6⅔ percent of the gross total expenditures for diagnosis and treatment by that county in the preceding fiscal year. (d) No funds may be allocated to any county with a population of 200,000 or more as of the first day of the fiscal year specified in Section 2.3 of this act, unless such county is independently administering the program; provided, however, during the first six months of the first fiscal year in which any county is affected by this provision, and after notification to the Department of Public Health by a county that action is being taken to assume independent administration of the program, payments may continue to be made on behalf of such county by the State. (e) Expenditures made under this item to reimburse counties and cities and counties for the State's share of the cost of such services shall be charged to the fiscal year in which the county or city and county issues its warrant in payment of such services. Expenditures made under this item on behalf of counties or cities and counties for the cost of such services shall be charged to the year in which the warrant is issued by the State Controller.	
382—For assistance to counties, and cities and counties, for maintenance of tuberculosis sanatoria, Department of Public Health	including an additional amount of two dollars and ninety-four cents ($2.94) per patient-day in accordance with Sections 3300 and 3301 of the Health and Safety Code; leasing of facilities in accordance with Section 3295 of the Health and Safety Code; and reimbursement of burial expenses in accordance with Section 3296 of the Health and Safety Code.	3,207,628
383—For assistance to counties by the establishment of local health services in accordance with Section 1157 of the Health and Safety Code, Department of Public Health		561,000
384—For assistance to cities, counties, local health agencies and local health districts for the establishment of minimum standards of personnel, organization and administration of		

Item		Amount
	local health departments, in accordance with the provisions of Chapter 8, Part 2, Division 1 of the Health and Safety Code, Department of Public Health	4,363,211
385—	For subsidies to local districts for research regarding the control of gnats as provided by Sections 2425 and 2426 of the Health and Safety Code, Department of Public Health—	50,000
	provided, that the Department of Public Health shall not allocate any of the money appropriated by this item to a local district unless and until money equal to or in excess of the amount proposed to be allocated by the department to the local district shall be made available by the local district for expenditure for the purpose for which the allocation is to be made, to the end that any sums allocated by the department shall be matched by like or greater amounts from sources other than the State Treasury or funds of any agency which is a part of the executive department of the state government.	
386—	For research, demonstrations and assistance to local agencies for reporting the incidence of mosquitoes as provided by Sections 2425 and 2426 of the Health and Safety Code, Department of Public Health	113,522
387—	For assistance to local agencies for the treatment of physically handicapped minors by physical and occupational therapy to be provided in special schools and classes with assignment of therapists based on the number of children with cerebral palsy requiring therapy and that treatment be made available for other disabling conditions only on a "time available" basis, Department of Public Health	1,934,780
	provided, that all therapists will be employed by local agencies.	
388—	For assistance to cities, counties, cities and counties, and local hospital districts in the construction of hospital facilities, Department of Public Health, to be expended under provisions of the California Hospital Survey and Construction Act	11,148,965
	and in addition thereto any amounts remaining unexpended on June 30, 1964, in the appropriation made by Item 425, Budget Act of 1963, and Item 389, Budget Act of 1964.	
389—	For assistance to cities, counties, cities and counties, and local hospital districts in the	

Item		Amount
construction of hospital facilities, Department of Public Health, to be expended under provisions of the California Hospital Survey and Construction Act		3,075,637
notwithstanding other provisions of this section, the amount made available by this item is available for expenditures incurred during the 1963-64 fiscal year.		
390—For the cost of treatment or operations to prevent blindness to be expended in accordance with the provisions of Section 3051 of the Welfare and Institutions Code and for the cost of providing vocational training to mentally retarded recipients of the aid to the disabled program, Department of Social Welfare		71,710
Such appropriation together with any grants made available by the federal government for this purpose shall be expended in accordance with the following schedule.		
Schedule:		
(a) Prevention of blindness	43,000	
(b) Training of mentally retarded	120,000	
Total of schedule	163,000	
Less estimated amounts available from other sources:		
(c) Estimated grants from the federal government	91,290	
Net appropriation	71,710	
391—For the cost of local administration of public assistance for which federal grants-in-aid are made to the State; for in-service training and for scholarship or educational leave stipends to increase the supply of trained child welfare and public assistance personnel for county welfare departments; for grants or services to local communities for the extension of child welfare services; for the cost of local projects in the administration of public assistance and child welfare services and for grants to local public agencies pursuant to contracts with said agencies for the promotion and development of activities in behalf of aged persons, Department of Social Welfare		903,302
Such appropriation, together with any grants made available by the federal government for this purpose shall be expended in accordance with the following schedule.		

Item		Amount
Schedule:		
(a) County Administration of Assistance programs	47,643,000	
(b) Training	886,890	
(c) Child Welfare Services	900,668	
(d) Special Projects	2,918,086	
Total of schedule	52,348,644	
Less estimated amounts available from other sources:		
(e) Estimated grants from the federal government	51,445,342	
Net appropriation	903,302	
391.1—For the state share of payments by counties under Section 2500.1 of the Welfare and Institution Code		200,000
392—For reimbursement of expenses incurred by counties and cities in maintaining approved services for the licensing and inspection of agencies for child care and home finding, and agencies for the care of the aged, to be expended in accordance with the provisions of Sections 1622 and 2302 of the Welfare and Institutions Code, and for reimbursement to counties for the cost of the adoption programs and care of children, to be expended in accordance with the provisions of Sections 1640 through 1644 of the Welfare and Institutions Code, Department of Social Welfare, to be expended in accordance with the following schedule		7,203,309
Schedule:		
(a) For local inspection of homes and agencies caring for aged and children	1,620,045	
(b) For reimbursement to counties for administration and cost of care of adoptions	5,583,264	
Total of schedule	7,203,309	

provided, that all or any portion of this appropriation may be transferred to Item 186, for support of Department of Social Welfare, upon order of the Department of Finance.

HIGHWAY TRANSPORTATION

393—For allocation and expenditure by the Public Utilities Commission to assist cities, counties, and cities and counties in paying their

Item		Amount
share of the cost of constructing grade crossing protection works, in augmentation of Chapter 1302 of the Statutes of 1961, payable from the State Highway Fund		175,000
The appropriation made by this item shall be available without regard to fiscal years.		

RESOURCES

394—For expenditure, in accordance with Sections 12570 through 12830 of the Water Code, for payment of, and for reimbursement for necessary advances made for, the cost of cooperation by the State, Department of Water Resources, in accordance with the following schedule		7,930,600
Schedule:		
(a) Los Angeles County Flood Control District, Los Angeles and San Gabriel Rivers and Ballona Creek Project, as authorized by Section 12682 of the Water Code	3,725,000	
(b) Ventura County Flood Control District, Ventura River Basin Project, as authorized by Section 12671 of the Water Code	17,500	
(c) Ventura County Flood Control District, Santa Clara River Project, as authorized in Section 12673 of the Water Code	1,000	
(d) Mendocino County, Russian River Flood Control and Water Conservation Improvement District, Russian River Project, as authorized by Section 12699 of the Water Code	6,000	
(e) Alameda County Flood Control and Water Conservation District, Alameda Creek Project, as authorized in Section 12722 of the Water Code	600,000	
(f) Sonoma County Flood Control and Water Conservation District, Russian River Project, as authorized in Section 12698 of the Water Code	1,000	

Item		Amount
	(g) Contra Costa County Flood Control and Water Conservation Districts, Walnut Creek Project, as authorized by Section 12716 of the Water Code	2,834,300
	(h) San Joaquin County, Duck Creek Project, as authorized by Section 12750 of the Water Code	60,000
	(i) Contra Costa County Flood Control and Water Conservation Districts, Rodeo Creek Project, as authorized by Section 12750 of the Water Code	110,800
	(j) San Bernardino County Flood Control District, City Creek Levee Project, as authorized by Section 12750 of the Water Code	5,000
	(k) Riverside County Flood Control and Water Conservation District, Tahchevah Creek Project, as authorized in Section 12719 of the Water Code	410,000
	(*l*) Marin County, Coyote Creek Project, as authorized by Section 12750 of the Water Code	160,000
	Total of schedule	7,930,600
	The appropriation made by this item shall remain available for expenditure until June 30, 1966; provided, that not more than $4,303,900 shall be available for expenditure during the period July 1, 1964, through June 30, 1965.	
395	For expenditure, in accordance with Sections 12850 through 12875 of the Water Code, for payment of, and for reimbursement for necessary advances made for the cost of cooperation by the State, for watershed protection and flood prevention projects as authorized by said sections, Department of Water Resources, in accordance with the following schedule	5,339,300
	Schedule:	
	(a) Buena Vista Creek Watershed Protection Project	316,500

Item		Amount
	(b) Escondido Creek Watershed Protection Project	852,000
	(c) Calleguas Creek Watershed Protection Project	370,300
	(d) Marsh-Kellogg Creeks Watershed Protection Project	217,000
	(e) Walnut Creek Watershed Protection Project	64,000
	(f) Napa River Watershed Protection Project	1,380,000
	(g) Central Sonoma Project	1,588,000
	(h) Adobe Creek Watershed Protection Project	24,000
	(i) Ulatis Creek Watershed Protection Project	527,500
	Total of schedule	5,339,300

The appropriation made by this item shall remain available for expenditure until June 30, 1966; provided, that not more than $3,204,000 shall be available for expenditure during the period July 1, 1964, through June 30, 1965. No expenditure shall be made until the local organizations give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed and as may be required by the Secretary of Agriculture and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the project.

395.5—For allocation by the Department of Finance to the Department of Water Resources, Department of Public Works and Department of General Services for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150) Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction by storm and flood or flood conditions, including but not limited to flood conditions arising from tidal waves, which has occurred between July 1, 1963, and July 1, 1964 and the local agency has applied to the Department of Finance for an allocation of funds on or before October 1, 1964, Department of Finance 500,000

Item	Amount
395.6—For allocation by the Department of Finance to the Department of Public Works for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150) Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction to public streets, highways and bridges by storm and flood or flood conditions, including but not limited to flood conditions arising from tidal waves, which has occurred between July 1, 1963, and July 1, 1964 and the local agency has applied to the Department of Finance for an allocation of funds on or before October 1, 1964, payable from money in the State Highway Fund available for expenditure for construction of state highways prior to the allocation of such money between County Group No. 1 and County Group No. 2 as provided in Section 188 of the Streets and Highways Code, Department of Finance	800,000
396—For land, easements and rights-of-way, including but not limited to, borrow pits, spoil areas and easements for levees, clearing, flood control works and flowage, and for appraisals, surveys, and engineering studies necessary for the completion or operation of the following projects in the Sacramento and San Joaquin watersheds as authorized by Section 8617.1, Sections 12648 through 12654, and Sections 12656.5 and 12828 of the Water Code; for the construction costs in lieu thereof as authorized by Section 8621 of the Water Code; and for advances to the federal government or payments to the federal government or others for incidental construction or reconstruction items which are an obligation of the State in connection with the completion or operation of the aforesaid projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, powerlines, communication lines, pipelines, irrigation works and other structures and facilities and for appraisals, surveys and engineering studies incident thereto including determining the boundaries and appropriate assessments of the Lower San Joaquin River Levee District within the area benefited by the Lower San Joaquin River Flood Control Project, the	

Item		Amount
Reclamation Board, in accordance with the following schedule		7,990,406
Schedule:		
(a) Sacramento River Flood Control Project	214,175	
(b) Sacramento River Bank Protection Project	1,347,584	
(c) Lower San Joaquin River Flood Control Project	5,964,149	
(d) Calaveras River and Littlejohn Creek and Tributaries Project	339,498	
(e) Middle Creek Flood Control Project	60,000	
(f) Mormon Slough Flood Control Project	65,000	
Total of schedule	7,990,406	
The appropriation made by this item shall remain available for expenditure until June 30, 1966.		
397—To pay the State's share of the cost of local participation required and to make advances to meet the federal share in connection with federal beach erosion control projects, in accordance with Sections 335 through 339 of the Water Code, Department of Water Resources, in accordance with the following schedule		3,003,480
Schedule:		
(a) Ventura County, Ventura County Harbor—State's share	90,000	
(b) Orange County, Doheny Beach—State's share	249,795	
(c) Orange County, Doheny Beach—advance for federal share	670,410	
(d) Ventura County, Pierpont Bay—State's share	68,475	
(e) Ventura County, Pierpont Bay — advance for federal share	193,050	
(f) Orange County, Anaheim Bay Harbor to Newport Bay —State's share	115,500	
(g) Orange County, Anaheim Bay Harbor to Newport Bay —advance for federal share	469,000	
(h) Los Angeles County, Alamitos Bay—State's share	217,500	

Item		Amount
	(i) Los Angeles County, Alamitos Bay—advance for federal share	435,000
	(j) San Diego County, La Jolla (Bird Rock)—State's share	17,000
	(k) San Diego County, La Jolla (Bird Rock) — advance for federal share	34,000
	(*l*) San Diego County, Sunset Cliffs—State's share	81,250
	(m) San Diego County, Sunset Cliffs—Advance for federal share	162,500
	(n) Santa Cruz County, Black Point groin and fill—State's share	50,000
	(o) Santa Cruz County, Black Point groin and fill—advance for federal share	150,000
	Total of schedule	3,003,480

provided, that the Department of Water Resources shall not expend that portion of the funds provided by this item for construction of any beach erosion control project until final planning of that project has been completed and reviewed by the department.

397.5—For assistance to local agencies under the Local Agency Allocation Law for the construction of sewage disposal facilities, State Allocation Board, payable from those funds in the State School Land Fund not dedicated to the support of the public schools under the provisions of Section 4 of Article IX of the Constitution 723,750

provided, that no part of this appropriation shall be available for allocation to a local agency unless the State receives a clear declaration of intent to carry out the purposes of this item from the agency by October 1, 1964, and unless it is to be used to finance the construction of sewage facilities for disposing of sewage at Koehn Dry Lake in Kern County; and unless the local agency executes an agreement with the State Allocation Board by April 1, 1965 under which it agrees to repay the amount of the allocation, with interest, within 25 years, and with the interest to be at a rate equal to the average, as determined by the board, of the net interest costs to the State on the sales of general obligation

Item	Amount
bonds of the State that occurred during the period from January 1, 1962, inclusive, through the calendar year immediately preceding the calendar year in which the allocation is made; provided, that when the applicable average of the net interest costs to the State is not a multiple of one-tenth of 1 percent, the interest rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs. In the event a grant of federal money is made for assistance in financing such facilities, the amount of the allocation authorized to be made by the State Allocation Board shall be reduced by a corresponding amount. Amounts received from a local agency pursuant to such an agreement shall be deposited in the State School Land Fund.	
397.6—For assistance to local agencies under the Local Agency Allocation Law for the construction of sewage transportation facilities, State Allocation Board, payable from those funds in the State School Land Fund not dedicated to the support of the public schools under the provisions of Section 4 of Article IX of the Constitution_____	1,800,000
provided, that no part of this appropriation shall be available for allocation to a local agency unless the State receives a clear declaration of intent to carry out the purposes of this item from the agency by October 1, 1964, and unless it is to be used to finance the construction of facilities for the transportation of treated effluent out of the South Lake Tahoe Basin but which would not result in putting the effluent into the American River; and unless the local agency executes an agreement with the State Allocation Board by April 1, 1965 under which it agrees to repay the amount of the allocation, with interest, within 25 years, and with the interest to be at a rate equal to the average, as determined by the board, of the net interest costs to the State on the sales of general obligation bonds of the State that occurred during the period from January 1, 1962, inclusive, through the calendar year immediately preceding the calendar year in which the allocation is made; provided, that when the applicable average of the net interest costs to the State is not a multiple of one-tenth of 1 percent, the interest	

Item		Amount
	rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs. In the event a grant of federal money is made for assistance in financing such transportation facilities, the amount of the allocation authorized to be made by the State Allocation Board shall be reduced by a corresponding amount. Amounts received from a local agency pursuant to such an agreement shall be deposited in the State School Land Fund.	
398—For loans to cities, counties, or districts pursuant to Section 5827 of the Public Resources Code, Department of Parks and Recreation, Division of Small Craft Harbors, payable from the Small Craft Harbor Revolving Fund, in accordance with the following schedule		1,050,000
provided, that no new projects other than those in the schedule for this item shall be started in the 1964-65 fiscal year. Schedule:		
(a) Statewide—for feasibility and planning study	50,000	
(b) Avalon, Los Angeles County —for harbor construction	250,000	
(c) Dana Point, Orange County —for harbor construction	250,000	
(d) Port San Luis, San Luis Obispo County—for harbor construction	500,000	
Total of schedule	1,050,000	
399—For grants of three (3) launching facilities to cities, counties, or districts pursuant to Section 5865 of the Public Resources Code, Department of Parks and Recreation, Division of Small Craft Harbors, payable from the Small Craft Harbor Revolving Fund		150,000
provided, that these grants shall be made to each of the three (3) highest priority areas as indicated by the California Boating Plan, 1964.		
400—For loans to cities, counties, or districts pursuant to Section 5823.5 of the Public Resources Code, Department of Parks and Recreation, Division of Small Craft Harbors, payable from the Small Craft Harbor Revolving Fund, in accordance with the following schedule		1,350,000

Item		Amount
Schedule:		
(a) Santa Barbara, Santa Barbara County—for harbor of refuge	200,000	
(b) Santa Barbara, Santa Barbara County—for reimbursement to the General Fund as repayment of a loan from Item 283, Budget Act of 1963	150,000	
(c) Half Moon Bay, San Mateo County—for harbor of refuge	100,000	
(d) Monterey, Monterey County—for harbor of refuge	500,000	
(e) Crescent City, Del Norte County—for harbor of refuge	300,000	
(f) Santa Cruz, Santa Cruz County—for harbor of refuge	100,000	
Total of schedule	1,350,000	
401—For grants to soil conservation districts, Division of Soil Conservation, Department of Conservation		138,000

OTHER PURPOSES

402—For State's share of salaries of judges of superior courts as provided by Section 68206 of the Government Code	4,103,900
403—For contributions to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code	500,000
404—For furnishing of workmen's compensation to disaster service workers and their dependents in accordance with the provisions of Sections 3201 through 6002 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's office, State Disaster Office	50,000

The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash re-

Item		Amount
	volving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 603 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the State Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the State Controller requires.	
405	—For allocation to cities, counties, and cities and counties, pursuant to Section 13523 of the Penal Code, Commission on Peace Officers' Standards and Training, payable from the Peace Officers' Training Fund	781,160

APPENDIX

SEC. 3. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1964-65 fiscal year beginning July 1, 1964, and ending June 30, 1965. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006, Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

Item		Amount
406	—For expenditure by the Office of Architecture and Construction, Department of General Services, payable from the Division of Architecture Revolving Fund, for the purposes specified in Section 14030 of the Government Code, in accordance with the following schedule	8,677,887
	Schedule:	
	(a) Personal Services	8,017,572
	(b) Operating Expenses and	

Item		Amount
	Equipment ----------	1,072,172
	Total of schedule--------	9,089,744
	Less estimated reimbursements----	411,857
	Net appropriation--------	8,677,887

provided, that any balances in the Division of Architecture Revolving Fund continue to be appropriated by and subject to Section 14030 of the Government Code, and are available for construction and for augmentation of this appropriation.

407—For construction and equipment of an office building in the City of San Bernardino, under the provisions of the State Building Construction Act of 1955 (commencing at Section 15800 of the Government Code), State Public Works Board, payable without regard to fiscal years from the Public Building Construction Fund which amount is in addition to, and in augmentation of, those appropriations made by Item 462, Budget Act of 1958, and Item 425.5, Budget Act of 1962---------- 350,000

408—For construction and equipment of an office building in the City of San Jose, under the provisions of the State Building Construction Act of 1955 (commencing at Section 15800 of the Government Code), State Public Works Board, payable without regard to fiscal years from the Public Building Construction Fund which amount is in addition to and in augmentation of the amount authorized for expenditure by Chapter 1687, Statutes of 1955, as amended by Chapter 1647, Statutes of 1957---------- 400,000

409—For the acquisition of real property, subject to the Property Acquisition Law, in the City of Sacramento and for the construction thereon of parking facilities and working drawings for office building, Department of Veterans Affairs, payable out of the Veterans' Farm and Home Building Fund of 1943---- 2,271,500 subject to the provisions of the Veterans Affairs Construction Act of 1953. No part of this appropriation shall be expended until an agreement has been entered into between the Department of Veterans Affairs and the Department of General Services providing that: (1) the Department of General Services may occupy and improve and shall lease, maintain and care for the property; (2) rentals or

Item		Amount
	other revenues received by the Department of General Services may be used, and the same are hereby appropriated, to reimburse or pay all costs and expenses, including administrative costs, incurred by the Department of General Services in leasing, maintaining, caring for and improving such real property; (3) remaining rentals or revenues shall be used and are hereby appropriated to repay to the Veterans' Farm and Home Building Fund of 1943 all moneys withdrawn pursuant to this item plus an amount equal to 4 percent per annum on the unpaid balances compounded and computed annually; (4) when repayment has been completed, the Department of General Services shall have jurisdiction and control of the real property. The appropriations made by this item shall be available for expenditure without regard to fiscal years.	
409	5—For investment by the Director of Finance from the School Land Fund for the purpose of, and in augmentation of, the appropriation made by Chapter 1242, Statutes of 1963, to be expended without regard to fiscal year	4,476,250
410	—For administration of unemployment compensation disability benefits, Department of Employment, payable from the Unemployment Compensation Disability Fund, in accordance with the following schedule	10,005,699
	Schedule:	
	(a) Personal Services 7,616,580	
	(b) Operating Expenses and Equipment 2,389,119	
	Total of schedule 10,005,699	
411	—For additional support of the Department of Employment, payable from the Department of Employment Contingent Fund, and in addition thereto any grants made available by the federal government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance	348,763
412	—For payment of interest, on order of the Director of Finance, on transfers of money from any other fund to the Unemployment Compensation Disability Fund under Section 3007 of the Unemployment Insurance Code, computed at a rate determined by the De-	

Item	Amount
partment of Finance to be the rate of interest allowed interest bearing time deposits in banks for a similar period of time, payable from the Unemployment Compensation Disability Fund	105,500

SEC. 3.6. All amounts accruing to the California Water Fund pursuant to Section 6816 of the Public Resources Code and Chapter 29 of the Statutes of 1956, First Extraordinary Session or Senate Bill Number 60 of the 1964 First Extraordinary Session, if said bill is enacted into law, during the 1964-65 fiscal year, in excess of eleven million dollars ($11,000,000), are appropriated for the purpose of making all or part of the transfers required by subdivision (b) of Section 17301 of the Education Code, subject to the limitations as to amount contained in said subdivision (b). To the extent money is made available from the California Water Fund to the State School Fund pursuant to this section, the amount transferred from the General Fund to the State School Fund pursuant to subdivision (b) of Section 17301 of the Education Code shall be reduced thereby.

SEC. 4. There has been included in the applicable items of appropriation in this act for the support of the several state offices, departments, boards, bureaus, commissions, and other state agencies, amounts from the General Fund and the various special funds sufficient funds to continue in effect for the 1964-65 fiscal year the increases in salaries paid to state officers whose salaries are specified by statute for which funds were made available by Item 276 of the Budget Act of 1959, Item 275 of the Budget Act of 1960 and Item 282 of the Budget Act of 1962, pursuant to Section 11570 of the Government Code.

This section shall remain operative only until Senate Bill No. 53 of the 1964 First Extraordinary Session is enacted in 1964 and becomes operative.

SEC. 4.5. Subject to the provisions of this act, any appropriation for expenditure under this act during the 1964-65 fiscal year, may, with the approval of the Department of Finance, be encumbered prior to July 1, 1964, by incurring obligations to be paid after June 30, 1964.

SEC. 5. Because it is necessary to insure the availability of adequate equipment for physical facilities constructed for the operation of custodial, mental health, educational, administrative, military, and other agencies of the state government; because uncertainties as to completion dates make precise advance planning of equipment purchases impossible; and since delivery of some kinds of equipment cannot be made for six months or longer from the date of ordering; state agencies are therefore authorized to incur obligations, to be met during the 1965-66 fiscal year, for the purchase of equipment related to capital outlay projects for which the Legislature has appropriated construction funds; provided, that no obligation shall be incurred under the provisions of this section without

the approval of the Department of Finance and the State Public Works Board. Purchase orders issued and contracts entered into under the provisions of this section shall not exceed a total of one million dollars ($1,000,000) in estimated cost.

SEC. 6. Any project, except minor projects, included in any appropriation made herein for capital outlay shall be subject to the provisions of Section 15790 of the Government Code.

SEC. 7. Any acquisition of land or other real property included in any appropriation made herein for capital outlay except appropriations from the California Water Fund shall be subject to the provisions of the Property Acquisition Law.

Nothing contained in this section shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for acquisition of land or other real property for the use, development or enlargement of the University of California.

All property acquisitions, notwithstanding other exemptions of this section, shall be reported to the State Public Works Board.

SEC. 8. No money appropriated herein in any item for capital outlay may be expended by any state agency except amounts for acquisition of land or other real property, amount needed for equipment, preliminary surveys, studies and planning and minor projects until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such time of appropriation for capital outlay; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided further, that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no money appropriated herein may be spent for equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance.

Nothing in this section shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for capital outlay for the use, development or enlargement of the University of California.

The Regents of the University of California shall report to the State Public Works Board the expenditures for capital outlay, except minor projects, from appropriations contained in this act.

SEC. 8.5. In making appropriations to state agencies which are eligible for the various federal assistance programs, it is the intent and understanding of the Legislature that applications made by such agencies for federal funds under any such programs shall be for the maximum amount allowable under federal law.

SEC. 9. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for capital outlay which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 23201 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects not otherwise authorized by legislative appropriation or by allocation by the State Public Works Board. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

A report shall be submitted to the State Public Works Board of any allocations made by the Regents of the University of California pursuant to the provisions of this section.

SEC. 10. Notwithstanding any other provisions of law, the unencumbered balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1965:

Department of Agriculture:
- California Museum of Science and Industry, Item 361.1 and Item 361.2, Budget Act of 1956

Department of Corrections:
- Northern California Conservation Center and branches, Item 292.2, Budget Act of 1959
- Conservation Center and Branch Conservation Centers, Item 346(c), Budget Act of 1961
- Conservation Center and Branch Conservation Centers, Item 346(d), Budget Act of 1961
- California Rehabilitation Center, Item 349.5, Budget Act of 1961

University of California:
- Item 363(s), Budget Act of 1958
- Item 319(i), Budget Act of 1960

Item 319(k), Budget Act of 1960
Item 319(*l*), Budget Act of 1960
Item 319(t), Budget Act of 1960
Item 319(pp), Budget Act of 1960
Item 357(e), Budget Act of 1961
Item 357(j), Budget Act of 1961
Item 357(m), Budget Act of 1961
Item 357(s), Budget Act of 1961
Item 357(t), Budget Act of 1961
Item 357(jj), Budget Act of 1961
Item 357(kk), Budget Act of 1961
Item 357(tt), Budget Act of 1961

State Colleges:
State College at Hayward, Item 300(a), Budget Act of 1960
Chico State College, Item 301(d), Budget Act of 1960
Humboldt State College, Item 303(b), Budget Act of 1960
Los Angeles State College of Applied Arts and Sciences, Item 305(b), Budget Act of 1960
California State Polytechnic College, Item 313(m), Budget Act of 1960
Chico State College, Item 303(a), Budget Act of 1961
Los Angeles State College of Applied Arts and Sciences, Item 363(a), Budget Act of 1961
Los Angeles State College of Applied Arts and Sciences, Item 363(b), Budget Act of 1961
San Jose State College, Item 369(a), Budget Act of 1961
San Jose State College, Item 369(c), Budget Act of 1961
California State Polytechnic College, Item 371(g), Budget Act of 1961
California State Polytechnic College, Item 371.1, Budget Act of 1961

Department of Rehabilitation:
Orientation Center for the Blind, Item 298.5, Budget Act of 1961

Department of Motor Vehicles:
Item 375(b), Budget Act of 1959
Item 337(a), Budget Act of 1961

Department of Public Works:
Item 402.2, Budget Act of 1961

Department of Conservation:
Item 383(a), Budget Act of 1961
Item 383(c), Budget Act of 1961
Item 383(h), Budget Act of 1961
Item 383(i), Budget Act of 1961
Item 383(*l*), Budget Act of 1961
Item 383(m), Budget Act of 1961

Department of Parks and Recreation:
Item 400(s), Budget Act of 1956
Item 400(x), Budget Act of 1956
Item 400(qqq), Budget Act of 1956
Item 400.2, Budget Act of 1956

Chapter 2169, Sec. 1(8), Statutes of 1957
Item 173(a), Budget Act of 1960
Item 173(b), Budget Act of 1960
Item 173(c), Budget Act of 1960
Item 173(e), Budget Act of 1960
Item 339(a), Budget Act of 1961
Item 339(b), Budget Act of 1961
Item 339(c), Budget Act of 1961
Item 339(d), Budget Act of 1961
Item 339(e), Budget Act of 1961
Item 339(j), Budget Act of 1961
Item 339(aa), Budget Act of 1961
Chapter 2056, Statutes of 1961
Item 412.6, Budget Act of 1962
Reclamation Board:
Item 431, Budget Act of 1963
Item 432, Budget Act of 1963
Department of Water Resources:
Item 433(c), Budget Act of 1963
Item 433(d), Budget Act of 1963
Item 433(g), Budget Act of 1963
Item 433(h), Budget Act of 1963

SEC. 10.1 On the effective date of this act, $20,000 of the unexpended balance of the appropriation made by Item 377, Budget Act of 1963, is hereby reappropriated for the purpose of developing standards for student housing and shall be available for expenditure until June 30, 1965.

SEC. 10.2. During the 1964-65 fiscal year the unapportioned balance of the money appropriated by Section 19627 of the Business and Professions Code, as determined by the Director of Agriculture, is hereby appropriated to and in augmentation of the annual appropriation made by Section 19630 of the Business and Professions Code.

SEC. 10.3. The unexpended balance, on the effective date of this act, of the appropriation made by Item 355(g), Budget Act of 1963, is hereby reappropriated for the purposes in said appropriation, and in addition, shall be available for construction of, or allocation of space within, the project for use as mobile radio dispatch center for area commands within zone II.

SEC. 10.4. The unexpended balance, on the effective date of this act, of the appropriation made by Item 386(a) of the Budget Act of 1963, is hereby reappropriated for the purposes in said appropriation, and in addition, shall be available for working drawings.

SEC. 10.45. Notwithstanding any other provision of law, the unexpended balance as of June 30, 1964 of the appropriation made by Section 10.45 of the Budget Act of 1963 is reappropriated to the Department of Parks and Recreation for the same purposes and for the same period of time as provided therein except that no expenditure shall be made of such funds for the continuing development at the Pueblo de Los Angeles

State Historical Monument until, with approval of the Department of Finance, a modification or revision of the existing operating agreement applicable to such monument is agreed to by the parties, or a new operating agreement is entered into by the parties, by December 31, 1964.

SEC. 10.5. The unexpended balance, on the effective date of this act, of the appropriation made by Item 389(b) of the Budget Act of 1963, is hereby reappropriated for the purposes in said appropriation, and in addition, shall specify that carpeting may be used as a floor covering in the academic and faculty facilities and the corridors on the second floor only of this project.

SEC. 10.6. Notwithstanding any other provision of law, the unencumbered balance, on the effective date of this act, of the appropriation made by Chapter 2386, Statutes of 1957, is hereby reappropriated for the purposes provided for in said chapter, and shall be available for expenditure for such purposes until June 30, 1965, if on or before August 15, 1964, the deed to the San Francisco Palace of Fine Arts has been conveyed to the State in accordance with the provisions of Chapter 2386, Statutes of 1957. If before August 16, 1964, the deed to the San Francisco Palace of Fine Arts has not been so conveyed to the State, the unencumbered balance, on August 16, 1964, of the appropriation made by Chapter 2386, Statutes of 1957, is reappropriated to the Department of Parks and Recreation as of that date for continuing development of the San Francisco Maritime State Park.

SEC. 11. As of June 30, 1964, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the General Fund:

Legislature:
- Chapter 1, Statutes of 1962, Third Extraordinary Session
- Chapter 7, Statutes of 1962, First Extraordinary Session

Department of Agriculture:
- Table Grape Commission, Chapter 1391, Statutes of 1961.

Co-ordinating Council for Higher Education, Chapter 1402, Statutes of 1961.

Department of Finance, Item 337(b), Budget Act of 1963.

Department of Parks and Recreation, Chapter 1422, Statutes of 1945.

Department of Water Resources:
- Item 408(a), Budget Act of 1962
- Item 408(b), Budget Act of 1962
- Item 408(d), Budget Act of 1962
- Item 408(e), Budget Act of 1962
- Item 408(f), Budget Act of 1962
- Item 408(i), Budget Act of 1962
- Item 408(j), Budget Act of 1962
- Item 408(k), Budget Act of 1962
- Item 408(*l*), Budget Act of 1962
- Item 409, Budget Act of 1962

SEC. 11.5. As of June 30, 1964, $430,000 of the unencumbered balance of the appropriation made by Item 337(m), Budget Act of 1963, shall revert to the unappropriated balance of the General Fund.

SEC. 12. As of June 30, 1964, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the State Construction Program Fund:

State Colleges:

Chico State College, Item 364(b), Budget Act of 1962

San Jose State College, Item 375(b), Budget Act of 1962

SEC. 13. As of June 30, 1964, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the Public Building Construction Fund:

State Public Works Board, Item 441.5, Budget Act of 1963

SEC. 13.5. The unexpended balance, on the effective date of this act, of the appropriation made by Item 316(e)(4), Budget Act of 1961, is hereby reappropriated for the same purpose, and in addition, shall be available for paying the State's share of the cost of paving the alley at the rear of the Employment Office Building and parking lot in Modesto.

SEC. 14. As of June 30, 1964, any amount in excess of $25,000 in the appropriation made by Item 356(g), Budget Act of 1963, shall revert to the unappropriated balance of the Motor Vehicle Fund.

SEC. 15. The unencumbered balance of the appropriation made by Chapter 11, Statutes of 1958, First Extraordinary Session, shall revert to the general surplus of the Senate Contingent Fund and be available for expenditure without regard to fiscal year for contingent expenses of the Senate.

SEC. 16. The unencumbered balance of the appropriation made by Chapter 12, Statutes of 1958, First Extraordinary Session, shall revert to the general surplus of the Assembly Contingent Fund and be available for expenditure without regard to fiscal year for contingent expenses of the Assembly.

SEC. 16.5. The unencumbered balance of the appropriation made by Item 337(k), Chapter 1050, Statutes of 1963 shall be held in abeyance and no further expenditures or encumbrances made therefrom for the purposes expressed in the appropriation; provided that $15,000 of the balance, or so much thereof as is necessary, may be expended by the Department of Finance in obtaining an independent engineering review, study and report, of the economic feasibility of a central heating and cooling plant for the Capitol complex in Sacramento and of other possible alternative procedures for the heating and cooling of the Capitol complex, and whether the plans and designs already underway are soundly and economically engineered; and provided further, that said report shall be submitted not later than October 1, 1964 to the Joint Legislative Budget Committee which shall review the report and upon its approval the Director of Finance may release the

remaining balances for continuation of the purposes for which originally appropriated.

SEC. 17. As of June 30, 1965, the unencumbered balance of the appropriation made by Item 337(a), Budget Act of 1963, shall revert to the unappropriated balance of the General Fund.

SEC. 18. As of June 30, 1964, the unencumbered balance of the appropriation made by the provisions of Section 16409 of the Government Code shall revert to the unappropriated balance of the General Fund. On July 1, 1964, $1,000,000 shall be appropriated from the General Fund to be expended in accordance with, and in augmentation of, the provisions of Section 16409 of the Government Code.

The unexpended balance of the appropriation made by the provisions of Section 16409 of the Government Code shall revert to the unappropriated balance of the General Fund as of June 30, 1965.

SEC. 18.1. Notwithstanding any other provisions of this act, on July 1, 1964, there is hereby appropriated from the General Fund to the Military Department, for capital outlay, the amount that reverts to the General Fund as of June 30, 1964, from the appropriation made by the provisions of Section 10.7 of the Budget Act of 1963, which shall be available for expenditure until June 30, 1965, for major construction, improvements and equipment, Military Department and in addition thereto any grants made available by the federal government; provided, no expenditure shall be made from this appropriation until receipt of assurances satisfactory to the Department of Finance that the federal government will reimburse the State for the federal share of the cost of construction, to be expended for armories located in the following areas: Benicia, Newark.

The location designation in the above schedule shall be liberally construed so as to include any location within 10 miles of a city or town named therein.

SEC. 18.5. Notwithstanding any other provisions of this act, the Director of Finance may from time to time direct that any appropriation made in Section 2.2 of this act shall be payable from the General Fund instead of the State Construction Program Fund.

SEC. 19. On or before September 30, 1964, the State Controller shall transfer to the General Fund any amount of surplus and working capital advances in the Service Revolving Fund for the Office of State Printing which totals in excess of $4,860,165 as of June 30, 1964.

No machinery or equipment shall be purchased by or for the Office of State Printing except as provided for in this act and for emergency replacements which shall be reported to the Joint Legislative Budget Committee quarterly.

No augmentation shall be made to the capital of the Service Revolving Fund for the benefit of the Office of State Printing

during the 1964-65 fiscal year except as specifically provided for in this act.

Any proposed capital addition to the Service Revolving Fund for the benefit of the Office of State Printing for the 1965-66 fiscal year shall be included in the proposed budget for that fiscal year as an appropriation out of the General Fund.

SEC. 19.4. In addition to any other money provided therefor, not to exceed fifty-five thousand dollars ($55,000) of the amount appropriated by Items 4 and 8 of Section 2 of this act for the contingent expenses of the Senate and Assembly may be expended for the expenses of the Citizens Advisory Commission, and its members, appointed by the Joint Committee on Legislative Organization to assist the committee in its studies of revision of the California Constitution, to be paid from the Senate and Assembly Contingent Funds, equally and disbursed, after certification by the chairman of the Joint Committee on Legislative Organization, upon warrants drawn by the State Controller upon the State Treasurer.

SEC. 19.5. Any portion of the amount appropriated by Section 3.6 of this act which is not required for the purpose of making the apportionments provided by subdivision (b) of Section 17301 of the Education Code and, in addition, an amount equal to the amount withheld from transfer from the General Fund to the State School Fund pursuant to Section 3.6 of this act, shall be placed in a special reserve account in the General Fund and shall not be available for expenditure until specifically appropriated by the Legislature.

SEC. 19.6. Since the State Scholarship Commission must announce in the spring of 1965, those individuals to whom state scholarship awards will be granted for the following fall semester 1965 and, since the Budget Act of 1965 may not be enacted before April 1965, the State Scholarship Commission is authorized to incur scholarship obligations for 5,120 awards in an amount not to exceed $4,096,000 during the 1964-65 fiscal year for awards to be in effect during the 1965-66 fiscal year

The intent of this authorization is to prevent the occurrence of there being insufficient funds available to support state scholarships, the recipients of which have already been notified of their award. It is necessary that the State Scholarship Commission announce awards in the spring of each year, often prior to the time the Budget Bill containing the appropriation for this purpose is enacted, in order that students receiving the scholarship awards may have sufficient time to plan for entering or returning to school the following fall.

SEC. 20. No money appropriated by this act shall be used to pay the salary of any authorized state position, which position was vacant and had been vacant or continuously unfilled during the period between October 1, 1963, and July 1, 1964, except with the specific approval of the Department of Finance, subsequent to July 1, 1964.

The Department of Finance, not later than 30 days prior to the convening of the 1965 Regular Session of the Legislature,

shall furnish the Joint Legislative Budget Committee a report of all positions as of July 1, 1964, which were vacant or continuously unfilled during the period between October 1, 1963, and July 1, 1964, and a report of all authorizations to fill vacant positions and all positions abolished pursuant to this section.

SEC. 21. Since it is imperative for the university and the state colleges to recruit adequate and competent faculty necessary to maintain the current academic standards and the faculty-student ratios and to meet the immediately foreseeable needs occasioned by the rapid growth of enrollment during the years just ahead, and since, by the nature of their duties, faculty members must as a rule be employed on an annual basis, therefore, the University of California and the state colleges are authorized to incur salary obligations in an amount not to exceed $1,500,000 for the university and a total of $1,500,000 for the state colleges by appointment of additional academic staff members during the 1964-65 fiscal year for services beginning in the 1965-66 fiscal year.

The intent of this authorization is to assist in maintaining current academic standards and faculty-student ratios in relationship to expanding student enrollments.

SEC. 22. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of Finance has investigated and established the necessity therefor.

All passenger-type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, except constitutional officers, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements, such as use by the California Highway Patrol, which would justify the need for an automobile of a heavier class.

SEC. 23. All passenger-type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Public Works, except for use of officers excepted in Section 22 of this act, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

SEC. 24. None of the moneys appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air-conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the State Board of Control.

Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the State nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

SEC. 25. No moneys appropriated by this act shall be used, either directly or by supplementing any other appropriation, to purchase rugs or carpets for any state office except for offices used by elective officers and other department heads. The Director of Finance shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state offices under this section.

SEC. 26. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property, major construction, improvements, equipment, designs, working plans, specifications, repairs and equipment necessary in connection with a construction or improvement project.

Whenever herein any item of appropriation contains provision for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

Whenever herein an appropriation is made in accordance with a schedule set forth after such appropriation, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act. Each such schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

As used in this act in reference to such schedules "category" or "project" means a class of expenditures such as, but not limited to:

(a) "Personal services" which shall include all expenditures for payment of officers and employees of the State; including salaries and wages, the State's contributions to the Employees' Retirement Fund, the Teachers' Retirement Fund, the Old Age and Survivors' Insurance Revolving Fund, the State Employees' Contingency Reserve Fund, and the State's cost of a basic health benefits plan; but do not include compensation of independent contractors rendering personal services to the State under contract, or payments into a private

fund as authorized by Section 18853.5 of the Government Code;

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Construct" or "construction" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities;

(d) "Working drawings" are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such drawings.

(e) "Minor projects" include construction, improvements, repairs and equipment projects not specifically set forth in the schedule

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to that document entitled, "State of California Budget for the fiscal year July 1, 1964, to June 30, 1965," submitted by the Governor to the Legislature at the 1964 Regular Session, the uniform accounting system prescribed by the Department of General Services under the provisions of Section 13290 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

SEC. 26.5. Whenever herein an appropriation is made for support or other expenses for an institution, department, board, bureau, commission, officer, employee, or other agency, there shall be charged to such appropriation from which salaries and wages are paid: the State's contribution to the State Employees' Retirement Fund as provided by Sections 20751 and 20752 of the Government Code, the State's contribution to the Teachers' Permanent Fund and the Retirement Annuity Fund as provided by Sections 14209 and 14210 of the Education Code, the State's contribution to the Old Age and Survivors' Insurance Revolving Fund as provided by Sections 20782 and 20783 of the Government Code, the State's contribution to the State Employees' Contingency Reserve Fund and the State's contribution for the cost of a basic health benefits plan as provided by Sections 22828 and 22829 of the Government Code.

As of the effective date of this act, the State's contributions as provided by Sections 22828 and 22829 of the Government Code for any month shall be charged to the same appropria-

tions used for payment of salaries and wages from which the employee premium contributions for such month are deducted.

The appropriations made by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, by Sections 14209 and 14210 of the Education Code, shall continue to be available for expenditure, and shall be charged for any expenditure which is not chargeable to an appropriation for support or other expenses as provided in this section.

The State Controller may transfer to the State Payroll Revolving Fund the contributions required by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, and upon certification by the Board of Administration of the State Employees' Retirement System in accordance with Sections 20754 and 20784 of the Government Code, may transfer from the State Payroll Revolving Fund to the State Employees' Retirement Fund and the Old Age and Survivors' Insurance Revolving Fund the amounts of contributions so certified.

SEC. 27. The Director of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in any schedule set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule. The Director of Finance shall furnish the Joint Legislative Budget Committee a report on all authorizations given pursuant to this section during the preceding quarter.

SEC. 28. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedule set forth for any appropriation in this act or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau, or other agency during the 1964-65 fiscal year from any other state agency, from any agency of local government or the federal government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration.

The Director of Finance may also reduce any category whenever he determines that funds to be received will be less than the amount taken into consideration in the schedule.

SEC. 29. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

SEC. 30 Whenever an expenditure is authorized from the Emergency Fund, from price increase funds, from the salary increase funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures may, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

SEC. 31. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new positions or change in grade or class of an existing position shall be established unless authorized by the Department of Finance on the basis of work program and organization.

Each fiscal year budget shall provide for a salary savings reserve to which shall be transferred on a document initiated by the agency and submitted to the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the salary savings reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfer shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any salary savings reserve may be expended to pay increases in salary ranges established after July 1, 1964, unless the Department of Finance certifies to the State Personnel Board, or other salary-fixing authority, prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom. Provided, that the provisions of this paragraph shall not apply to salaries fixed by the State Personnel Board based on prevailing rates pursuant to Government Code Section 18853.

A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the State Controller that such expenditures comply with the provisions of this section.

SEC. 31.2. Notwithstanding any other provisions of this act, the Department of Finance, acting pursuant to its authority under Section 13320 of the Government Code and Section 31 of this act, shall control expenditures under this act in such a manner as to accumulate the sum of eight million dollars ($8,000,000) in undistributed savings at the end of the 1964-65 fiscal year.

SEC. 31.5. All appropriations under this act for the support of the state colleges and the Trustees of the California

State Colleges shall be subject to the provisions of Section 13320 of the Government Code and Section 31 of this act, with the following exceptions: The Trustees of the California State Colleges may approve any transfer of funds within the major budgetary functions of general administration, student and general institutional services, instruction, library, plant operation, reimbursed activities, and reimbursements, as provided in fiscal year budgets of the state colleges approved by the Department of Finance; provided, that no transfers between the categories of personal services, operating expenses and equipment shall be made without the approval of the Director of Finance. In addition, the trustees may approve the substitution of one item of equipment for another within such aforementioned budgetary functions and the use of savings in equipment allotments, and may approve travel, both within and outside the State, and the payment of allowances and expenses related to travel, moving and the relocation of employees in accordance with the allowances established by the State Board of Control and within funds appropriated by this act for this purpose.

Subject to the foregoing, the trustees may approve adjustments in programs, within appropriations as adjusted for changes in enrollments approved by the Director of Finance.

Any transfers of funds, substitution of items of equipment, use of equipment savings, or approval of travel, moving or relocation allowances made under provision of this section shall be reported to the Director of Finance at such times and on forms prescribed by him.

SEC. 32. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the State in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the State in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

SEC. 32.5. Notwithstanding the provisions of any appropriation of state funds made in the Welfare and Institutions Code for the public assistance programs specified in the following schedule, expenditures of state funds for those programs

for the fiscal year ending June 30, 1965, shall not exceed, in the aggregate, the sum of three hundred fifty-one million one hundred eleven thousand eight hundred dollars ($351,111,800).

The Department of Social Welfare, subject to the limit placed on aggregate expenditures by this section, may transfer funds between the programs specified in the following schedule, when the need appears, but shall, subject to the provisions of this section, limit expenditures to the total of the following schedule:

(a) Aid to the Blind	$10,579,100
(b) Aid to Potentially Self-supporting Blind	369,600
(c) Aid to the Disabled	48,206,800
(d) Aid to Families with Dependent Children	105,585,500
(e) Old Age Security	162,427,200
(f) Medical Assistance for the Aged	23,943,600
Total of schedule	$351,111,800

The Department of Social Welfare shall administer the public assistance programs specified in this section so that the counties will bear no more than the amount of welfare costs that they would be obligated to bear under the applicable provisions of the Welfare and Institutions Code, without the expenditure limitations set forth herein, and so that the amount authorized to be expended under this section shall fully cover the State's share of aid payments and for services under such programs for the 1964-65 fiscal year.

The limitations on amounts imposed by this section shall apply to any amounts which are determined by the Director of Finance to be necessary to meet increases in cost arising out of approvals made by the Department of Finance pursuant to the provisions contained in item 186.

Provided further that the Director of Finance is authorized to approve expenditures in those amounts made necessary by changes in either caseload or payments, or both, unrelated to any change in rule or regulation adopted during the current fiscal year except those rules and regulations necessary to implement 1963 legislation, which are in excess of Budget Bill estimates for 1964-65. Not later than the fifth day following the submission of the Governor's Budget in the 1965 Regular Session of the Legislature the Director of Finance shall report to the Legislature the amount, if any, by which the current estimate of expenditures for public assistance programs in the fiscal year ending June 30, 1965 will exceed the limitation on aggregate expenditures in this section At such time the amount of the limitation shall be increased by the amount of such excess unless and until otherwise provided by law.

SEC. 33. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Sections 16 and 34 of Article IV of the Constitution while approving portions of this act, such veto, elimination or reduction shall not affect

the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

SEC. 34. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 35. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution of the State of California, take effect immediately.

SEC. 36. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, educational, administrative, military and other agencies of the state government, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities. The capital outlay appropriations in this budget are all in continuation of an existing program to remedy the aforesaid shortage of facilities and to promote and sustain the economy of the State. If they are not available for expenditure on July 1, 1964, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the State's business requires the immediate availability of the new capital outlay appropriation and the uninterrupted availability of reappropriated capital outlay items contained in this measure. It is therefore necessary that this act go into immediate effect.

CHAPTER 3

An act authorizing the Director of General Services to dispose of property belonging to the State.

[Approved by Governor June 4, 1964. Filed with Secretary of State June 5, 1964.]

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

SECTION 1. The Director of General Services 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. The East half of Lot 4, Block 60, Rancho San Bernardino, in the County of San Bernardino, State of California, as per plat thereof recorded in Book 7 of Maps, Page 2, Records of said County; saving and excepting therefrom the North 989.79 feet thereof; also saving and excepting therefrom the South 710 feet thereof. This parcel contains approximately 14 acres being a portion of the Patton State Hospital Farm grounds.

Parcel 2. Approximately 57.95 acres in Napa County lying West of Silverado Trail, approximately two and one-half miles North of Yountville being a portion of the Yountville Game Farm.

Parcel 3. Approximately 106 acres in the County of Napa lying on the East side of Silverado Trail two and one-half miles North of Yountville being a portion of the old State farm property under the control of the Department of Veteran Affairs.

Parcel 4. Approximately 17.22 acres in San Bernardino County lying on the South side of the present route of U. S. Highway 91, ten miles East of Barstow being the Yermo Inspection Station.

Parcel 5. Approximately .19 acres in the City of Merced, lying Southerly of 16th Street South of "G" Street being the Highway Patrol Office.

Parcel 6. Approximately 20 acres in the County of San Bernardino lying on the North side of Sixth Street East of Tippecanoe Avenue being a portion of the Patton State Hospital Farm grounds.

Parcel 7. The North 200 feet of the East 200 feet of the southeast quarter of the northwest quarter of Section 19, Township 38 North, Range 7 East, Mount Diablo Base and Meridian. Containing 0.91 acre, more or less, being a portion of the Intermountain Conservation Camp.

SEC. 2. The Director of General Services is authorized to quitclaim to Ray Sydenstricker and Bernice Sydenstricker, his wife or their heirs, for the sum of one dollar ($1), mineral rights conveyed to the State by Ray Sydenstricker and Bernice Sydenstricker by final order and decree of condemnation dated September 18, 1953, recorded in Volume 689, page 69 of Official Records of Butte County, said rights having been conveyed by them to the State through inadvertence and error.

SEC. 3. Notwithstanding Section 13109 of the Government Code, the Director of General Services, with the consent of the Department of Corrections, may let to the City of Chino for public park purposes, for a period not to exceed 20 years, real property which belongs to the State and which is retained by the State primarily to provide a peripheral buffer area, or zone, between real property upon which is located the California Institution for Men at Chino and adjacent real prop-

erty, where the director deems such letting and the terms and conditions thereof to be in the best interests of the State. The property herein authorized to be let is a parcel in the northwest corner of the California Institution for Men at Chino, bordered by Edison Avenue and Central Avenue, consisting of approximately 60 acres.

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.

SEC. 5. 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.

SEC. 6. Subject to Section 5 hereof, any moneys received from the sale or other disposition of said property shall be paid into the General Fund, except that any moneys received from the sale or disposition of Parcel 5 shall be paid into the Motor Vehicles Fund.

SEC. 7. The Director of General Services and the Department of General Services succeed to and are vested with all duties, powers, purposes, responsibilities and jurisdiction vested in the Director of Finance and the Department of Finance under the following statutes: Chapter 905, Statutes of 1939; Chapter 1362, Statutes of 1949; Chapter 1147, Statutes of 1951; Chapter 1668, Statutes of 1953; Chapter 979, Statutes of 1955; Chapter 1471, Statutes of 1953; Chapter 1076, Statutes of 1957; Chapter 6, Statutes of 1958; Chapter 1940, Statutes of 1959; Chapter 6, Statutes of 1960; Chapter 1851, Statutes of 1961; Chapter 11, Statutes of 1962; Chapter 1546, Statutes of 1963; Chapter 2142, Statutes of 1963.

SEC. 8. The authority vested in the Director of General Services, pursuant to Section 1 of Chapter 979 of the Statutes of 1955, to dispose of that certain parcel of real property designated therein as Parcel 2, shall include the authority to enter into a long term lease with a school district, upon such terms and conditions as the Director of General Services deems to be in the best interests of the State. Any such lease may include an option in favor of the school district to purchase such real property.

CHAPTER 4

An act to amend Section 2895 of the Business and Professions Code, relating to vocational nursing, to take effect immediately.

[Approved by Governor June 8, 1964. Filed with Secretary of State June 9, 1964.]

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

SECTION 1. Section 2895 of the Business and Professions Code is amended to read:

2895. The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application shall be fixed by the board, with the approval of the director, at not more than fifteen dollars ($15) nor less than five dollars ($5).

(b) The fee for any examination after the first is five dollars ($5).

(c) The renewal fee shall be fixed by the board with the approval of the director at no more than fifteen dollars ($15) nor less than two dollars ($2). No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

(d) The delinquency fee for failure to pay the renewal fee is three dollars ($3).

(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 is issued less than one year before the date on which it will expire, then the initial license fee is 50 percent 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. 2 This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect, to become operative on June 1, 1964.

CONCURRENT RESOLUTIONS

SECOND EXTRAORDINARY SESSION

1964

CONCURRENT RESOLUTIONS

ADOPTED AT THE 1964 SECOND EXTRAORDINARY SESSION OF THE LEGISLATURE

CHAPTER 1

Assembly Concurrent Resolution No. 2—Memorializing the death of General Douglas MacArthur.

[Filed with Secretary of State April 9, 1964]

WHEREAS, The death of General Douglas MacArthur on April 5, 1964 has left the people of the Free World with a profound sense of sadness and deep loss; and

WHEREAS, In the 84 years of his extraordinary life we knew him as a unique West Point Cadet and scholar, an outstanding and deeply dedicated young army officer and engineer, a courageous defender of this great nation in three major wars, a husband and a father, a dynamic and ingenious military leader of vast wisdom and unusual foresight, an exciting and colorful yet commanding personality, a recipient of the Congressional Medal of Honor and innumerable and well-deserved honorary degrees and military decorations from institutions and nations throughout the world, a brilliant military strategist and occupational force commander and an astute corporate officer and executive; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature are deeply grieved by the passing of General Douglas MacArthur, and, mindful of the inadequacy of their words, hereby convey their deepest sympathy to his widow, Mrs. Jean Faircloth MacArthur and to his son, Arthur MacArthur; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Mrs. Jean Faircloth MacArthur, Mr. Arthur MacArthur, the Superintendent of the United States Military Academy and the Historical Section of the Department of Defense.

CHAPTER 2

Assembly Concurrent Resolution No. 1—Relative to the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State April 27, 1964]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Rules of the Senate and Assembly for the 1964 First Extraordinary Session be and the same are hereby adopted as the Joint Rules of the Senate and Assembly for this 1964 Second Extraordinary Session.

CHAPTER 3

Senate Concurrent Resolution No 1—Memorializing Senator Lee M. Backstrand

[Filed with Secretary of State April 30, 1964]

WHEREAS, The Members of the Legislature of the State of California were shocked and grieved to learn of the sudden and unexpected death of Senator Lee M. Backstrand on Sunday, April 26, 1964; and

WHEREAS, Senator Lee M. Backstrand was a native of Los Angeles, was educated in the schools of Riverside County and received a degree from Pomona College at Claremont, where he was active in college athletics, and in 1923 married Dorothy Iversen, from which union one son, Leland I. Backstrand, was born; and

WHEREAS, Senator Lee M. Backstrand was active in civic affairs in his community and established his own real estate and insurance business in Riverside which he continued to conduct until the time of his death; and

WHEREAS, Senator Lee M Backstrand was elected to the Assembly of the State of California in 1952 and served four terms in that body, during his service therein serving as chairman of the Committees on Financial Institutions and Transportation and Commerce for four years, was elected to the Senate in 1960 and was appointed vice chairman of the Committee on Transportation and served in the Senate on this committee and the Committees on Business and Professions, Public Utilities, Water Resources and Legislative Representation, and was running unopposed for the Republican nomination for reelection to the office of Senator from Riverside County; and

WHEREAS, Senator Lee M. Backstrand was a man of sociable and convivial impulses and was held in high affection and esteem by all who knew him, being a member of the Masons and Elks Lodges, Optimist Club, Hi Twelve, American Legion, Native Sons, Commonwealth Club and was active on

the State Chamber of Commerce Highway Committee, and will be keenly missed by his fellow Members of the Legislature and the people of the district he served so faithfully; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature mourns the passing of this fine, patriotic citizen and desires by this resolution to convey this expression of esteem to the bereaved members of his family; and be it further

Resolved, That the Legislature shall adjourn this 27th day of April, 1964, in honor of the memory of Senator Lee M. Backstrand; 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 Lee M Backstrand, widow, and Leland I. Backstrand, son, of the late Senator Lee M. Backstrand.

CHAPTER 4

Senate Concurrent Resolution No. 2—Relative to final adjournment of the 1964 Second Extraordinary Session of the Legislature.

[Filed with Secretary of State June 1, 1964.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the 1964 Second Extraordinary Session of the Legislature of the State of California shall adjourn sine die at noon on the 23d day of May, 1964.